

**CITY OF SHEBOYGAN
ORDINANCE 35-25-26**

BY ALDERPERSON CLOSE.

DECEMBER 9, 2025.

AN ORDINANCE updating various sections of the Sheboygan Municipal Code so as to relocate the zoning-related boards and commissions.

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

SECTION 1: **REPEAL** “Sec 105-1006 Historic Preservation Regulations” of the Sheboygan Municipal Code is hereby *repealed* as follows:

R E P E A L

Sec 105-1006 ~~Historic Preservation Regulations~~ (Reserved)

~~(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.~~

~~(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 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 commission composition.* A historic preservation 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;~~

~~e. 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) 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.* 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.~~

SECTION 2: **ADOPTION** “DIVISION 2-V-8 HISTORIC PRESERVATION COMMISSION” of the Sheboygan Municipal Code is hereby *added* as follows:

A D O P T I O N

DIVISION 2-V-8 HISTORIC PRESERVATION COMMISSION (*Added*)

Sec 2-780 Composition (*Added*)

A historic preservation 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.

Sec 2-781 Appointment (*Added*)

A historic preservation 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.

Sec 2-782 Quorum and Officers (*Added*)

Four members of the historic preservation commission shall constitute a quorum for the transaction of business. The members of the historic preservation commission shall elect a chairperson and secretary for each annual session thereof, which election shall be held at the first annual meeting of the board. The secretary shall be the clerk of the board of review and shall keep an accurate record of all of its proceedings and shall give the notices of meetings and adjournments as provided for by statutes.

Sec 2-783 Definitions (*Added*)

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 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 districts shall be geographically defined for any area of particular historic, architectural, or cultural significance to the city.

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.

Sec 2-784 Purpose and Duties (*Added*)

The City declares that 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 historic preservation commission shall have the following powers and duties in order to safeguard the city's historic, prehistoric, and cultural heritage, to stabilize and improve property values and enhance the city's aesthetic character, and to protect such improvements, sites, and districts that represent or reflect elements of the city's cultural, social, economic, political, or architectural history:

(a) Recommend designation of historic structures and districts within the city. The historic preservation commission shall have the power to recommend that the city council designate historic structures, sites, and districts.

(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.
- f. 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.

(b) 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.

(c) 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.
- (2) An owner or person in charge of a historic structure, historic site or structure within a historic district shall apply for a certificate of appropriateness on a form available in the Office of City Planner. The City Planner shall review applications for completeness. Complete applications shall be referred to the commission for determination within 45 days of referral.
- (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, 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.

(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.

(6) 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.

(d) Procedure for designating historic structures and sites. A Class I notice and public hearing shall precede any commission recommendation for designation or rescission of

designation of a historic structure or site. 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 in whole or in part of property situated adjacent to the boundaries of the property affected. The commission shall have the power to subpoena such witnesses and records as it deems necessary to render an informed decision. The commission's recommendation shall be considered by city council at their next regularly scheduled meeting. Within ten days of city council designation or rescission, notice shall be sent to the property owner(s). The commission shall cause the designation or rescission to be recorded in the county register of deeds office, at city's expense.

(e) Procedure for creating a historic district.

- (1) The commission may prepare a historic preservation plan for each geographically defined proposed historic district with assistance from the department of planning and development. Such plan 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. The commission shall hold a public hearing when considering whether to create 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 aldermanic 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.
- (2) The city council shall hold a public hearing prior to considering whether to adopt the commission's recommendation for creating 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 aldermanic 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. Designation of the historic district shall constitute adoption of the plan prepared for that district.

(f) 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.

(g) 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.

SECTION 3: **ADOPTION** “DIVISION 2-V-9 PLAN COMMISSION” of the Sheboygan Municipal Code is hereby *added* as follows:

A D O P T I O N

DIVISION 2-V-9 PLAN COMMISSION (*Added*)

Sec 2-785 Powers and Duties (*Added*)

- (a) The plan commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the city to the city council, other public officials and other interested organizations and citizens. The commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.
- (b) In general, the plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this article, its functions are primarily recommendatory to the city council pursuant to guidelines set forth in this article as to various matters, and always being mindful of the intent and purpose of this article.
- (c) The plan commission 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.

SECTION 4: **ADOPTION** “DIVISION 2-V-10 ZONING BOARD OF APPEALS” of the Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

DIVISION 2-V-10 ZONING BOARD OF APPEALS *(Added)*

Sec 2-786 Establishment and Membership *(Added)*

A zoning board of appeals is hereby established. The zoning board of appeals shall consist of five members appointed by the mayor, subject to confirmation by the city council, for three years, except that of those first appointed, one shall serve for one year; two for two years. The members shall serve without compensation and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The mayor shall appoint, subject to confirmation of the city council for staggered terms of three years, two alternate members of such board, in addition to the five members provided for above. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the third Tuesday in April. Terms of office shall commence May 1. The building inspector clerk shall serve as secretary of the board. The board of appeals may employ other employees.

Sec 2-787 Powers and Duties *(Added)*

The board of appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this chapter, or appeals regarding an interpretation of the Zoning Administrator of the provisions of this chapter. In exercising the below-listed powers, the board of appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination in its opinion ought to be made in the premises and to that end shall have all the powers of the Community Development Director or other administrative officer from whom the appeal is taken. If a quorum is present, the board of appeals may take action under this subsection by a majority of the members.

The board of appeals shall have the following powers:

- (a) To hear and decide appeals when it is alleged there is error in any order.
- (b) To hear and decide special exceptions to the terms of this article upon which the board of appeals is required to pass.
- (c) To authorize, upon appeal in specific cases, such variance from the terms of this article as will not be contrary to the public interest, when owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary

hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

- (d) Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this article, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (e) To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown on the zoning map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.
- (f) The board of appeals shall have the power to call on any other city department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

Except as specifically provided, no action of the board of appeals shall have the effect of permitting in any district uses prohibited in such districts.

Sec 2-788 Organization (*Added*)

The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairperson, and at such other times as the board of appeals may determine. The chairperson or, in the chairperson's absence, an elected acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Sec 2-789 Appeals (*Added*)

- (a) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of appeals, by filing with the officers from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the city council. The officers from whom the appeal is taken shall forthwith transmit to the board of appeals all papers constituting the record of appeals upon which the action appealed from was taken. The board of appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide to same within a reasonable time.

- (b) Notice of hearing. The board of appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing to the fee owners of record of all land within 100 feet of any part of the subject building or premises involved in the appeal.
- (c) Hearings. Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the board following the public hearing may be made either in public or closed session as the board shall determine.
- (d) Findings. Findings of the fact and reasons for all actions taken shall be reduced by the board to writing in the minutes of the proceedings. In the case of appeal based on variance, for the same to be granted, the findings shall affirmatively show the following together with the fact and the grounds therefor:
 - (1) A literal enforcement of the terms of city zoning regulations would result in practical difficulty or unnecessary hardship to the appellant.
 - (2) The variance is not contrary to the public interest and will not endanger public safety.
 - (3) The variance is in accordance with the spirit of city zoning regulations.
 - (4) The variance will cause substantial justice to be done.
- (e) Variance considerations. When the board considers an appeal based on variance, it shall also consider the following in its decision:
 - (1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 - (2) Exceptional circumstances. There may be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general recurrent nature as to suggest that city zoning regulations should be changed.
 - (3) Hardship. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

- (4) Preservation of property rights. Such variance may be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Absence of detriment. Such variance should not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this article or the public interest.

Sec 2-790 Decision (*Added*)

The zoning board of appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, Community Development Director, and city plan commission.

- (a) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (b) Variances, substitutions, or use permits granted by the board shall expire within six months unless substantial work has commenced pursuant to such grant.
- (c) Applicants receiving variances in floodlands shall be notified, in writing, by the board of appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The board shall keep a record of the notification in its files.

Sec 2-791 Review by Court of Record (*Added*)

Any persons aggrieved by any decision of the board of appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the board.

SECTION 5: **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 6: **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

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan