AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, July 18, 2018
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.

2. Adoption of agenda.

3. Approval of minutes from June 20, 2018.

4. Request from Mike Oleson to rezone property located at 1468 Egg Harbor Road, parcel #281-62-11000103A, from General Commercial (C-1) to Mixed Commercial-Residential (C-5):

   Presentation:
   Public Hearing:
   Consideration of: *(Note: In accordance with Section 20.24(5)(c)1.b of the zoning code, a recommendation to Council regarding this item will not be made at this meeting, except by unanimous consent of the members present.)*

5. Consideration of: Combined Preliminary/Final Planned Unit Development for Duquaine Development LLP, for a 134-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTU, parcel #281-68-17000301A.

6. Consideration of: Minimum yards for accessory buildings.

7. Consideration of: Requirements for Electronic Variable Message Signs.

8. Public comment on non-agenda Plan Commission related items.

9. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members:
Dennis Statz
Steven Hurley
Jeff Norland
Laurel Hauser
Mike Gilson

7/13/18
2:30 p.m.
CN

CITY PLAN COMMISSION
Wednesday, June 20, 2018

A meeting of the City Plan Commission was called to order at 6:01 p.m. by Vice-Chairperson Dennis Statz in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Laurel Hauser, Mike Gilson, Steven Hurley, Dennis Statz, and Jeff Norland were present. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of the Agenda: Moved by Mr. Norland, seconded by Ms. Hauser to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 16, 2018.
4. Presentation of: Request from Mike Oleson to rezone property located at 1468 Egg Harbor Road, parcel #281-62-11000103A, from General Commercial (C-1) to Mixed Commercial-Residential (C-5).
5. Consideration of: Combined Preliminary/Final Planned Unit Development for Duquaine Development LLP, for a 134-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTU, parcel #281-68-17000301A.
6. Consideration of: Extension of conditional use approval for Lexington Homes for 14- unit multiple-family dwelling on S. Grant Avenue.
7. Consideration of: Conditional uses within Sturgeon Bay Zoning Code.
8. Consideration of: Minimum yards for accessory buildings.
9. Public comment on non-agenda Plan Commission related items.
10. Adjourn.

Carried.

Approval of minutes from May 16, 2018: Moved by Ms. Hauser, seconded by Mr. Hurley to approve the minutes from May 16, 2018. All ayes. Carried.

Presentation of: Request from Mike Oleson to rezone property located at 1468 Egg Harbor Road, parcel #281-62-11000103A, from General Commercial (C-1) to Mixed Commercial-Residential (C-5): Mr. Sullivan-Robinson stated that the property is zoned General Commercial (C-1). It is currently used for residential. The property owners are in the process of selling this property, but can't close any deals. They have mainly residential buyers that are trying to purchase the property, but the banks won't support a purchase that isn't zoned accordingly. There are restrictions on rebuilding houses on these types of properties. They would like to rezone the property from C-1 to C-5, which would allow Mixed Commercial-Residential use. This is the first step of the rezoning process. A public hearing will take place at a subsequent meeting.

Mr. Statz recalled years ago that there was a need for a transitional zoning from Commercial to Residential. It seems to have worked out well. Applicants come to the Plan Commission on a case by case basis.

Mr. Olejniczak read the purpose statement for the C-5 district.

Barry Sargent, Realtor for ERA Starr Realty, stated that he has tried selling the property for almost four years. It has been marketed as residential and commercial property. There has only been one interested commercial buyer. There has been countless number of showings for residential use, but the dwelling could not be rebuilt if there was a fire, or could only be repaired up to 50% of the property value. The asking price of $150,000 has now been dropped to just under $80,000. Rezoning the property from C-1 to C-5 would help in the sale of the property. Commercial property are slow to sell at this time.

Staff was authorized to contact the other two residential property owners in the vicinity to see if they have an interest in rezoning their property from C-1 to C-5.

No other action was needed. A public hearing will be held at the next meeting.

Consideration of: Combined Preliminary/Final Planned Unit Development for Duquaine Development LLP, for a 134-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTU, parcel #281-68-17000301A: Mr. Olejniczak explained that a recommendation to Council was not made at the last meeting. Since then a request was received from Mr. Duquaine to delay action. Under the ordinance, the Plan Commission has 90 days from the date of application to make a recommendation to Council whether to approve the PUD or not. The ordinance does allow an extension of that by mutual agreement of the applicant and Plan Commission.

Mr. Statz did not see any harm in looking at another approach to the project.

Mr. Olejniczak stated that if the PUD is denied, they can still reapply with another PUD design if it is substantially different.

Mr. Norland said he would not have a problem with the applicant coming back with a plan that agrees with the Comprehensive Plan.

Mr. Olejniczak offered an option that included extending the PUD with direction.

After further discussion, it was moved by Mr. Gilson, seconded by Mr. Statz to extend the PUD for another 30 days.

Moved by Ms. Hauser, seconded by Mr. Statz to amend the motion by adding a requirement for a public hearing the following month if substantially different. A vote was taken on the amendment. All ayes. Carried.

A vote was taken on the original motion. Carried, with Ms. Hauser voting no.

Consideration of: Extension of conditional use approval for Lexington Homes for 14-unit multiple-family dwelling on S. Grant Avenue: Mr. Olejniczak stated that Michelle Stimpson, Vice-President of Lexington Homes, Inc., submitted a letter to request an extension of their conditional use permit for a 14-unit townhome development on S. Grant Avenue that had been approved a year ago. The City's ordinance requires that construction needs to begin within one year of approval. Due to their construction schedule they were unable to begin construction this past spring, and are now planning to begin construction in fall.

After a short discussion, it was moved by Mr. Gilson, seconded by Mr. Hurley to allow a six month extension of the conditional use permit for Lexington Homes. All ayes. Carried.

Consideration of: Conditional uses within Sturgeon Bay Zoning Code: Mr. Olejniczak stated that the Plan Commission recently discussed the new State law regarding conditional uses. If the applicant meets all the conditions of the code and conditions imposed by the Plan Commission, then the conditional use must get approval. The Plan Commission still has the authority on a case-by-case basis to make conditions to fit the purposes of the code. Conditions have to be reasonable and to the extent practical, measurable, and all decisions for or against have to be based on substantial evidence.

Mr. Olejniczak went over draft changes to Section 20.25 of the zoning code (Conditional Uses). These proposed modifications added language to conform with the new law. He also went through some suggestions for removing, adding or modifying the list of conditional uses for each zoning district.

The consensus was that Mr. Olejniczak and Mr. Sullivan-Robinson will continue to work on the conditional uses with continued feedback from the Commission.

Consideration of: Minimum yards for accessory buildings: Mr. Sullivan-Robinson stated that last November the Plan Commission discussed an item regarding the accessory building height code. They elected to increase the height to 16 feet, but thought that staff should also look at setbacks to go with the height code. He went through options including the current 5-foot side yard setback with a 6-foot rear yard setback; increasing the setbacks for over 800 square feet; setback based on lot width, and setback based on percentage of square footage of building.

Discussion took place on how lot width is determined with a wider rear yard than the front yard.

Mr. Hurley brought up another consideration if the accessory building required a foundation that needed excavation.

Mr. Sullivan-Robinson has not heard a lot of concerns with setbacks from the public.

Mr. Olejniczak added that another option was to base the minimum setback on the zoning district.

Mr. Gilson expressed his opinion and didn't think 5 feet is enough for any setback. It should be 10 feet.

Staff was directed to take another look at R-1 district regulations and come back with more options.

Mr. Olejniczak reminded Commissioners that the recommendation to the change in maximum height for an accessory building from 14 feet to 16 feet is still holding until a setback recommendation could be submitted at the same time.

Public comment on non-agenda Plan Commission related items: Chris Kellems, 120 Alabama Street, talked about the lesser required setbacks that California has. She also asked if the tourist rooming house code was changed to not allow them in R-1 districts, what would happen to the ones already established?

Adjourn: Moved by Ms. Hauser, seconded by Mr. Norland to adjourn. All ayes. Carried. Meeting adjourned at 7:41 p.m.

Respectfully Submitted,
Cheryl Nault
Cheryl Nault
Community Development/Building Inspection Secretary

Executive Summary

Title: Zoning Map Amendment – C-1 to C-5

Background: Mike Oleson is petitioning the City of Sturgeon Bay to rezone his property from General Commercial (C-1) to Mixed Residential-Commercial (C-5). The property is located at 1468 Egg Harbor Rd (parcel #281-62-11000103A), and currently contains a single family residential use. Under Sturgeon Bay's zoning ordinance, a residential use is nonconforming within the C-1 district. If the parcel is rezoned to the C-5 district the current use would become conforming while still maintaining the opportunity for future commercial uses. As directed by the Plan Commission, staff sent correspondence to the other two nearby property owners with the same nonconforming status to provide an opportunity to rezone their properties as well. The other property owners told staff they wanted to remain C-1. Hence, Mr. Oleson is the only property owner in this corridor petitioning for a zoning map amendment.

Surrounding Zoning/Uses: Egg Harbor Road is zoned C-1 (General Commercial) which is intended for goods and services oriented business or facilities that support these types of business. To the north, is a mini storage facility, a grocery store, and a retail store. To the west, is a nonconforming residential use, a chiropractor, and a bank. To the south and east, are restaurants, a nonconforming residential use and automotive uses.

Comprehensive Plan: The Future Land Use Map within the Sturgeon Bay Comprehensive Plan identifies the subject property within the Community Commercial land use category. This is an area that provides a wide range of commercial and retail products and services on a community-wide scale, including larger shopping centers and offices locations. Community Commercial areas tend to concentrate on retail activity and may include some comparison shopping goods. Although the C-5 zoning district is not a perfect match with the comprehensive plan it still allows most commercial uses. Thus, there is no conflict with the comprehensive plan.

Other Considerations: The Mixed Residential-Commercial (C-5) zoning district is intended for areas of the City where residential properties are converting to commercial uses or vice versa. It is also intended for areas where a continued mixture of residential and commercial uses is desirable.

The existing single-family dwelling is a nonconforming use within the C-1 district. This creates potential hardship for the subject parcel due to the various restrictions applicable to nonconforming uses, including the inability to reconstruct the home if it is damaged more than 50% of its assessed value. The rezoning would solve the problem of nonconforming uses, since it permits a combination of both residential and commercial uses.

Generally, the C-5 district allows for both residential and most commercial uses, while the C-1 district only allows multiple-family dwellings (apartments). But the C-5 district does not permit as many commercial uses as the C-1 district. The requirements for signs are stricter in the C-5 district compared to the C-1 district. The dimensional requirements for buildings (e.g. setbacks, etc.) are slightly less in the C-5 district compared to the C-1 district.

Fiscal Impact: There shouldn't be any significant impacts.

Recommendation: Staff is not opposed to a zoning map amendment for this property. The C-5 district doesn't have all of the same opportunities as the C-1 but in that case another zoning map amendment could be applicable. The commission has the ability to recommend to Council approval or denial of the zoning map amendment.

Prepared By: _____ 7/13/18
Christopher Sullivan-Robinson — Date
Planner / Zoning Administrator

Reviewed By: _____ 7-13-18
Martin Olejniczak — Date
Community Development Director

Reviewed By: _____ 7/13/18
Josh VanLieshout — Date
City Administrator

Date Received: 5-3-18
Fee Paid: $ 400 + 50 (Signdep)
Received By: CN

CITY OF STURGEON BAY
ZONING/REZONING APPLICATION

	APPLICANT/AGENT	LEGAL PROPERTY OWNER
Name	Mike Oleson	Oleson Revocable Trust
Company		
Street Address	8 Oak St.	
	Marblehead, MA	
City/State/Zip	01945	
Daytime Telephone No.	781-639-4558	
~~Fax No:~~ E-mail	mmmoleson@verizon.net	

STREET ADDRESS OF SUBJECT PROPERTY: 1468 E66 / Harbor Rd
Location if not assigned a common address: Sturgeon Bay, WI

TAX PARCEL NUMBER: 281-62-11000103A

CURRENT ZONING CLASSIFICATION: C-1

CURRENT USE AND IMPROVEMENTS: Single Family Residence

ZONING DISTRICT REQUESTED: C-5

COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: Community Commercial

PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:
North: Community Commercial
South: Public and Institutional
East: Public and Institutional
West: Community Commercial

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:

North: OLE'S MINI - STORAGE / WALMART
South: CVS
East: NIGHTINGALE RESTAURANT
West: SELLER HOME - RENTED SFD

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? _____ IF YES, EXPLAIN: IT HAS BEEN USED AS SINGLE FAMILY DWELLING SINCE 1940

Attach a full legal description (preferably on disk), 8-1/2" X 11" location map, and Agreement for Reimbursement of expenses.

Mike Oleson	Michael E. Olson	5/2/18
Property Owner (Print Name)	**Signature**	**Date**
Applicant/Agent (Print Name)	**Signature**	**Date**

via phone call

I, Mike Oleson, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

5/2/18	Michael E. Olson	
Date of review meeting	**Applicant Signature**	**Staff Signature**

Attachments:
Procedure & Check List
Agreement For Reimbursement of Expenses

STAFF USE ONLY

Application conditions of approval or denial:

Date	Community Development Director

NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Plan Commission will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Wednesday, July 18, 2018, at 6:00 p.m. or shortly thereafter, in regard to a request from Mike Oleson, for the purpose of considering a proposed zoning map amendment under Chapter 20 of the Sturgeon Bay Municipal Code (Zoning Code). The property is located at 1468 Egg Harbor Rd (parcel #281-62-11000103A), and is zoned C-1 (General Commercial). If approved, the zoning classification would change to C-5 (Mixed Residential and Commercial). The rezoning application is on file with the Community Development Department and can be viewed at City Hall, 421 Michigan Street, weekdays between 8:00 a.m. and 4:30 p.m. The public is invited to attend the hearing and give testimony in favor or against the proposed rezoning either in person at the hearing or in writing.

By order of:

City of Sturgeon Bay Plan Commission

Location Map - Mike Oleson Property

Printed 06/15/2018 courtesy of Door County Land Information Office

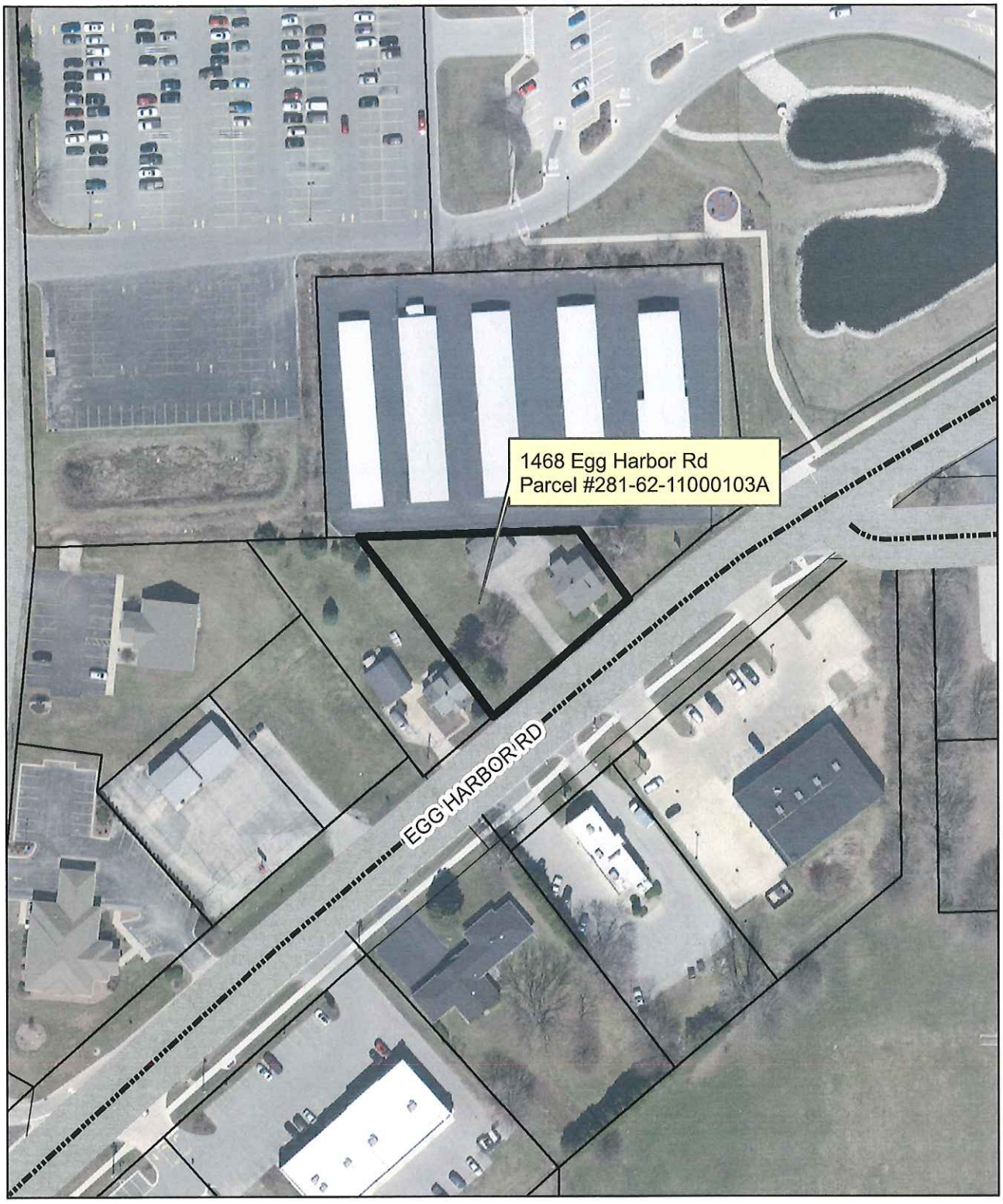
... from the Web Map of ...
(//www.co.door.wi.gov)

Door County, Wisconsin
... for all seasons!

Aerial View of Oleson's Property

04/25/2015

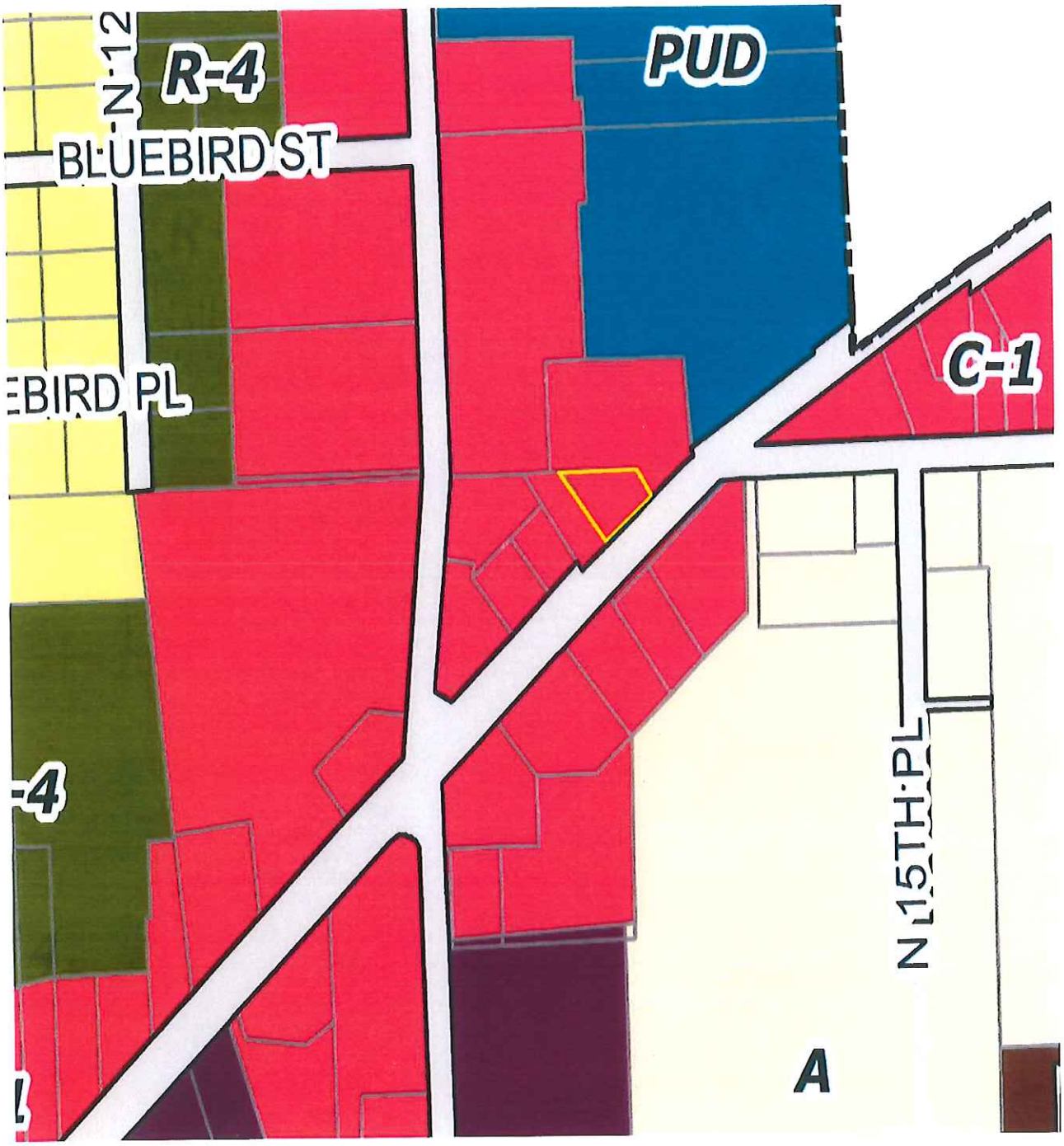
Location Map
Public Hearing - Mike Oleson
Rezoning Request



1468 Egg Harbor Rd

N

Current Zoning Map of Oleson's Property



General Comparison of the C-1 and C-5 Zoning Districts

	C-1	C-5
Uses:	See attached list of permitted and conditional uses.	
Dimensional standards		
Minimum lot area (new lots):	8400 sq. ft.	7500 sq. ft.
Minimum street yard (setback)	25 feet	20 feet
Minimum side yard	10 feet	8 feet
Minimum rear yard	25 feet	25 feet
Max building height	45 feet	35 feet
Off-Street Parking		
- Required # spaces	100% of minimum parking is required	50% -uses in existing bldgs 100% - uses in new buildings
- Option for payment in lieu of parking	No	Yes
- Collective parking areas	Each space counts as 1 space	Each space counts as 1.5 spaces
Signs		
Max size ground sign	100 sq. ft.	25 sq. ft.
Max height ground sign	20 feet	8 feet
Max size projecting sign	24 sq. ft.	16 sq. ft.
Max size wall sign	1 sq. ft. per each lineal foot of the wall	1 sq. ft. per each lineal foot of the wall
Lighting of signs	No restrictions	Must meet certain requirements

Note: This chart is not intended to show all the zoning requirements for the C-1 and C-5 districts, just the main differences. The full zoning code (Chapter 20 of the Municipal Code) can be viewed online at www.sturgeonbaywi.org or at the Community Development Department.

(d) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1099-0603, § 2, 6-17-03; Ord. No. 1144-0305, § 2, 3-15-05)

20.14 Use regulations for C-1 district.

The C-1 district is intended to provide commercial areas outside of the central business district. Permitted uses shall be general commercial uses as well as those commercial uses which are oriented to the highway user or which require greater space.

(1) Permitted uses are:

(a) Any use listed as a permitted use in the R-1 district, except single-family dwellings.

(b) Post offices.

(c) Parking lots.

(d) Banks.

(e) Professional offices.

(f) Medical, dental, and veterinarian clinics.

(g) Hotels and motels and conference facilities.

(h) Theaters, bowling alleys and other indoor places of amusement.

(i) Restaurants and taverns.

(j) Funeral homes.

(k) Customer service establishments.

(l) Bus depots.

(m) General retail establishments.

(n) Libraries, museums, and art galleries.

(o) Tourist information centers.

(p) Child day care facilities, provided the facility is licensed by the department of health and social services.

(q) Gasoline service stations.

(r) Automobile repair establishments.

(s) Automobile, recreational vehicle, or farm implement sales lots.

(t) Commercial storage facilities.

(u) Lumber and building supply yards.

(v) Charitable institutions, rest homes, and clubs or lodges.

(w) Bed and breakfast establishments, provided the facility is licensed by the Wisconsin Department of Health and Social Services.

(x) Boardinghouses and lodging houses.

(2) Conditional uses are:

(a) Communication towers.

(b) Colleges and vocational schools.

(c) Public utilities.

(d) Multiple-family dwellings.

(e) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however, that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.

(f) Hospitals.

(g) Water related uses such as marinas, launch ramps, charter boating or fishing and ferry terminals.

(h) Commercial establishments with drive-through facilities.

(i) Public garages, shops or storage yards.

(j) Outdoor recreation facilities such as golf courses, shooting ranges, and outdoor theaters.

(k) Animal shelters and pounds.

(l) Commercial housing facilities.

(m) Residential use, when incorporated into a multiuse building and using not more than 50 percent of the available floor area.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1099-0603, § 3, 6-17-03; Ord. No. 1118-0104, § 3, 1-6-04; Ord. No. 1144-0305, § 3, 3-15-05; Ord. No. 1207-0608, § 1, 6-17-08)

20.15 Use regulations for C-2 district.

The C-2 district is intended for the central business district on both the east and west sides of the city. It is intended to provide development and redevelopment opportunities consistent with the historic development pattern of the areas. Targeted uses shall be those commercial uses which do not detract from this area because of noise, smoke, odors, or disruption of traffic patterns.

(1) Permitted uses are:

(a) Any use listed as a permitted use in the C-1 district, except gasoline service stations; automobile repair establishments; automobile, recreational vehicle or farm implement sales lots; commercial storage facilities; and lumber and building supply yards.

20.17 Use regulations for C-4 district.

The C-4 district is intended to provide limited areas within the commercial area of the city for office and business park development. The uses permitted are those uses which are compatible with office park development.

(1) Permitted uses are:

(a) Corporate and professional offices.

(b) Medical and dental clinics.

(c) Banks.

(d) Tourist information centers.

(e) Charitable institutions, and clubs or lodges.

(f) Municipal buildings, except sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions and asylums.

(g) Public parks and playgrounds.

(h) Telephone booths, exchanges and lines.

(i) Parking lots.

(j) Accessory uses customarily incidental and subordinate to a permitted use on the lot.

(2) Conditional uses are:

(a) Communication towers.

(b) Colleges and vocational schools.

(c) Public utilities.

(d) Hospitals.

(e) Post offices.

(f) Child day care facilities, provided the facility is licensed by the department of health and social services.

(g) Establishments with drive-through facilities.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1099-0603, § 5, 6-17-03)

20.175 Use regulations for C-5 district.

The C-5 district is intended for areas of the city where residential properties are converting to commercial uses or vice versa, especially areas where it is desired to maintain the existing buildings or architectural character of the neighborhood. It is also intended for areas of the city

where a continued mixture of residential and commercial uses are desirable. The uses permitted are those uses which are generally compatible in areas with a combination of both residential and commercial properties.

(1) *Permitted uses are:*

(a) Single-family dwellings established within an existing building, including repairs/reconstruction of such dwellings and additions up to 50 percent of the original floor area.

(b) Two-family dwellings established within an existing building, including repairs/reconstruction of such dwellings and additions up to 50 percent of the original floor area.

(c) Any use listed as a permitted use in the C-2 district, except bus depots and those uses listed separately as conditional uses under subsection (2). Such uses shall only occupy an existing building or occupy a new building with a building footprint not exceeding 3,000 square feet.

(2) *Conditional uses are:*

(a) New single-family dwellings.

(b) New two-family dwellings.

(c) Additions to existing dwellings that exceed 50 percent of the original floor area.

(d) Multiple-family dwellings.

(e) Uses listed under subsection (1)(c) that are located within a new building with a building footprint that is 3,000 square feet or larger.

(f) Restaurants and taverns.

(g) Hotels and motels.

(h) Parking lots.

(i) Rest homes.

(j) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.

(k) Public utilities.

(l) Massage parlors.

(m) Liquor stores.

(n) Payday lending institutions.

(o) Pawn shops.

(Ord. No. 1174-0906, § 2, 9-20-06)

Memo

To: City Plan Commission
From: Marty Olejniczak, Community Development Director
Date: July 13, 2018
Subject: Planned Unit Development for Ahnapee Trail Apartments

I spoke with Keith Duquaine, the developer for the proposed PUD known as Ahnapee Trail Apartments, on Wednesday, July 11. He informed me that he was dropping his proposed development due to an inability to negotiate a lower sale price for the subject property, given the reduction in number of apartment units that he was expecting to be necessary for approval. I requested that he submit his withdrawal in writing but as of the agenda publication, it has not been received.

If the written withdrawal is received by the Plan Commission meeting, there is no need for a formal recommendation to the Common Council. You can simply acknowledge that the project has been withdrawn.

If the written withdrawal is not received, then it would be appropriate to dispense with the PUD application by making a recommendation to Council. Since a revised plan has never been submitted, the recommendation would be based upon the prior plan and, hence, presumably would be a recommendation for denial of PUD.

Site Plan


WALKING TRAIL
18 UNITS
7 STALLS
PHASE I
PERMANENT POOL ELEVATION 593.50
OFFICE
16 UNITS
7 STALLS
PHASE II
PHASE III
CLAY BANKS ROAD

Executive Summary

Title: Minimum Setbacks for Accessory Buildings

Background: The Plan Commission previously approved a proposed change to the zoning code regarding the height of accessory buildings. That potential change included requiring a greater setback for taller buildings. But the Commission also wanted to review the general setback requirements to see if increased setbacks were warranted, especially for larger buildings or larger lots.

Staff reviewed other municipalities zoning codes related to accessory building setbacks and discovered that most of the selected communities had zoning code similar to Sturgeon Bay's requirements. Staff developed options for the Plan Commission to consider. These options would increase the minimum setback based upon different factors.

Option 1- Status Quo (5-foot side setback and 6-foot rear setback)

Option 2- Increase setback for larger buildings above an established threshold

Accessory Building Setbacks		
Square Footage	Side	Rear
≤800	5	6
>800	10	10

The second option would increase the setback to ten feet for buildings larger than 800 sq. ft.. Please note that 800 square feet was chosen as the threshold for the larger setback because that is the minimum size of a dwelling in R-2/R-3. Hence, if an accessory building meets minimum dimensional requirement of a dwelling then it theoretically should have increased or similar setbacks. But this threshold size can be increased or decreased if desired.

Option 3- Setback based on lot width

Accessory Building Setbacks		
Lot Width	Side Yard Setback	Rear Yard Setback
<85'	5	6
≥85'	10	10

This option assumes that wider lots have more room for placement of accessory structures so the increased setback is applied. 85 feet is the minimum lot width for R-1 lots so that width was chosen, but this figure can be increased or decreased if desired.

Option 4- Setback based on percentage of building square footage. The minimum setback would be 5 feet or 1% of floor area of the building, whichever is larger. Under this option the required setback would increase for buildings above 500 square feet. If the building was 800 square feet in floor area, the minimum setback would be 8 feet and so on. Please note the percentage used could be increased or decreased if desired. An advantage is that the minimum setback is proportional to the size of the building, but a disadvantage is that it is more complicated to administer.

Option 5 – Setback based on Zoning Classification

Accessory Building Setbacks		
Zoning Classification	Side Yard Setback	Rear Yard Setback
R-1 & A	10	10
Other districts	5	6

This option was requested at the last Plan Commission meeting. Since the R-1 and Agricultural districts have the larger lots, they often qualify for the larger accessory buildings, since the code bases the max size of accessory building on 3% of the lot area. With the larger lot size, there is more room for placement of the buildings.

Additional Considerations: Staff looked at the setbacks of current accessory buildings in both the R-1 and R-2 districts. Although not scientific, a large number of lots were examined to give a fair sense of what the increased setback would mean for existing buildings. In the R-2 district, 46% of the existing accessory buildings were already nonconforming, 26% were currently conforming but would become nonconforming if the setbacks were increased to 10 feet, and 28% are conforming under both sets of rules. For the R-1 district, 21% of the buildings are already nonconforming, 35% were currently conforming but would become nonconforming if the setbacks were increased to 10 feet, and 44% are conforming under both sets of rules.

Accessory structures are much more prevalent in the R-2/R-3 areas of the city compared with R-1 areas. Most of the R-1 areas developed after attached garages were the norm for home construction so many R-1 lots have no accessory structures at all. Most of the R-1 accessory buildings tend to be smaller sheds of about 250 square feet or less. The exceptions are the R-1 areas in the far north part of the city that have very large lot sizes. Poles sheds and other large buildings were common on those lots.

Staff sees no compelling reason to make changes to the minimum setbacks for all accessory structures within zoning code for the following reasons:

- The Increased setbacks will make a fair number of existing conforming buildings into nonconforming buildings.
- There has not been a strong push from the public to increase setbacks. It will likely lead to an increase in variance requests.
- It could make administration of the code more complicated.

For large buildings there may be merit in requiring a greater setback distance since these buildings tend to be on lots with more space and they tend to have more of an impact on adjoining property.

The Plan Commission has the following options:

1. Recommend adoptions of one of the proposed options.
2. Modify or combine the options or come up with a new option.
3. Make no changes and drop the issue.

Recommendation: Either make no changes to the minimum setbacks for accessory buildings or pursue a modified option of increasing the minimum side and rear yards to 10 feet for buildings exceeding 576 square feet in the R-1 and Agricultural districts only. *Note: The 576 square feet that is suggested is based upon 24' x 24' which is a typical 2-car garage. This figure can be adjusted if desired.*

Prepared By: _____ 7-13-18
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Prepared By: _____ 7.13.18
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MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson
Date: July 18, 2018
Subject: Requirements for Electronic Variable Message Signs

An electronic variable message sign (EVMS) is a sign which may be electronic or mechanically controlled and capable of showing a series of different messages in sequence. In the City, these types of signs are categorized as a special sign within the Chapter 27 of municipal code. EVMS are permitted only within the commercial and industrial districts. Listed below are the zoning dimensional and operation standards:

a) Dimensional standards.
   1) EVMS shall meet the sign setback regulations for the appropriate zoning district.
   2) EVMS shall not be permitted where they attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal, or device. EVMS shall not be permitted where they prevent the driver of a vehicle from having clear and unobstructed view of official signs and approaching or merging traffic.
   3) The illuminated or message display area of the EVMS shall be included within the area to be regulated as the maximum area of a sign for a site. The message display area shall not exceed 32 square feet.

b) Operational standards.
   1) The EVMS shall only display static messages and such displays shall not have movement, animation or scrolling, or the appearance or illusion movement.
   2) EVMS shall not be used as flashing signs or lights.
   3) Each message displayed by the EVMS shall remain for a minimum of 6 seconds.
   4) Each change of message must be accomplished within one second.
   5) All EVMS must be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.

The sign code originally had minimum distances that such signs had to be from other EVMS and from certain traffic spots, such as controlled intersections. But, the code originally did not restrict scrolling messages or how often a message could change. The Council later amended the code to eliminate the setbacks, but added the requirement for a 6-second static message. Existing EVMS were grandfathered from that rule.

This type of sign was adopted with operation standards to protect drivers and residential areas. An overstimulating sign can distract a driver, which is why there are restrictions on

message display time, placement, lighting, and graphics. To prevent any issues from the residential community there were restrictions placed on illumination and types of lighting.

The topic was originally brought to the Plan Commission because a sign owner thought that EVMS maintenance and operation guidelines were too strict.

The last time we met on this issue, the Commission members believed that staff should review other municipalities for current regulation and thoughts. Staff was also directed to contact property owners to get local opinion.

Staff reviewed other community's codes in comparison to Sturgeon Bay's and a few things became clear. There isn't a set of regulations that every community follows. Green Bay operates under similar standards as Sturgeon Bay (followed DOT guidelines for EVMS for highways). The big difference is that these types of signs are allowed as a conditional use only. Appleton does not allow animated signs but they do allow mechanical and electrical changeable copy signs. These are a permitted use. Looking at Door Counties code EVMS are not allowed. Oconto City allows variable message signs with no restrictions. Kewaunee allows EVMS with strict timing guidelines but no other regulations are in place. Two Rivers allows EVMS only through Commission approval. They don't have any static message requirements. Shawano allows these signs with a minimum of 30 second static message and these signs aren't allowed in residential areas. De Pere allows EVMS but not manual message centers. These also don't allow any animation, special effects, or scrolling. Marinette City allows electronic message board but are only allowed to change the message once per hour. They only allow sign to be used during business hours.

From business owner's perspective there are no issues or complaints are received. On average, an electronic message sign can cost $2000 only to be restricted from half the settings. The other issue is that a majority of the signs in Sturgeon Bay are current nonconforming.

The Plan Commission has the following options:

- Make no changes to the code
- Change the code
- Refer back to staff

Staff Options:

1) Remove the grandfathered status of the existing EVMS.
2) Revise all or parts of the maintenance and operation standards for EVMS.
3) Make EVMS a conditional use.
4) Make no changes.