

**CITY OF SHEBOYGAN
ORDINANCE 39-23-24**

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AN ORDINANCE amending the City's Planned Unit Development (PUD) process so as to streamline it and make it more user friendly.

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

SECTION 1: **AMENDMENT** “Sec 105-34 Standard Zoning Districts And Standard Zoning District Categories” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 105-34 Standard Zoning Districts And Standard Zoning District Categories

For the purpose of this chapter, all areas within the jurisdiction of this chapter (see section 105-5) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

- (a) Agricultural District. RA-35ac Rural Agricultural-35ac District.
- (b) Residential Districts.
 - (1) ER-1 Estate Residential-1 District.
 - (2) SR-3 Suburban Residential-3 District.
 - (3) SR-5 Suburban Residential-5 District.
 - (4) NR-6 Neighborhood Residential District.
 - (5) MR-8 Mixed Residential-8 District.
 - (6) UR-12 Urban Residential-12 District.
- (c) Nonresidential Districts.
- (d) Office Districts.
 - (1) NO Neighborhood Office District.
 - (2) SO Suburban Office District.
- (e) Commercial Districts.
 - (1) NC Neighborhood Commercial District.
 - (2) SC Suburban Commercial District.
 - (3) UC Urban Commercial District.
 - (4) CC Central Commercial District.
- (f) Industrial Districts.
 - (1) SI Suburban Industrial District.

- (2) UI Urban Industrial District.
- (3) HI Heavy Industrial District.
- (g) Mixed Residential and Nonresidential District.
- (h) PPUD ~~Pre~~-Planned Unit Development Overlay District.

(Ord. of 2-7-2020, § 15.102)

SECTION 2: **AMENDMENT** “DIVISION 105-II-7 PLANNED UNIT DEVELOPMENT DISTRICT” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 105-II-7 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SECTION 3: **AMENDMENT** “Sec 105-661 Purpose And Intent” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 105-661 Purpose And Intent

- (a) ~~This district is intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of reinvestment. As emphasized in the comprehensive master plan, this district is designed to forward both aesthetic and economic objectives of the city by controlling the site design and the appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles.~~ Planned Unit Development Overlay District regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of land which will provide, over a period of time, development of land that promotes the maximum benefit from coordinated site planning, diversified location of structures and mixed compatible uses, while also providing a harmonious variety of housing choices, a higher level of amenities, adequate buffering between adjacent uses, and preservation of the natural qualities of open spaces. The Planned Unit Development procedure requires a high degree of cooperation between the developer and the city. Refer to section 105-1005 for the procedures applicable to proposal review in this overlay district. The procedures

described therein are designed to give the developer general plan approval before completing all detailed design work while providing the city with assurances that the project will retain the character envisioned at the time of approval.~~is~~

- (b) Planned Unit Developments (PUDs) have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, PUDs also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case-by-case basis. In order to prevent these undesirable impacts from occurring, all PUDs are required to meet certain procedural requirements applicable only to PUDs, in addition to the general requirements of this chapter. A public hearing process is required to review a request for a PUD. This process essentially combines the process for a zoning map amendment with that required for a conditional use, with several additional requirements.
- (c) Planned Unit Developments are designed to advance both the aesthetic and economic development objectives of the city by adhering to standards consistent with sound land use and urban design and by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking. In exchange for such flexibility, the PUD shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than is normally required for other developments.

(Ord. of 2-7-2020, § 15.112)

SECTION 4: AMENDMENT “Sec 105-1005 Planned Unit Development District Procedures” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 105-1005 Planned Unit Development Overlay District Procedures

- (a) ~~*urpose.* The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed planned unit developments (PUD), and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district. Planned unit developments are intended to provide more incentives for infill development and redevelopment in areas of the community which are experiencing a lack of significant reinvestment. Furthermore, planned unit developments are designed to forward both the aesthetic and economic development objectives of the city by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking~~

requirements. In exchange for such flexibility, the planned unit development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments. Planned unit developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, planned unit developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case-by-case basis. In order to prevent this from occurring, all planned unit developments are required to meet certain procedural requirements applicable only to planned unit developments, in addition to the general requirements of this chapter. A public hearing process is required to review a request for a planned unit development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements. *Provision of flexible development standards for planned unit developments.* General provisions.

- (1) The common council may establish Planned Unit Development Districts that will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses. Adequate buffering and preserving open spaces shall also be provided in a PUD.

- a. Permitted location uses. ~~Planned unit developments shall be permitted with the approval of a planned unit development district, specific to the approved planned unit development, within the MR-8 Mixed Residential, UR-12 Urban Residential, NO Neighborhood Office, UC Urban Commercial, CC Central Commercial, UI Urban Industrial, and HI Heavy Industrial Zoning Districts.~~ All residential, institutional, commercial, industrial, or accessory land uses may be permitted within a PUD. A mix of different uses within a PUD District may be permitted if the common council determines that the mix of uses is compatible and appropriate to achieve the objectives of the PUD.
- b. Flexible development standards. ~~The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a planned unit development:~~ Density, intensity, and bulk requirements. The PUD District may permit the modification of requirements for density, intensity, and bulk (building height, setback, area, etc.,) from what is permitted in conventional zoning districts.
- c. Parking. ~~Land use requirements.~~ All land uses listed as "residential," "institutional," or "commercial" in section 105-683 may be permitted within a Planned Unit Development. Parking requirements may be waived or modified within a PUD.
- d. Density and intensity requirements. ~~All requirements listed in sections 105-783 and 105-784 for residential density and nonresidential intensity may be waived within a planned unit development.~~

- e. ~~*Bulk requirements.*~~ All requirements listed in sections ~~105-812, 105-813, 105-814, 105-815 and 105-816~~ may be waived within a planned unit development. Minimum area for a Planned Unit Development District. PUD districts are intended to provide flexibility to encourage more creative design for all sizes of sites than would be allowed under conventional zoning. To achieve this goal, there is no minimum parcel or lot size area for a PUD.
- (2) ~~*Landscaping requirements.*~~ All requirements listed in sections ~~105-886, 105-887, 105-888, 105-889, 105-890, 105-891 and 105-892~~ may be waived within a planned unit development.
- (3) ~~*Parking and loading requirements.*~~ All requirements listed in sections ~~105-929 and 105-930~~ may be waived within a planned unit development.
- (4) ~~*Requirements to depict all aspects of development.*~~ Only development which is explicitly depicted on the required site plan approved by the city council as part of the approved planned unit development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in sections ~~105-812 through 105-816~~. Requested exemptions from these standards shall be made explicit by the applicant in the application and shall be recommended by the plan commission and approved explicitly by the city council. If not so requested and approved, such exemptions shall not be permitted. Planned unit developments shall be permitted with the approval of a Planned Unit Development Zoning District, specific to the approved PUD.
- (5) Requested modifications from the underlying conventional zoning regulations that would otherwise apply relating to land use, density and intensity, bulk, landscaping, and parking and loading requirements shall be explicitly made by the applicant in the application, and shall be explicitly recommended by the plan commission and explicitly approved by the common council. If not so requested and approved, such modifications shall not be permitted.
- (6) Only development that is explicitly depicted on the required site plan approved by the common council as part of the PUD shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as permitted in the conventional zoning districts or elsewhere within Chapter 105.
- (b) Approval criteria for planned unit developments.
 - (1) In recommending approval or conditional approval of a PUD, the plan commission shall find that the application meets all of the criteria below or will meet them when the commission's conditions are complied with. The common council shall also find, in granting approval or conditional approval, that all of the following criteria are met or will be met when the conditions to which the approval is made subject are complied with:
 - a. Quality design. The PUD represents a more creative approach to the unified planning of development and a higher standard of integrated design and amenities than could be achieved under otherwise

- applicable zoning district and subdivision regulations, and on this basis, modifications to the use and design standards established by such regulations are warranted.
- b. *Meets PUD requirements.* The PUD meets the requirements for planned unit developments set forth in this ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
 - c. *Consistent with comprehensive plan.* The PUD is generally consistent with the goals and objects of the city's comprehensive plan as viewed in light of any changed conditions since its adoption.
 - d. *Public welfare.* The benefits to the public and the community as a result of the PUD will exceed any significant negative impact on the use and enjoyment of other properties in its vicinity. The PUD will not seriously harm environmental quality in the neighborhood, or impede the orderly development of surrounding property.
 - e. *Natural features.* The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, river or lake shoreline, natural drainage ways, or other areas of sensitive or valuable environmental character.
 - f. *Circulation and access.* Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided, and are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.
 - g. *Open space and landscaping.* The quality and quantity of public and common open spaces and landscaping provided are consistent with the standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it useable for recreation purposes. Open space between all buildings is adequate to allow for light and air, access by firefighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.
 - h. *Covenants and restrictions.* Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, restrictive covenants, and/or rules and regulations contained in owners or condominium association documentation, or the like, for:

1. The preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the city or another public body.
 2. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future owners.
 - i. Public services. The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the city, the school district, and other public bodies to provide and economically support police and fire protection, water supply, stormwater management, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.
 - j. Phasing. Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial security guaranteeing the installation of such improvements is phased generally proportionate to the phasing of the number of dwelling units or the amount of non-residential floor area.
- (c) Quality of design. To be granted the flexibility permitted by this ordinance, a PUD must evidence a high quality level of design and amenities. Among the features that may evidence such quality and amenities are:
- (1) Amount and quality of landscaping or screening;
 - (2) Amount, quality, and interconnectedness of common open space;
 - (3) Provision of pedestrian or bicycle paths separated from streets;
 - (4) Preservation of drainage ways, trees, habitat, and other natural features;
 - (5) Provision of common recreational facilities;
 - (6) Enclosed, underground, depressed, or highly landscaped parking areas;
 - (7) Varied building setbacks or other measures to reduce monotony in design;
 - (8) Quality of building materials and architectural design;
 - (9) Incorporation of stormwater management Best Management Practices (BMP);
 - (10) Incorporation of green building, smart growth, and other sustainable design principles;
 - (11) Leadership in Energy and Environmental Design (LEED) and/or LEED Neighborhood Design (LEED-ND) certifications and/or other nationally recognized sustainable design criteria and standards;
 - (12) More efficient and economic arrangement of buildings, pedestrian, bicycle, and vehicular circulation and access systems and facilities;
 - (13) Provision of a buffer or transition between the PUD and adjacent and nearby zoning districts, land uses, and development intensities;
 - (14) Provision for a wide range of housing opportunities;

(15) Other features as determined by the plan commission or common council.

(d) *Initiation of request for approval of a planned unit development.* Proceedings for approval of a planned unit development may only be initiated by:

- (1) An application of the owners of the subject property;
- (2) A recommendation of the plan commission; or
- (3) By action of the city council.

(e) *Application and procedural requirements.* All applications for proposed planned unit developments, ~~regardless of the party of their initiation per subsection (c) of this section,~~ shall be approved as complete by the zoning administrator a minimum of two weeks prior to the initiation of this procedure. The zoning administrator shall forward copies of said complete application to the ~~city office~~ director of planning and economic development. ~~department. Said application shall apply to each of the process steps in subsections (c) through (h) of this section.~~

(1) ~~PUD process~~ *Step 1 preapplication conference.*

a. The applicant shall contact the zoning administrator to schedule a preapplication conference regarding ~~place an informal discussion item for the PUD on the plan commission agenda.~~ At the preapplication conference, the applicant shall engage in an informal discussion with the plan commission regarding the potential PUD. Appropriate topics for discussion may include the PUD location, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the comprehensive plan. Points of discussion and conclusions reached in this stage of the process shall be in no way binding on the Applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step.

~~(2) No details beyond the name of the applicant and the identification of the discussion item for the PUD is required to be given in the agenda.~~

~~(3) At the plan commission meeting, the applicant shall engage in an informal discussion with the plan commission regarding the potential PUD. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the comprehensive master plan.~~

~~(4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step.~~

(5) ~~PUD process~~ *Step 2 concept plan.*

a. ~~After the Step 1 preapplication conference,~~ the applicant shall provide the zoning administrator with a draft PUD concept plan

~~submittal packet~~ for a determination of completeness ~~prior to placing the proposed PUD on the plan commission agenda for concept plan review~~. This submittal ~~packet~~ shall contain all of the following items, prior to its acceptance by the zoning administrator ~~and placement of the item on a plan commission agenda for concept plan review~~:

1. A location map of the subject property and its vicinity within a radius of 200 feet, at (11"-inches by 17")-inches, as depicted on a copy of the city land use plan map.
2. A general written description of proposed PUD including:
 - i. General project themes and images;
 - ii. The general mix of dwelling unit types or land uses;
 - iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio, and impervious surface area ratio;
 - iv. The general treatment of natural features;
 - v. The general relationship to nearby properties and public streets;
 - vi. The general relationship of the project to the comprehensive master plan;
 - vii. An initial draft list of zoning standards ~~which~~ that will not be met by the proposed PUD and the locations in which they apply and, a complete list of zoning standards ~~which~~ that will be ~~more than met~~ exceeded and benefits provided by the proposed PUD and the locations in which they apply. The conventional zoning district(s) that are most applicable to the proposed development shall be used for comparison. Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;
3. A written description of all modifications ~~potentially~~ requested ~~exemption from~~ to the requirements of the underlying zoning district, in the following order:
 - i. Land use ~~exemptions~~ modifications;
 - ii. Density and intensity ~~exemptions~~ modifications;
 - iii. Bulk ~~exemptions~~ modifications;
 - iv. Landscaping ~~exemptions~~ modifications;
 - v. Parking and loading requirements ~~exemptions~~ modifications.
4. A conceptual plan drawing (~~at 11"-inches by 17"-inches~~) of the general land use layout and the general location of major

public streets and/or private drives. The ~~a~~applicant may submit copies of a larger version of the "~~bubble~~ plan" in addition to the 11"~~-inches~~ by 17"~~-inches~~ reduction.

- b. Within ten working days of receiving the draft PUD concept plan submittal ~~packet~~, the zoning administrator shall determine whether the submittal is complete. Once the zoning administrator determines that the submission is complete, ~~has received a complete packet~~, the zoning administrator may either place the proposed PUD concept plan ~~shall be placed~~ on the plan commission agenda for review, or inform the applicant that the submission is complete and the application may move to Step 3.
 - c. At ~~the~~ a plan commission meeting, the ~~a~~applicant shall engage in an informal discussion with the plan commission regarding the conceptual PUD. Appropriate topics for discussion may include any of the information provided in the PUD concept plan submittal ~~packet~~, or other items as determined by the plan commission.
 - d. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of plan commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the General Development Plan (GDP) application, as described in subsection (g) of this section.
- (6) ~~PUD process~~ *Step 3 general development plan (GDP).*
- a. ~~After the completion of Step 2, the~~ aapplicant shall provide the zoning administrator with a draft GDP ~~plan~~ submittal packet for a determination of completeness prior to placing the proposed GDP on the plan commission agenda for GDP review. This submittal packet shall include an application fee in the amount as established from time to time by resolution of the common council, and shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for GDP review:
 1. A location map of the subject property and its vicinity within 200 feet at (11"~~-inches~~ by 17")~~-inches~~, as depicted on a copy of the city land use plan map.
 2. A map of the subject property showing all lands included in the proposed PUD, ~~for which the planned unit development is proposed~~, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the county register of deeds (as provided by the city). Said map shall clearly

indicate the current zoning of the subject property and the properties within 200 feet of the boundary. its environs, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form ~~which~~ that is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 1800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

3. A site map showing existing topography and significant vegetation;

4. A general written description of proposed PUD including:

- i. General project themes and images;
- ii. The general mix of dwelling unit types or land uses;
- iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
- iv. The general treatment of natural features;
- v. The general relationship to nearby properties and public streets;
- vi. The general relationship of the project to the comprehensive master plan;
- vii. A statement of rationale as to why PUD zoning is proposed. This shall identify barriers that the ~~a~~applicant perceives in complying with the ~~form of~~ requirements of standard zoning districts and benefits to the opportunities for community ~~betterment~~ the ~~a~~applicant suggests are available through the proposed PUD zoning;
- viii. A complete list of zoning standards ~~which~~ that will not be met by the proposed PUD and the location(s) in which they apply; ~~and~~ a complete list of zoning standards ~~which~~ that will be ~~more than~~ met or exceeded, and benefits provided by the proposed PUD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;
- ix. A written description of all potentially requested ~~exemption~~ modifications to ~~from~~ the requirements of the underlying zoning district, in the following order:
 - (a) Land use ~~exemptions~~ modifications;
 - (b) Density and intensity ~~exemptions~~

- modifications;
 - (c) Bulk ~~exemptions~~ modifications;
 - (d) Landscaping ~~exceptions~~ modifications;
 - (e) Parking and loading requirements ~~exceptions~~ modifications.
5. A GDP drawing at a minimum scale of 1:1200 (one inch ~~to equals~~ 100 feet) ~~and (a copy reduced to 11"-inches by 17") inches reduction shall also be provided by applicant)~~ of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
- i. A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of ~~major~~ public streets and/or private drives. The ~~a~~ applicant may submit copies of a larger version of the ~~bubble~~ plan in addition to the 11 inches by 17 inches reduction;
 - ii. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and /or use;
 - iii. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or city council; and
 - iv. Notations relating the written information provided ~~in subsection (g)(3)a through f of this section~~ to specific areas on the GDP drawing.
6. A conceptual grading plan showing general site drainage, the location of on-site stormwater management facilities, and any modification(s) of the existing topography;
7. A general conceptual landscaping plan ~~for subject property,~~ noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter (except as noted in the listing of exceptions) and, where applicable, the use of extra landscaping and bufferyards.
8. A general signage and lighting plan for the project, including all project identification signs and concepts for public fixtures

and signs (such as street light fixtures or poles or street sign faces or poles) ~~which~~ that are proposed to vary from city standards or common practices.

9. Written justification for the proposed planned unit development. (The ~~a~~applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)
- b. ~~The process for review and approval of the GDP shall be identical to that for conditional use permits per section 105-998 and (if land is to be divided) to that for preliminary and final plats of subdivision per the municipal Code. The plan commission shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD. Following the public hearing, the plan commission shall vote to recommend to the common council that the PUD be approved as presented, modified, or denied.~~
- c. The common council shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD.
- d. Following such hearing and after careful consideration of the plan commission's recommendations, the common council shall vote on the approval of the proposed PUD. After approval, the PUD boundaries shall be shown on the city's zoning map.
- (7) ~~All portions of an approved PUD/GDP not fully developed within five years of final city council approval shall expire, and no additional PUD-based development shall be permitted. The city council may extend this five-year period by up to five additional years with a majority vote following a public hearing.~~
- (8) ~~PUD process~~ Step 4 precise-specific implementation plan (SPIP).
 - a. After the effective date of the rezoning to PUD/GDP, the ~~a~~applicant ~~may~~ shall file an application for a proposed ~~precise-specific~~ implementation plan (SPIP) with the plan commission. This submittal packet shall include an application fee in the amount as established from time to time by a resolution of the common council, and shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for PUD review:
 1. A location map of the subject property and its vicinity within 200 feet at 11 inches by 17 inches, as depicted on a copy of the city land use plan map;
 2. A map of the subject property showing all lands included in

~~the PUD, for which the planned unit development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the county register of deeds (as provided by the city).~~ Said ~~Th~~ map shall clearly indicate the current zoning of the subject property and ~~the property located within 200 feet, its environs, and the jurisdictions which maintains that control.~~ Said ~~The~~ map and all its parts and attachments shall be submitted in a form ~~which that~~ is clearly reproducible with a photocopier and shall be at a scale ~~which of~~ not less than one inch equals ~~1~~800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

3. A ~~general~~ detailed written description of proposed ~~S~~PIP including:
 - i. Specific project themes and images;
 - ii. The specific mix of dwelling unit types or land uses;
 - iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - iv. The specific treatment of natural features;
 - v. The specific relationship to nearby properties and public streets.
 - vi. A statement of rationale as to why PUD zoning is proposed. This shall identify barriers that the ~~A~~applicant perceives in the form of requirements of standard zoning districts and benefits to the ~~opportunities for~~ community ~~betterment~~ the ~~a~~applicant suggests are available through the proposed PUD zoning.
 - vii. A complete list of zoning standards ~~which that~~ will not be met by the proposed ~~PUD~~IP and the location(s) in which they apply and a complete list of zoning standards ~~which that~~ will be ~~more than met~~ exceeded by the proposed ~~PUD~~IP and the location(s) in which they apply. ~~shall be identified.~~ Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
4. A ~~precise~~ specific implementation plan drawing at a minimum

scale of one inch equals 100 feet (11 inches by 17 inches reduction shall also be provided by ~~a~~applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

- i. A ~~S~~PIP site plan conforming to any and all the requirements of the PUD/GDP; ~~section 105-1001(e). If the proposed planned unit development is a cluster development (per section 105-715(b)) or a group development;~~
 - ii. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and/or use;
 - iii. Statistical data on minimum lot sizes in the development, the precise areas of ~~all~~large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or city council; and
 - iv. Notations relating the written information provided above ~~in subsection (h)(1)c.1 through 5 of this section~~ to specific areas on the ~~GDP~~SIP drawing.
5. A landscaping plan for the subject property, specifying the locations, species, and installed size of all trees and shrubs. This plan shall also include a chart ~~which that~~ provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
 6. A series of building elevations for the entire exterior of all buildings in the planned unit development, including detailed notes as to the materials and colors proposed.
 - 7.
 - ~~8.~~ An engineering plan showing existing and proposed topography with contours at intervals not exceeding two feet, proposed drainage patterns, site grading plan, sanitary sewer system, and water supply system, including fire hydrants.
 9. A ~~general~~ signage and lighting plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles); and group development signage themes. The plan

shall identify which signs and lights are proposed to vary from city standards or common practices and the plan shall identify which zoning district sign regulations shall apply to the project.

10. A ~~general~~ outline of the intended organizational structure for a property owners or condominium association, if any; deed restrictions, restrictive covenants and/or rules or regulations contained in owners or condominium associations documentation, and provisions for private provision of common services, if any.
 11. A written description ~~which that~~ demonstrates that the full consistency of the proposed SIP complies in all respects with the approved GDP.
 12. Any and all variations between the requirements of the applicable PUD/GDP zoning district and the proposed SIP development.
 13. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
 14. The area included in a SIP ~~precise implementation plan~~ may be only a portion of the area included in a previously approved general implementation plan.
 15. The SIP submission may include site plan and design information, allowing the plan commission to combine design review and review of the SIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
 16. The plan commission or city council may specify other plans, documents, or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.
- b. The ~~process for review and approval of the PUD shall be identical to that for conditional use permits per section 105-998 and (if land is to be divided) to that for preliminary and final plats of subdivision per this Code.~~ plan commission shall review and consider the SIP and forward its recommendation to the council. The common council shall vote to approve as presented, approve with conditions, or deny the PUD-SIP.
 - c. All portions of an approved PUD/SIP not fully developed within five years of final city council approval shall expire, and no additional PUD-based development shall be permitted. The city council may extend this five-year period by up to five additional years with a majority vote following a public hearing.

(9) Combining Steps. An applicant may request approval to combine the pre-application conference and concept plan steps (Steps 1 and 2) together. The director of planning and economic development shall determine if that request is appropriate based on the complexity and nature of the proposed development. If approved, the director will provide all of the required application materials and any public notice requirements for both of the combined steps to the applicant. An applicant may also request approval from the plan commission to combine the GDP and SIP steps together. If this request is approved by the plan commission, the director will provide all of the required application materials and all of the public notice requirements for both of the combined steps.

(f) Conditions and Restrictions.

(1) The developer shall enter into a development agreement with the city to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific Planned Unit Development, and to assure the construction of all facilities and infrastructure associated with the project.

(2) No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a development agreement has been approved and executed and financial security has been provided. For staged development, such development agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.

(3) The common council may revoke an approved PUD if the project has not commenced within five years of final common council approval. In the event the PUD is revoked, the zoning of the property shall revert to the zoning district in place prior to approval of the PUD.

(4) The common council may revoke portions of an approved PUD-SIP that are not fully developed within ten years of final common council approval. If the PUD is revoked, the common council may rezone the property to a different zoning district, or may consider an application for a new PUD-GDP.

(5) Pursuant to Wisconsin Statutes Section 349.03, approval of the PUD shall constitute an agreement permitting the city to enforce traffic regulations under Chapter 346 Wisconsin Statutes or local ordinances in conformity with such regulations on any private streets and driveways located within the PUD. The city shall also have the right to access the PUD for the purposes of snow removal, weed cutting, and trash disposal. If the city performs such services, the city shall have the right to impose a special charge against the property for the costs of these services, pursuant to Wisconsin Statutes Section 66.0627.

(g) Changes or Revisions.

(1) All proposed changes, revisions, and additions to any aspect of an approved PUD project shall be submitted to the plan commission for its review. The plan commission shall determine whether the change, revision, or addition is minor or if the change is substantial. A minor change would include small

modifications to the approved SIP. A substantial change would include major modifications to the SIP, or modifications to the GDP, because the change materially affects the intended design of the project and the impact of the project on neighboring uses. Based on the significance of the revision, the plan commission shall also determine what public hearings may be needed to review the change.

- (2) If the change is determined to be a minor adjustment to the SIP, the plan commission shall review the request and may approve the change without a public hearing. The recommendation of the plan commission shall then be forwarded to the common council for final action. The common council may also consider the change without a public hearing.
- (3) If the requested change is determined by the plan commission to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the plan commission to review the proposed change. The city shall give written notice to all property owners within 500 feet of the subject property prior to the plan commission meeting at which action shall be taken. The recommendation and findings of the plan commission shall be forwarded to the common council. A substantial change may also require that the common council hold a public hearing before taking final action on the amendment.
- (4) If the common council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any development agreement(s) shall be executed prior to the developer proceeding with implementation of any approved change or modification.

(Ord. of 2-7-2020, § 15.914)

SECTION 5: **AMENDMENT** “Sec 105-1012 Architectural Review Board” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 105-1012 Architectural Review Board

(a) *Architectural review board.*

- (1) *Composition.* An architectural review board consisting of seven members shall be appointed by the mayor subject to confirmation by the city council. Members of the architectural review board need not be city residents. The members of the architectural review board shall serve a term of three years. At least three members of the architectural review board shall be architects, including landscape architects, licensed to practice by the state, one member shall be a real estate broker licensed by the state, one member shall be a general contractor licensed by the city, and one member shall be a member of

the plan commission. One of the members of the architectural review board shall be designated by the mayor as the chairperson and shall hold office as chairperson until a successor is appointed. The mayor shall have the power to remove any member of the architectural review board for cause upon written charges and after a public hearing. Vacancies upon the architectural review board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

- (2) *Jurisdiction and authority.* The architectural review board is hereby vested with the jurisdiction and authority to review applications for approval of the exterior architectural features and design of buildings and other structures in all instances in which such approval is required by subsection (b) of this section.
- (3) *Meetings and rules of the architectural review board.* The architectural review board shall be subject to the same requirements and restrictions with respect to its meetings and rules as are contained in this section, relating to meetings and rules of the zoning board of appeals.
- (4) *Finality of decisions of the architectural review board.* All decisions and findings of the architectural review board shall be subject to review by the plan commission in the same manner as is provided by section 105-1003 relating to appeals from decisions and determinations of the building inspector except that the plan commission shall hear said appeal utilizing the same procedures as the zoning board of appeals.

(b) *Architectural approval.*

- (1) *Required approvals.* No building permit for any new nonresidential building or structure to be hereafter erected in the city, and any addition to, or alteration of nonresidential buildings or structures which alters more than 20 percent of the area of any facade of the building or structure shall be issued unless the exterior architectural features and design of such building or structure have been approved by the architectural review board. Exact replacements of architectural components are exempt from this provision. Architectural review board approval is not required for new nonresidential buildings or structures when such buildings or structures are developed pursuant to an approved Planned Unit Development.
- (2) *Application for architectural approval.* An application for a building permit for a building or other structure for which the approval of the architectural review board is required shall be accompanied by the following additional documents and drawings:
 - a. A scale drawing of all exterior elevations showing the design and appearance of the proposed building or structure.
 - b. A written description of the general design, arrangement, texture, material and color of the building or structure and the relationship of such factors to similar features of buildings located within the same block or located along the frontage of any block across the street from the proposed building or structure for which architectural approval is

sought.

(3) *Standards for architectural approval.* The architectural review board shall inspect the site of the proposed building or other structure for which architectural approval is sought and the immediate neighborhood of such site. After examining all of the drawings and documents submitted with the application for a building permit and for architectural approval, the architectural review board shall approve the architecture and design of the proposed building or structure whenever it shall find that:

- a. The exterior architectural features, including general design, arrangement, texture, color and materials will be consistent and in harmony with the exterior architectural appeal and functional plan of the buildings located within the same block or located along the frontage of any block across the street from the proposed building or structure.
- b. The construction of the proposed building or structure will not cause a substantial depreciation in the value of the property in the same block or located along the frontage of any block across the street from the proposed building or structure because of its dissimilarity to, or failure to harmonize with, the buildings located on such property.
- c. The architectural review board shall not consider the interior arrangement of buildings for which architectural approval is sought.
- d. *Meetings by the architectural review board.* All applications for architectural approval of a building or structure shall be considered by the architectural review board at a public meeting. A notice of the date, time, place and subject of the meeting shall be provided.

(Ord. of 2-7-2020, § 15.935)

SECTION 6: **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 7: **EFFECTIVE DATE** This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED 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