

**AGENDA**  
**CITY OF STURGEON BAY**  
**PLAN COMMISSION**  
Wednesday, July 17, 2024, at 6:00 p.m.  
City Council Chambers  
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from June 26, 2024.
4. Public comment on non-agenda Plan Commission related items.
5. Reconsideration of: Conditional use application from Ryan Polzin of E&R-SB, LLC to construct the Boathouse Condos consisting of fifteen condo units located at the corner of S 18<sup>th</sup> and Utah – parcel #281-62-40000101A.
6. Consideration of: Conceptual Planned Unit Development for art museum facilities proposed by Miller Art Museum for property located at the intersection of S 1<sup>st</sup> Ave and Oregon Street – Parcel #281-10-85020104A and #281-10-85020105A.
7. Consideration of: Conceptual Planned Unit Development for 54-unit multiple-family residential dwelling proposed by First and Main Properties, LLC for property located on the north side of E. Maple Street – Parcel #281-12-10080101A1.
8. Consideration of: Conceptual Planned Unit Development for cottage resort, restaurant, and related amenities proposed by Shipyard Development, LLC for property located at the intersection of S 1<sup>st</sup> Ave and Quincy Street – Parcel #281-23-08325009, #281-23-08325010 and 2812308325001A.
9. Consideration of: Zoning Code Amendments relating to Animal Services.
10. 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.

7/12/24

156 p.m.  
cm

Plan Commission Members

Mayor David Ward  
Ald. Helen Bacon  
Ald. J. Spencer Gustafson  
Dennis Statz  
Mark Holey  
Jeff Norland  
Amy Stephens

## CITY PLAN COMMISSION

June 26, 2024

A regular meeting of the City Plan Commission was called to order at 7:00 p.m. by Chairperson David Ward in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members David Ward, Dennis Statz, Mark Holey were present; Spencer Gustafson appeared via Zoom. Members Jeff Norland, Amy Stephens, and Helen Bacon were excused. Staff present were Community Development Director, Martin Olejniczak, Planner/Zoning Administrator, Stephanie Servia, and Community Development Secretary, Colleen Michiels.

**Adoption of agenda:** Moved by Mr. Holey, seconded by Mr. Statz to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 15, 2024.
4. Public comment on non-agenda Plan Commission related items.
5. Conditional use application from Ryan Polzin of E&R-SB, LLC to construct the Boathouse Condos consisting of fifteen condo units located at the corner of S 18<sup>th</sup> and Utah – parcel #281-62-40000101A.
  - a. Presentation
  - b. Public Hearing
  - c. Consideration/Recommendation *(Note: The Plan Commission will not make a recommendation at this meeting unless a motion is made and passed by  $\frac{3}{4}$  of the members present to act on the request at this meeting.)*
6. Consideration of: Zoning Code Amendments for Animal Services.
7. Adjourn.

All ayes. Carried.

**Approval of minutes from May 15, 2024:** Motion by Mr. Statz and seconded by Mr. Holey to approve the minutes from May 15, 2024, 2024. All ayes. Motion carried.

**Public comment on non-agenda Plan Commission related items:** No members of the public presented for comment.

**Conditional use application from Ryan Polzin of E&R-SB, LLC to construct the Boathouse Condos consisting of fifteen condo units located at the corner of S 18<sup>th</sup> and Utah – parcel #281-62-40000101A.**

**Presentation (a):** Ms. Servia explained that Ryan Polzin and Erik Vandervest, of E&R-SB, LLC are seeking a conditional use permit so they may construct the Boathouse Condos on the currently vacant 2.78-acre triangular parcel bordered by Highway 42-57, Utah Street and S. 18<sup>th</sup> Avenue. The proposed development would consist of five multi-family buildings each having two to four units with a total of fifteen units. The property was recently rezoned to Two-Family Residential (R-3) which allows multi-family dwellings as a conditional use.

The development will have sufficient parking with access from Utah and S. 18<sup>th</sup> Avenue. There are no current plans for sidewalks or other pedestrian facilities in this area. To allow for a reduced Highway setback, the developers plan to have an evergreen buffer placed along the west side of the development. The developers intend to utilize downward directed night-sky friendly lighting surface mounted over each garage door and main entrance door. Private sewer and water mains will be connected to public mains within S. 18<sup>th</sup> Avenue and the site will be served by municipal utilities, which was recently learned will require a master meter. The applicants presented a revised site plan for review to accommodate for that addition. However, if the revised plan is utilized as presented, the developers will need to apply for a street yard variance to accommodate the master meter.

Although this proposed plan is less dense than the "Planned Neighborhood" designation under the 2040 Comprehensive Plan, staff believes that all the requirements for a conditional use have been met and the development will fit the area well considering the variety of housing options and mix of non-residential uses in the area.

The applicants, Ryan Polzin and Erik Vandervest and Jeff Hoffman of Sturgeon Bay utilities discussed the need and purpose of the master meter as well as other options that might be available. Members questioned the need for a short-term rental restriction.

**Public Hearing (b):** Mayor Ward opened the public hearing at 7:32 p.m.

Jim Gault, 6065 W. Dunn Road, Sturgeon Bay stated that he is speaking on behalf of the Door County Astronomical Society and explained their concerns that the light from the development will negatively impact the use of the Observatory nearby. The shielded downward facing lights that are suggested only represent a small part of light pollution. He explains that limiting other aspects of lighting such as the color-no blue lights, color temperature-3,000 Kelvins or less, and number of lights being used are also critical in correlation to light pollution. Mr. Gault and the members discussed some of the guidelines established by DarkSky.org to help reduce light pollution.

Tom Gwilym, who works with Dark Sky International, explained the importance of the added element of Kelvin restriction by giving a couple of examples where lighting is done properly and where it could have been done better. He explained how a good lighting plan is diminished by using bulbs that are too bright.

A letter from the Door Peninsula Astronomical Society expressing night-sky lighting concerns and an email from Amanda Sawdo voicing traffic and aesthetic concerns were received and read into the record. The public hearing closed at 7:50 pm.

Member Statz moved to approve the conditional use for multi-family dwellings in the R-3 zoning district subject to the following conditions:

- 1) All exterior lighting shall be night-sky friendly and shielded to prevent lighting from being cast skyward or onto adjoining properties utilizing 3,000 Kelvin or less light bulbs.
- 2) Increase street trees shown along Utah St from 4 to 5 and change to ornamental or dwarf tree species as specified in the street tree policy.
- 3) Increase street trees along S. 18th Ave from 11 to 12 and plant 12 feet from the shoulder of the road.
- 4) Final utility plan to be approved by Sturgeon Bay Utilities.
- 5) Condo Declaration to include a restriction against short-term rentals.

The motion was seconded by Mayor Ward. Motion passed unanimously.

**Consideration of:** Zoning Code Amendments for Animal Services. Ms. Servia explained that she recently received calls inquiring about dog grooming, training and daycare facility in the C-5 zoning district. However, current zoning is unclear where these services are permitted. Current zoning addresses kennels, veterinarian services and dog shelters and pounds, but is silent on uses such as those listed herein. These services have increased in popularity and demand warranting zoning consideration. Research shows that surrounding municipalities have added "animal services" to their zoning code followed by restrictions for each.

While members oppose permitting any "animal services" in or near residential zoning districts, they would like city staff to provide additional information regarding enforcement of restrictions and any issues the neighboring municipalities have experienced with permitting these services.

**Adjourn:** Motion by Mr. Holey to adjourn, seconded by Mr. Statz. All ayes. Motion carried. The meeting adjourned at 8:04 pm.

Respectfully submitted,

A handwritten signature in black ink, reading "Colleen Michiels". The signature is written in a cursive, flowing style.

Colleen Michiels

Community Development Secretary



E&R-SB L.L.C

N4156 Little River Park Lane

Peshtigo, WI 54157.

Ryan Polzin

Ryan@wimiinsurance

715-938-2608

Erik Vandervest

Erik@vvhd.com

920-619-3683

7/1/2024

Marty Olejniczak

Community Development Director

421 Michigan Street

Sturgeon Bay, WI 54235

Dear Marty and Members of the Board,

I am writing to express our concerns regarding the recent decision made during the conditional use meeting on June 26th, specifically the prohibition of short-term rentals for our proposed Sturgeon Bay Boat House Condo units.

At the commencement of this project, it was our understanding, per the current city code, four of our fifteen units would be eligible for short-term rentals. However, during last Wednesday's meeting, there was no prior indication in the agenda that this issue would be

discussed. Despite this, the board raised the matter and voted on it after the public comment period had concluded. Our attempts to address this during the meeting were unfortunately overlooked.

We respectfully request that the board reconsider the exclusion of short-term rentals for the following reasons:

1. The financial implications of not allowing short-term rentals for four units are substantial for future sales.
2. We have diligently complied with all other requirements listed in the agenda.
3. The handling of the short-term rental issue did not provide us with an opportunity for a fair rebuttal.

We believe that these considerations warrant a review and reconsideration of the board's decision.

Thank you for your attention to this matter. We look forward to your response and hope for a resolution that acknowledges our concerns.

Sincerely,

Ryan Polzin and Erik Vandervest

E&R-SB L.L.C.



# MEMO

**To:** City Plan Commission  
**From:** Marty Olejniczak, Community Development Director *M.O.*  
**Date:** July 10, 2024  
**Subject:** Reconsideration of Conditional Use for Boat House Condos

Ryan Polzin and Erik Vandervest have requested reconsideration of the conditional use approval for their Boat House Condo project. At the previous Plan Commission meeting the conditional use was approved subject to several conditions, including a restriction that the units not be used for short-term rentals (tourist rooming houses). The reconsideration is requested in order to allow discussion and potential elimination or amending of that condition. The applicants reasoning is included in their request letter.

A reconsideration of a previously decided item can happen at the same or subsequent meeting. There are certain formal actions that must happen for the prior Plan Commission action to be changed.

1. Someone voting in the majority (i.e. any of the 4 members who were present at the last meeting) must move to reconsider the conditional use application. If no one makes the motion, reconsideration dies and the prior action of conditional use approval with the conditions remains.
2. The motion must be seconded. Any of the other six members, including those absent from the prior meeting, may second the motion. If no one seconds the motion, reconsideration dies and the prior action of conditional use approval with the conditions remains.
3. If a reconsideration motion is made and seconded, the Commission can discuss and deliberate the motion. Consideration should be limited to just whether the item should be reconsidered, not the overall conditional use or the merits of the individual conditions. A simple majority vote of those present is needed to get the matter back on the floor. If the vote fails, reconsideration dies and the prior action of conditional use approval with the conditions remains.
4. If the vote is approved, then the actual reconsideration takes place. The members will be at the point they were at last meeting right before the motion was made. So, another deliberation will happen and a new motion will need to occur. Once again, the Commission has the options to approve the conditional use, approve it with conditions, or deny the conditional use. You are not limited by the prior action. Whatever action is approved during the reconsideration replaces, in its entirety, the previous action from the last meeting.

During the meeting the question of whether the short-term rental restriction was consistent with the

state statutes was discussed. It was believed that if the restriction were enacted by the developer through the condominium declaration, that it would be a legal method for the short-term rental prohibition. After the meeting, clarification was sought from the City Attorney. Jim Kalny recommends not using conditions of a conditional use approval to restrict short-term rentals. The opinion from Attorney Kalny is attached. It is noted that the City could place limits on the short-term rental use up to what is allowed by statute, i.e. 7 days or longer; 180 days or less (see statute language shown below).

#### State Statute Pertaining to Short-Term Rentals

#### **66.1014 Limits on residential dwelling rental prohibited.**

(1) In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2)

(a) Subject to par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.

(b) If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.

(c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

(d)

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

2. Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:

a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).

b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

*History: 2017 a. 59; 2021 a. 55, 240; s. 35.17 correction in (2) (a).*

The following was received from City Attorney James Kalny on 7-11-2024 in response to staff asking for his opinion on attaching short-term rental prohibition on conditional use approvals

## STR ENFORCEMENT

As you are aware, in an aggressive surge back in 2015-18 the Wisconsin State Legislature saw fit to dramatically increase protections on private property rights. Those efforts were not always artfully carried out. One example of one of the more poorly written of those efforts was Wisconsin Stats s 66.1014, the limits on short term rentals.

The statute is not precisely or even cogently written, providing in relevant part:

*66.1014 Limits on residential dwelling rental prohibited.*

*(2)*

*(a) Subject to par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.*

*\* \* \**

*(c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).*

*(d)*

*1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.*

*2. Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:*

\* \* \*

*b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.*

(2) is confusing in that it contains a prohibition that is subject to another provision. (2) (a) prohibits, on its face, an “ordinance” that prohibits STR of 7 days or longer, however that provision is subject to (2)(d). At first glance the section could be read to limit only direct ordinances limiting any STR over 6 days, however that is not consistent with the provision that (2)(a) is subject to. (2) (d) 1 implicitly allows the STR from 6-30 days. Note also that (2) (c) only allows an ordinance that is not inconsistent with (2) (d).

The term ordinance in this case is subject to a broader reading if the rest of the statute is to be read in a manner consistent with its implicit purpose, to prohibit regulation of STRs except through licensing. It is not reasonable to read the statute to prohibit an ordinance that prohibits STR rentals of more than 7 consecutive days or longer but allow a resolution that prohibits STRs entirely. Similarly, it is troublesome to read the statute to prohibit a direct prohibition of STRs by ordinance but allow a municipality to use of other ordinances to meet the same end. The better reading is that the statute is intended to prohibit regulation of STRs except by licensing. Consequently, I recommend not using the conditional use ordinance to prohibit the use of STRs.

**Staff Report**  
**Conditional Use Permit Application – Boat House Motor Condos**  
**Parcel #281-62-40000101A**

**Background:** Ryan Polzin and Eric Vandervest of E&R-SB, LLC are requesting a conditional use in order to develop parcel #281- 62-40000101A located on the southeast corner of Utah Street and S 18th Ave. The developers/property owners are proposing to build 5 multi-family buildings with 2-4 units per building that will equal a total of 15 units on the property. The development is part residential/part storage building where the intent is for the condos to have plenty of storage to accommodate those who want to have a weekend home in Door County with space to store boats and other vehicles. The property was recently rezoned to two-family residential (R-3). In the R-3 district multiple-family dwellings require a conditional use permit and require that multiple-family dwellings are limited to not more than four units per building. If the conditional use permit is approved, the development will need to go before the Aesthetic and Site Plan Review Board next.

**Existing Conditions:** The triangular-shaped 2.78-acre (121,096 sq ft) parcel is bordered by Highway 42-57, Utah Street and S. 18<sup>th</sup> Avenue. It is currently vacant. The surrounding zoning is mainly Single-Family Residential (R-1) although there is Single-Family Residential (R-2) directly to the north of the property and Conservancy (CON) kitty-corner to the northeast across the highway.

To the west of the subject property is Bay View Senior Care (Anna's House), which is an assisted living facility. To the north and northwest are single family homes. To the south and east is Hwy 42-57 and across the highway is a mix of single-family homes and vacant land owned by the Wisconsin Department of Natural Resources.

The site slopes down about 15 feet from the high point at the corner of 18<sup>th</sup>/Utah to the highway right-of-way. There are no wetlands, steep slopes or other natural features impacting the subject property. However, the site is subject to the special setback from State Highway 42/57 provisions of the zoning code. All building and parking areas have a minimum setback of 200 feet, although the required setback can be reduced to 100 feet for buildings and 80 for parking areas if vegetative screening is provided. The required highway setback limits the building area of the site.

**Comprehensive Plan:** Under the 2040 Comprehensive Plan Future Land Use (Map 5b), this parcel is designated as "Planned Neighborhood." That land use category is established to provide for a variety of housing choices and a mix of non-residential uses. City Staff believes that this conditional use is consistent with the comprehensive plan designation for this property.

**Layout/design:** The following is a summary of the major site and design subjects:

Density: The proposed 15 units equate to a density of one unit per 8,073 square feet. This density is less dense than the one unit per 3,500 square feet allowed for multiple-family dwellings in the R-3 zoning district.

Site Layout: The proposal will have five separate buildings with 2-4 units per building equaling 15 total units. There will be two next to Utah Street, two next to S 18<sup>th</sup> Avenue, and one closer to the highway. There is 10 feet of separation between the buildings along Utah Street and 18<sup>th</sup> Avenue.

Building Design: Each building features different numbers of units and the internal layouts will be determined by the buyer of each condo. A few of the potential layouts are included in the packet. If a buyer only wants a one bedroom, that is an option, and if they want any additional bedrooms other than what is shown in the plans that work would be done by the buyer themselves after the fact. The submitted designs all show storage on the first level and living quarters on the second level. All the buildings include architectural features that improve the character of the buildings, including multiple rooflines, balconies, wainscoting of Versetta Stone, LP Smart Side, windows on the overhead garage doors, and other features. 3D renderings are included in the submission.

Vehicular Access: There will be an access driveway to the site from Utah Street and another from S 18<sup>th</sup> Avenue. The proposed driveway to 18<sup>th</sup> Avenue connects to a section of the street that has not been fully improved. That section was originally constructed as a private road leading to Leathem Smith Lodge and is in poor condition. City Engineer recommends mill and paving the street next year to repair the existing road. No curb and gutter or street widening improvements are suggested at this time. All of the garage doors face the interior of the site with access to the units from the internal driveways.

Parking: 30 spaces are required total. The required parking will be incorporated into the large garages attached to the units and the concrete driveway space near each unit. There will also be 14 spaces included on the property for guests.

Pedestrian Access: There are no sidewalks or other pedestrian facilities included in this plan. The nearest public sidewalk is about ¼ mile to the north at Rhode Island/18<sup>th</sup>.

Utilities: The site is served by municipal utilities, but the sewer and water mains extending into the site will be private. These private sewer and water mains will connect to the public mains within S. 18<sup>th</sup> Avenue. The plan has been reviewed by Sturgeon Bay Utilities with no concerns, other than the need for a master water meter housed in a protected environment. The plumbing plan has also been conditionally approved by E-Plan Exam.

Landscaping: There are a total of 15 street trees included in the plan, with 11 shown along 18<sup>th</sup> Ave and 4 along Utah St. According to the street tree ordinance 12 are required along 18<sup>th</sup> Ave and 5 along Utah Street. Because 18<sup>th</sup> Avenue has not been improved the full length of the subject property, staff recommends planting the trees in a line 12 feet behind the shoulder due to the unlikelihood of extending curb and gutter down 18<sup>th</sup> Ave. In addition, due to the existing overhead wires along Utah Street, it is recommended to plant shorter ornamental or dwarf trees, a list of recommended tree species is included in the packet. There are an additional 4 canopy type trees scattered around the interior of the property. There will also be an evergreen buffer placed along the highway as required by



the zoning code for the 100-foot building setback. This buffer is a continuation of the buffer in the southern part of the parcel that was placed when Anna's House was constructed. Finally, there are landscaping beds proposed near each driveway access point.

Lighting: The development is intending to have lights surface mounted onto the buildings over each garage door and main door to each unit. It is recommended to include a condition of downward directed night-sky friendly lighting.

**Conditional Use Findings:** Under s. 20.25(4) of the zoning code, a conditional use permit may only be issued by the plan commission upon making a finding that:

(a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.

(c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(d) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided to serve the conditional use.

(e) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.

(f) The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located.

City staff believes that all required findings of a conditional use are met, provided certain conditions are included.

**Plan Commission Options:** The Plan Commission has the following options:

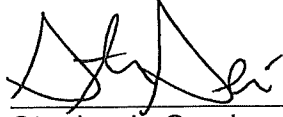
- 1) Approve the conditional use petition as presented
- 2) Approve the conditional use petition with conditions
- 3) Deny the conditional use petition

**City Staff Recommendation:** Staff is supportive of the conditional use petition and recommends approval, subject to:

1. All exterior lighting shall be night-sky friendly and shielded to prevent lighting from being cast skyward or onto adjoining properties.

2. Increase street trees shown along Utah St from 4 to 5 and change to ornamental or dwarf tree species as specified in the street tree policy.
3. Increase street trees along S. 18<sup>th</sup> Ave from 11 to 12 and plant 12 feet from the shoulder of the road.

Prepared by:

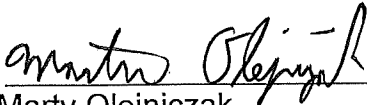


Stephanie Servia  
Planner / Zoning Administrator

6-20-2024

Date

Reviewed by:



Marty Olejniczak  
Community Development Director

6-20-2024

Date

# Subject Property Utah Street and S 18th Ave



Parcel #281-62-40000101A

0 100 200 400 Feet



THE DESIGNER SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY. THE COPYRIGHTS TO ALL DESIGNS AND DRAWINGS ARE THE PROPERTY OF STANTEC. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC IS FORBIDDEN.

STURGEON BAY STORAGE  
E & R - SB, LLC  
STURGEON BAY, DOOR COUNTY, WI

BEING:  
LOT 3 OF C.S.M. NUMBER 2733,  
RECORDED AT VOLUME 16, PAGE 251  
OF CERTIFIED SURVEY MAPS  
AS DOCUMENT NUMBER 765983

LOCATED IN:  
SUBDIVISION 37,

BEING PART OF  
THE S.W. 1/4 OF SECTION 9,  
TOWNSHIP 27 NORTH, RANGE 26 EAST,  
CITY OF STURGEON BAY,  
DOOR COUNTY,  
WISCONSIN.



VICINITY MAP  
NO SCALE



LOCATION MAP  
NO SCALE

INDEX OF SHEETS

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C501	8	CONSTRUCTION DETAILS
C502	9	UTILITY DETAILS



DOOR  
COUNTY



Call 811 3 Work Days Before You Dig  
Or Toll Free (800) 242-8511  
Hearing Impaired TDD (800) 542-2289  
www.DiggersHotline.com

PROJECT TEAM:

**CLIENT:**  
E & R - SB, LLC  
C/O RYAN POLZIN  
N4156 LITTLE RIVER PARK LANE  
PESHTIGO, WI 54157  
Ryan@wimilinsurance.com

**CIVIL ENGINEER:**  
STANTEC CONSULTING SERVICES, INC.  
312 N 5TH AVE  
STURGEON BAY, WI 54235

**CONTACT:**  
PETE HURTH, P.E.  
920-298-1763  
PETER.HURTH@STANTEC.COM

**UTILITY CONTACT INFORMATION**  
STURGEON BAY UTILITIES  
230 E VINE ST  
STURGEON BAY, WI 54235  
920-746-2820

**EMERGENCY NUMBERS**  
POLICE/FIRE  
911

**NON-EMERGENCY NUMBERS**  
SHERIFF  
920-746-2450  
FIRE DEPARTMENT  
920-746-2919

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

STANTEC ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT WRITTEN CONSENT OF STANTEC.

THESE DRAWINGS HAVE BEEN PREPARED BASED ON INFORMATION PROVIDED BY OTHERS. STANTEC HAS NOT VERIFIED THE ACCURACY AND/OR COMPLETENESS OF THIS INFORMATION AND SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED HEREIN AS A RESULT.

COVER SHEET

E & R - SB, LLC, c/o Ryan Polzin  
N4156 Little River Park Lane  
Peshtigo, WI 54157

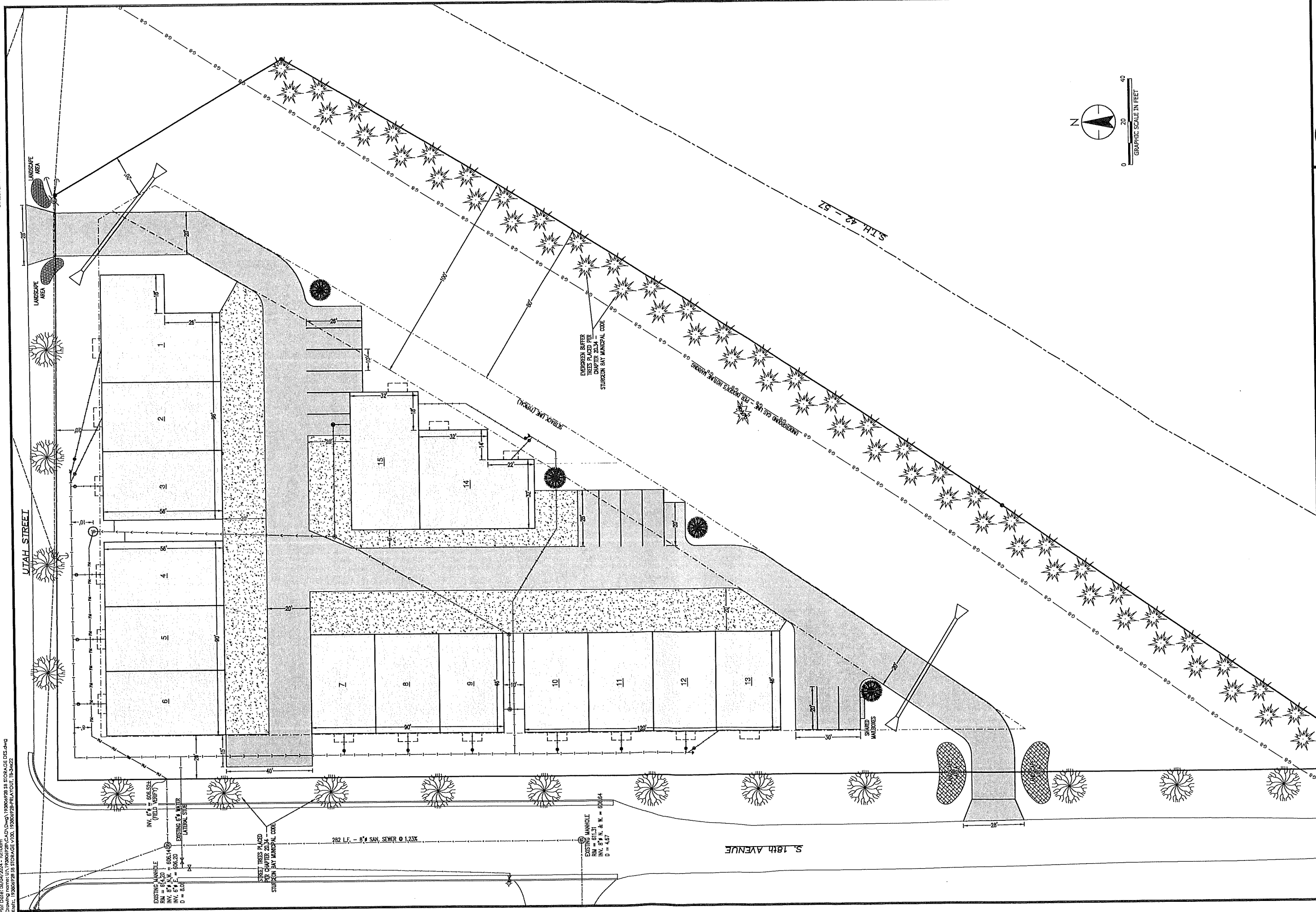
DATE OF ISSUANCE  
June 04, 2024

NO. REVISION DATE

SURVEY  
DRAWN  
DESIGNED  
CHECKED  
APPROVED  
PROJ. NO. 193806928  
SHEET NUMBER  
C001



Plot Date: 06/04/2024 - 10:10am  
Drawing name: U:\193806928\CAD\DWG\193806928 SB STORAGE DES.dwg  
xref: 193806928 SB STORAGE V100, 193806928-PRLOYOUT, TB-34c22



312 N. 5th Avenue  
Sturgeon Bay, WI 54235  
[www.stantec.com](http://www.stantec.com)

# SITE PLAN

E & R - SB, LLC, c/o Ryan Polzin  
N4156 Little River Park Lane  
Peshigo, WI 54157

DATE OF ISSUANCE

June 04, 2024

NO REVISION DATE

## SURVEY

DRAWN

DESIGNED

**CHECKED**

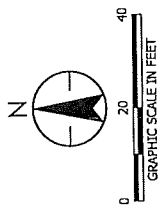
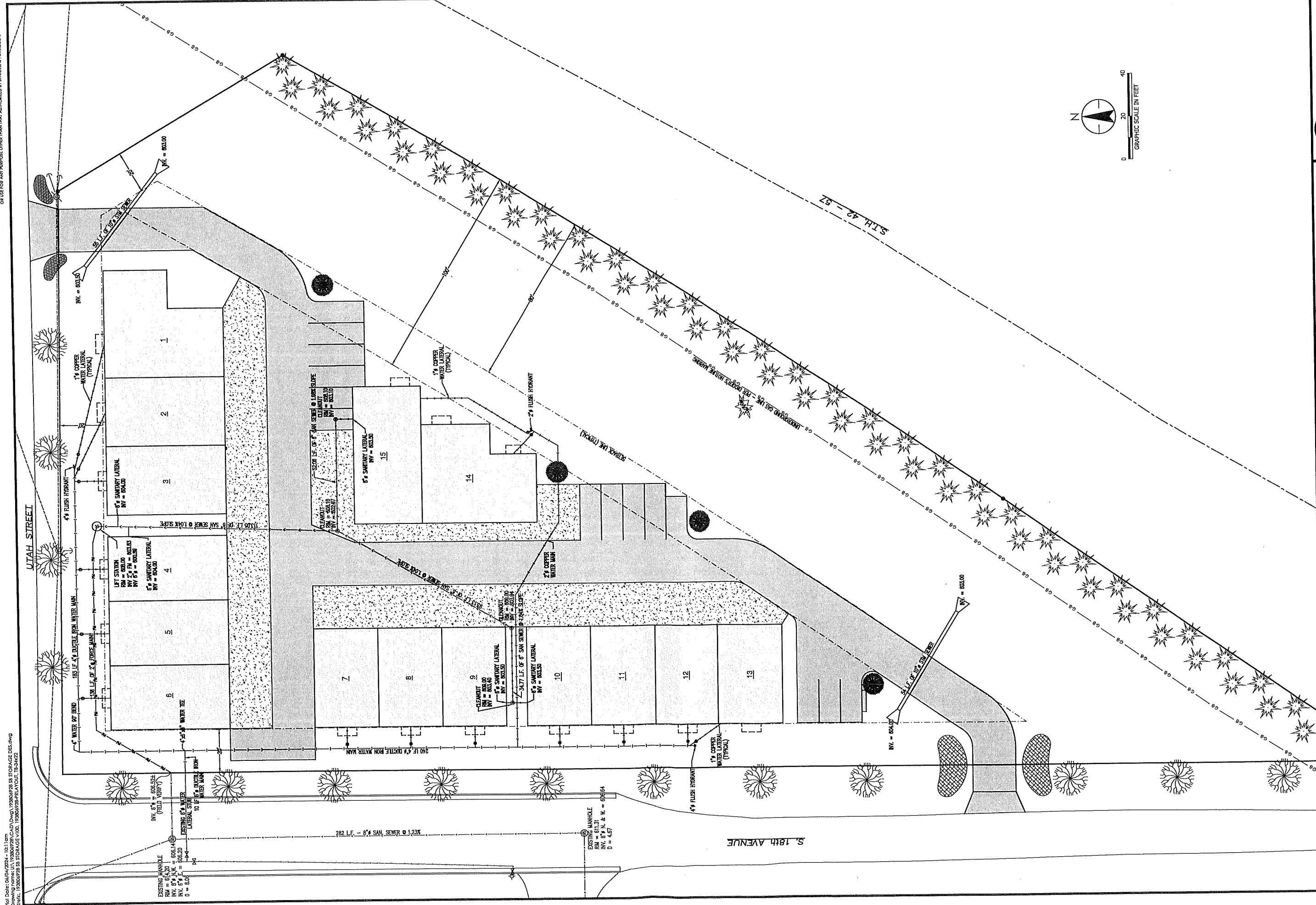
APPROVED

PROJ. NO. 19380692

SHEET NUMBER

C200

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**Stantec**

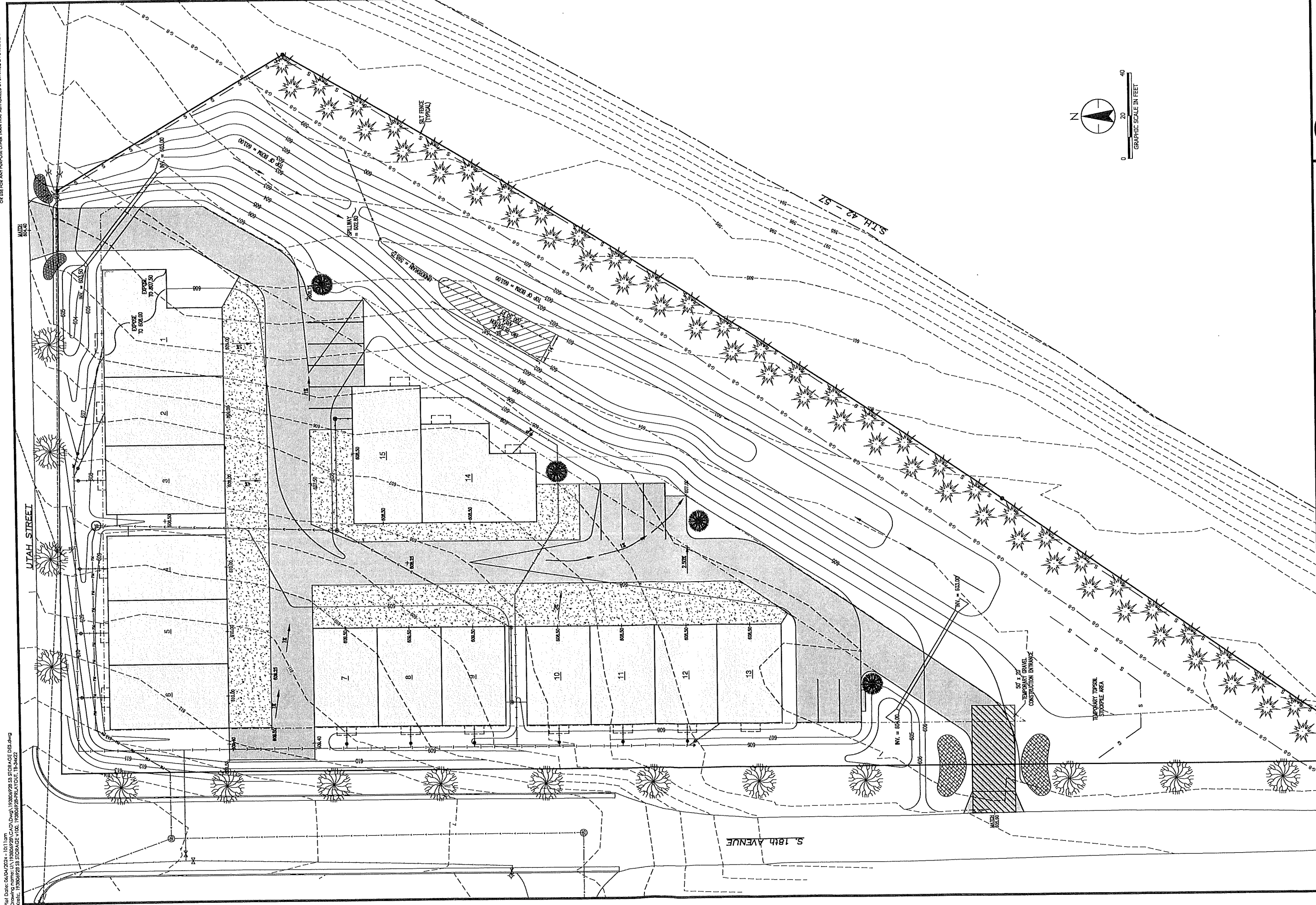
312 N. 5th Avenue  
Sturgeon Bay, WI 54235  
[www.stantec.com](http://www.stantec.com)


## UTILITY PLAN

E & R - SB, LLC, c/o Ryan Polzin  
N4156 Little River Park Lane  
Peshigo, WI 54157

<b>DATE OF ISSUANCE</b>	
June 04, 2024	
<b>NO.</b>	<b>REVISION</b>
<b>SURVEY</b>	
<b>DRAWN</b>	
<b>DESIGNED</b>	
<b>CHECKED</b>	
<b>APPROVED</b>	
<b>PROJ. NO.</b>	193806928
<b>SHEET NUMBER</b>	
<b>C300</b>	

Plot Date: 06/04/2024 - 10:11am  
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Scale: 193806928 SA STORAGE V100, 193806928-PR LAYOUT, TB-34x22



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**GRADING PLAN**

E & R - SB, LLC, c/o Ryan Polzin  
N4156 Little River Park Lane  
Peshigo, WI 54157

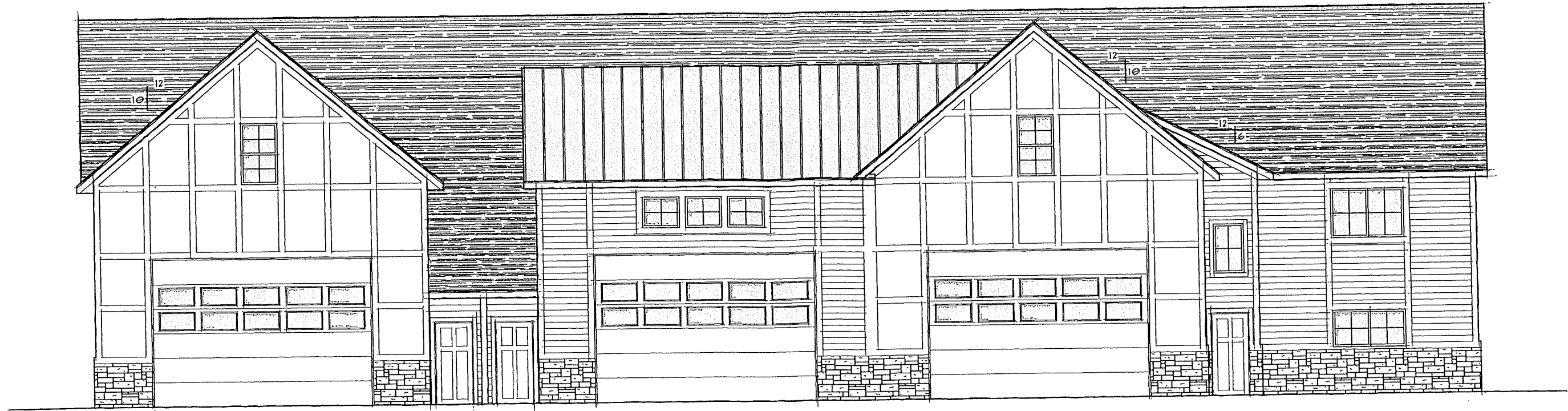
DATE OF ISSUANCE
June 04, 2024

NO	REVISION	DATE
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SURVEY
DRAWN
DESIGNED
CHECKED
APPROVED

PROJ. NO. 1938069

SHEET NUMBER  
C400



FRONT ELEVATION

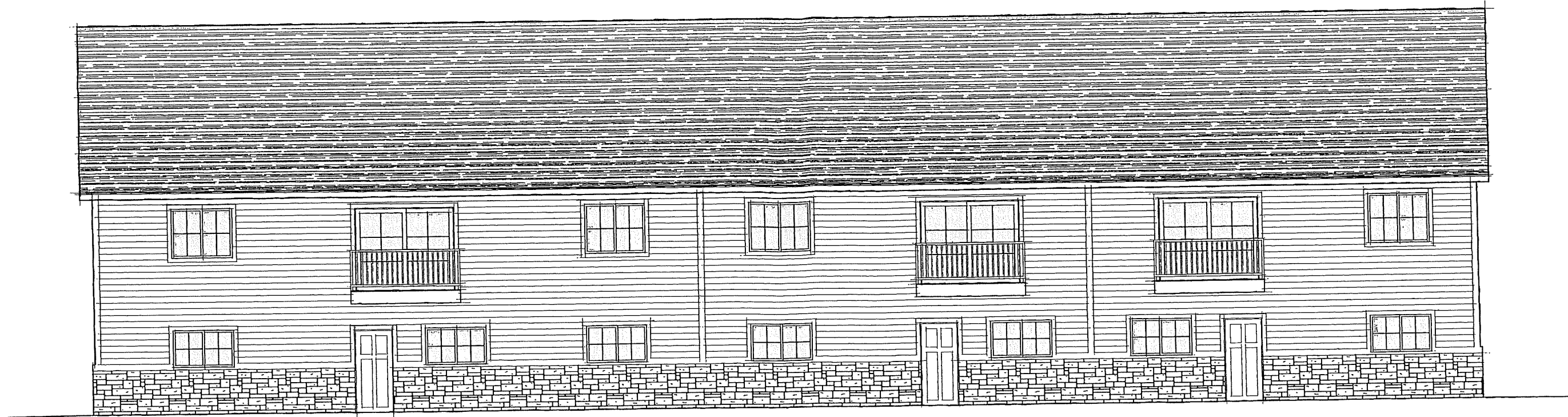
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LEFT SIDE ELEVATION

SCALE:  $\frac{1}{4}" = 1'-0"$

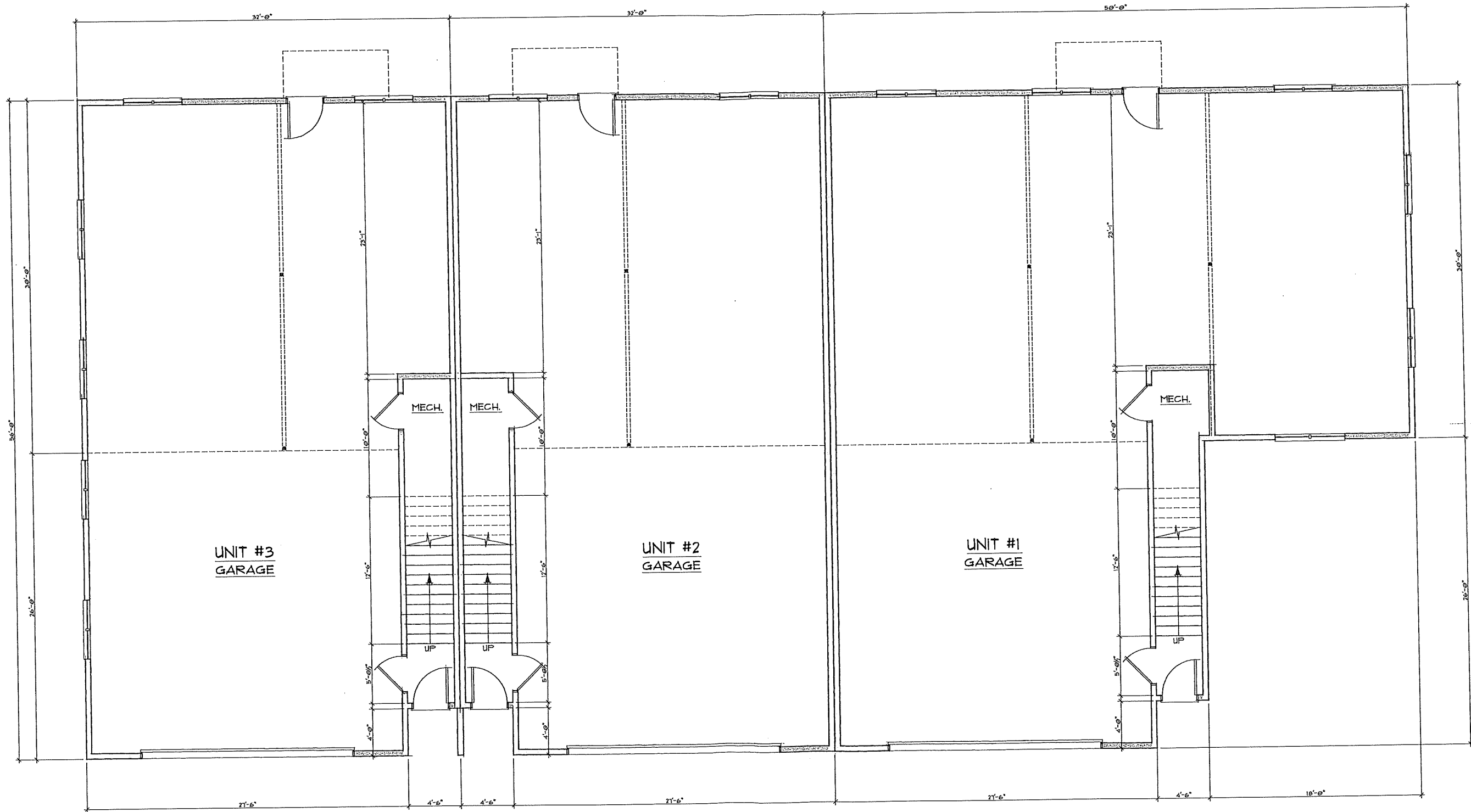




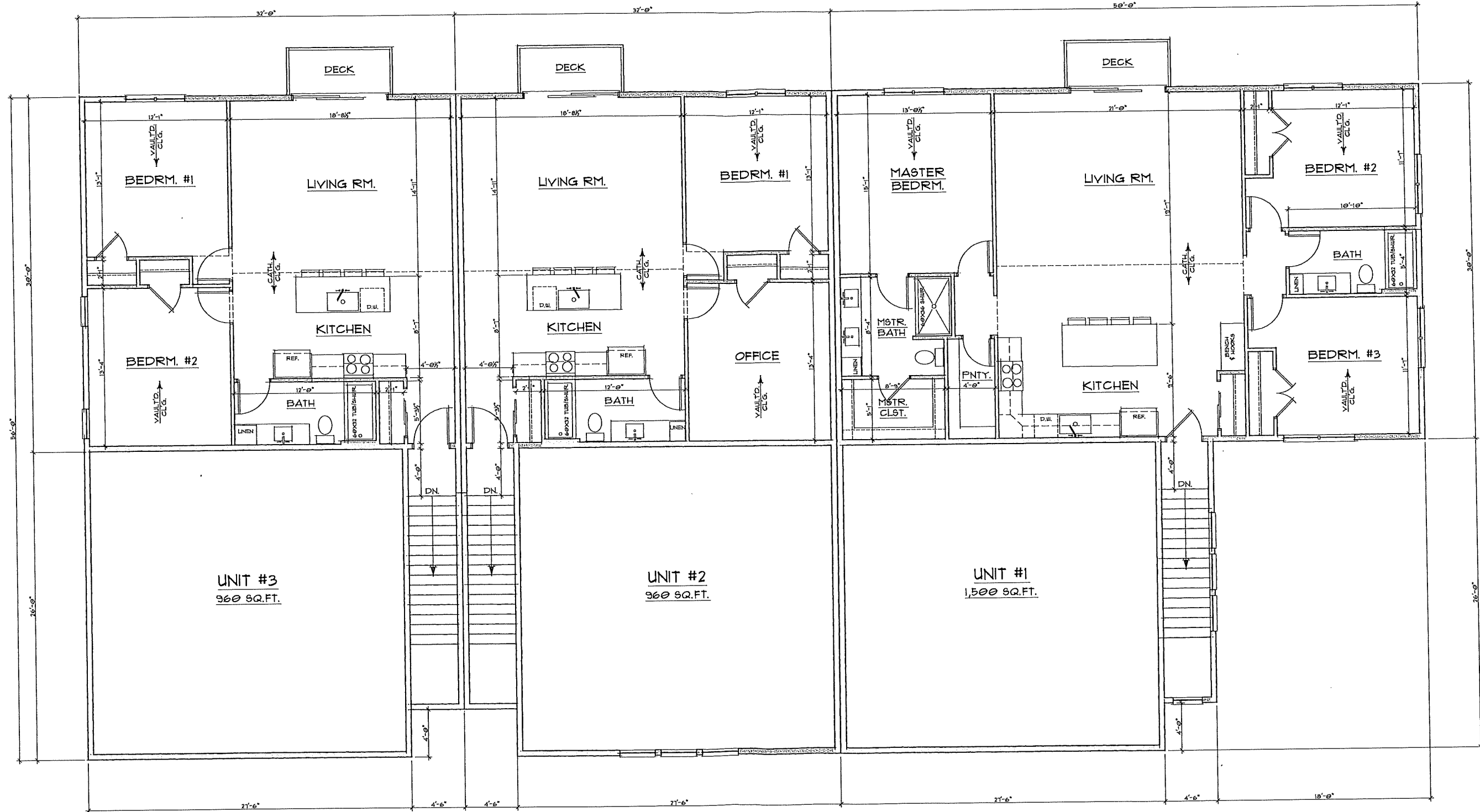
**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



**RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DESIGN PLAN DATES:	PRELIMINARY PLAN DESIGN CONCEPT ONLY	X
	PRICING PLAN USE PLAN FOR BIDDING ONLY	
	CONSTRUCTION PLAN TRAIL PLAN	

LAST PLAN DATE	MAY 3, 2024
PROJECT NO.	24-692

STURGEON BAY BOAT HOUSE  
MOTOR CONDOS - UNITS 1-3  
S. 18TH AVE. - STURGEON BAY - WISCONSIN



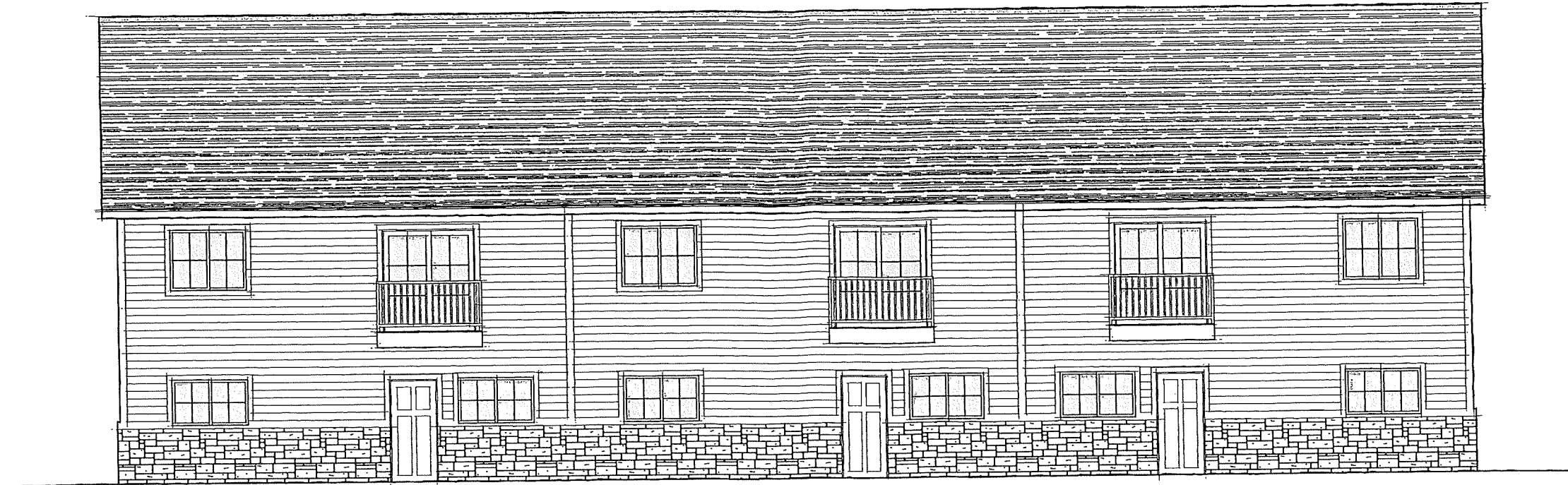
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



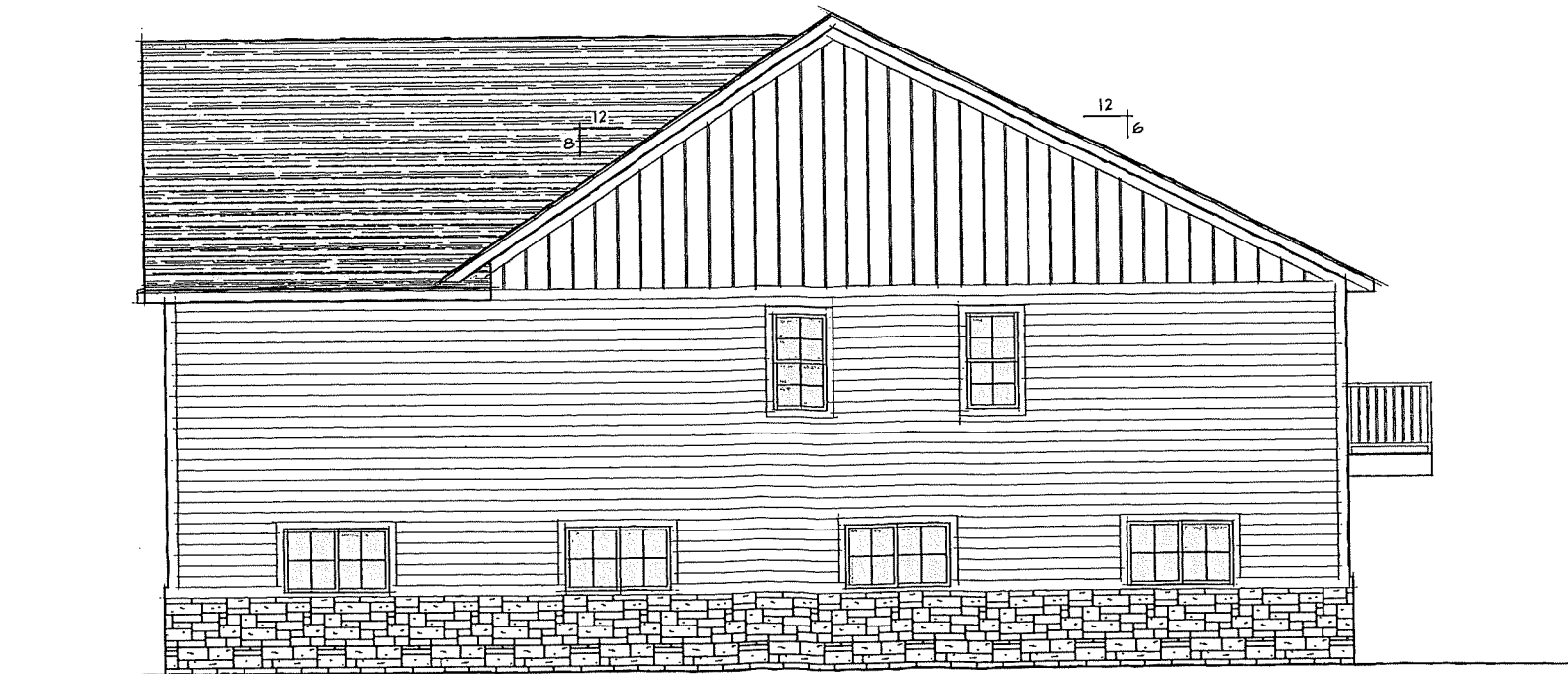
LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



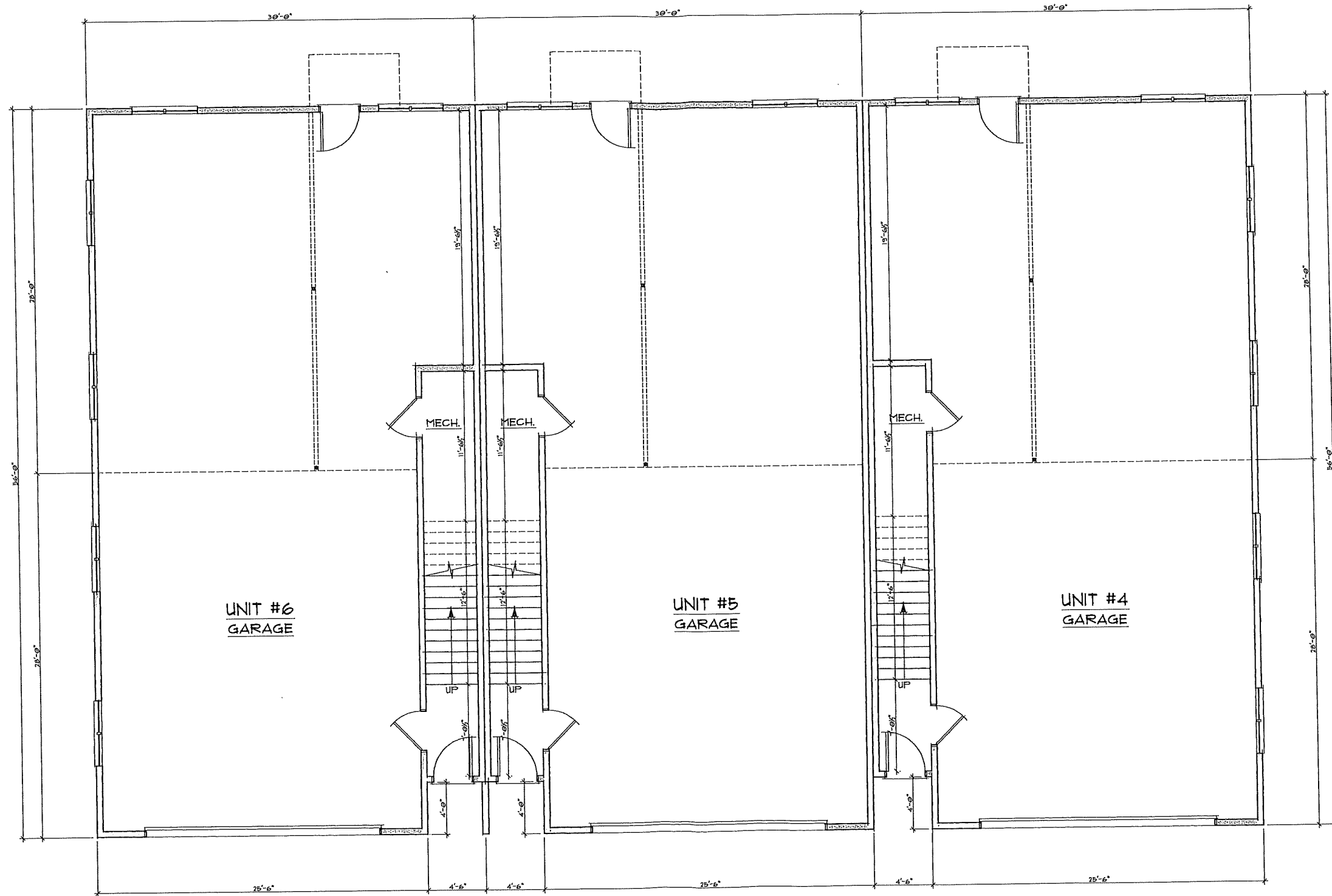
REAR ELEVATION

SCALE: 1/4" = 1'-0"

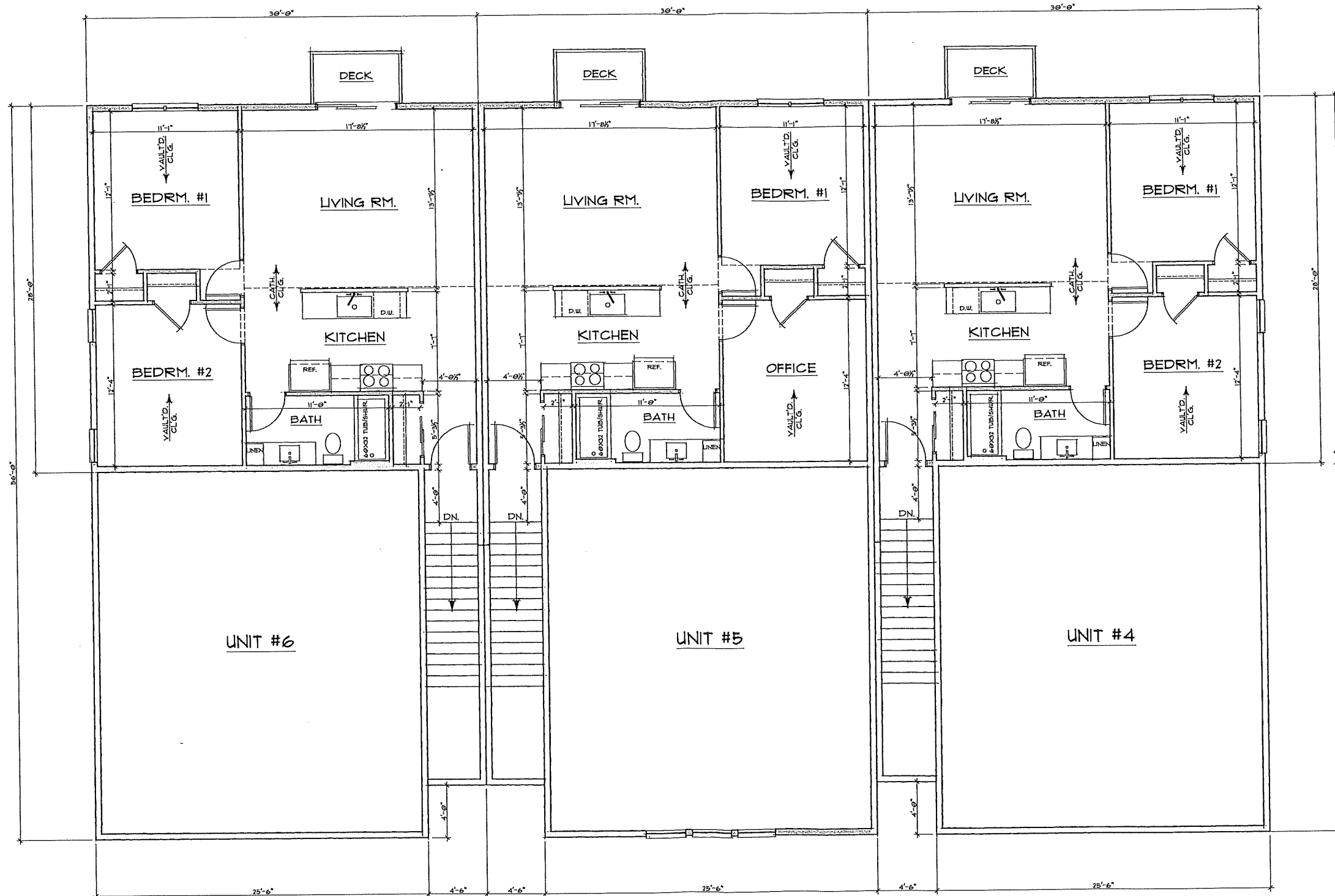


RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



**FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



## SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

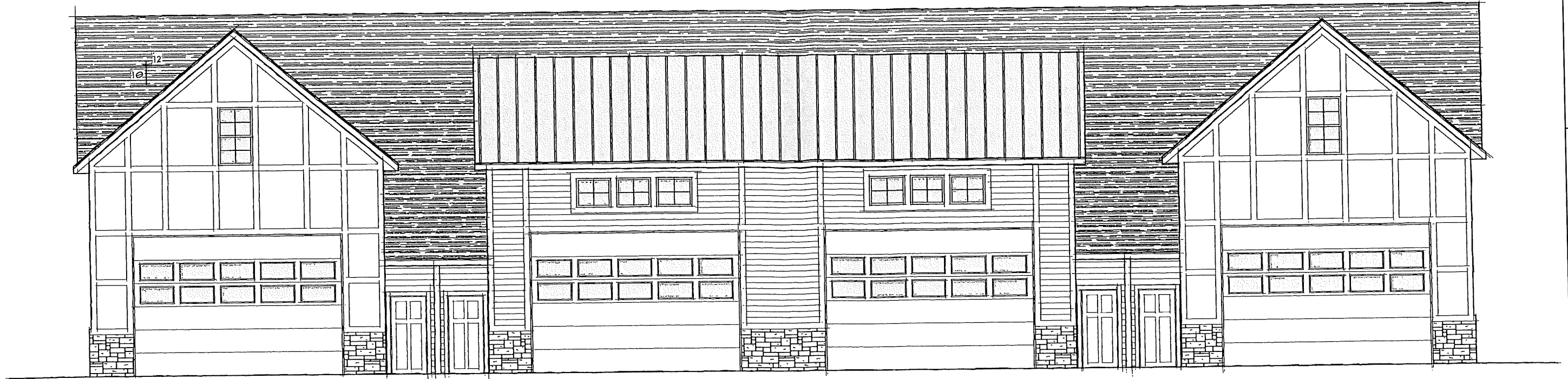
840 SQ.FT. PER UNIT

LATEST PLAN DATE	APRIL 30, 2024
PREVIOUS PLAN DATE	XXXX
PRELIMINARY PLAN	DESIGN CONCEPT ONLY
PRICING PLAN	DESIGN CONCEPT ONLY
CONSTRUCTION PLAN	DESIGN CONCEPT ONLY
PROJECT NO.	24-692
SHEET NO.	4 OF 4

STURGEON BAY BOAT HOUSE  
MOTOR CONDOS - UNITS 4-6  
S. 18TH AVE. - STURGEON BAY - WISCONSIN

WSTI HOME DESIGNS  
PHONE: 920.241.1111 - FAX: 920.241.1112  
WWW.WSTIHOMEDESIGNS.COM





**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



**LEFT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"

PRELIMINARY PLAN  
DESIGN CONCEPT ONLY  
PRICING PLAN  
NOT A PLAN FOR BIDDING OR CONSTRUCTION  
CONSTRUCTION PLAN  
FOR BIDDING

X

PREVIOUS PLAN DATES:  
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LATEST PLAN DATE:  
APRIL 30, 2024

PROJECT NO.:  
24-692

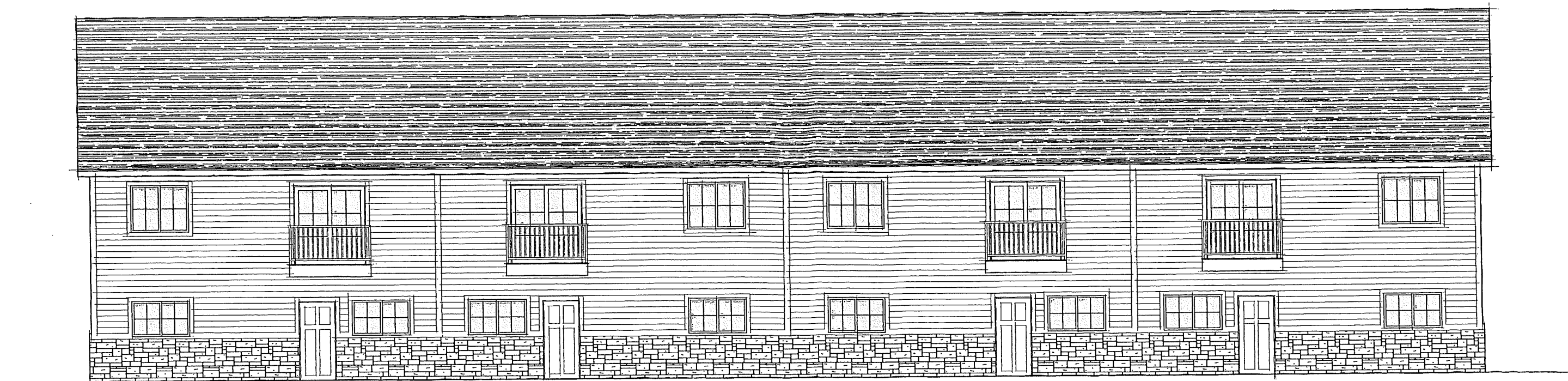
SHEET NO.:

1 OF 4

STURGEON BAY BOAT HOUSE  
MOTOR CONDOS - UNITS 10-13  
S. 18TH AVE. - STURGEON BAY - WISCONSIN

WEST HOME DESIGNS  
ARCHITECTS  
1000 S. 18TH AVE. - STURGEON BAY, WI 54221





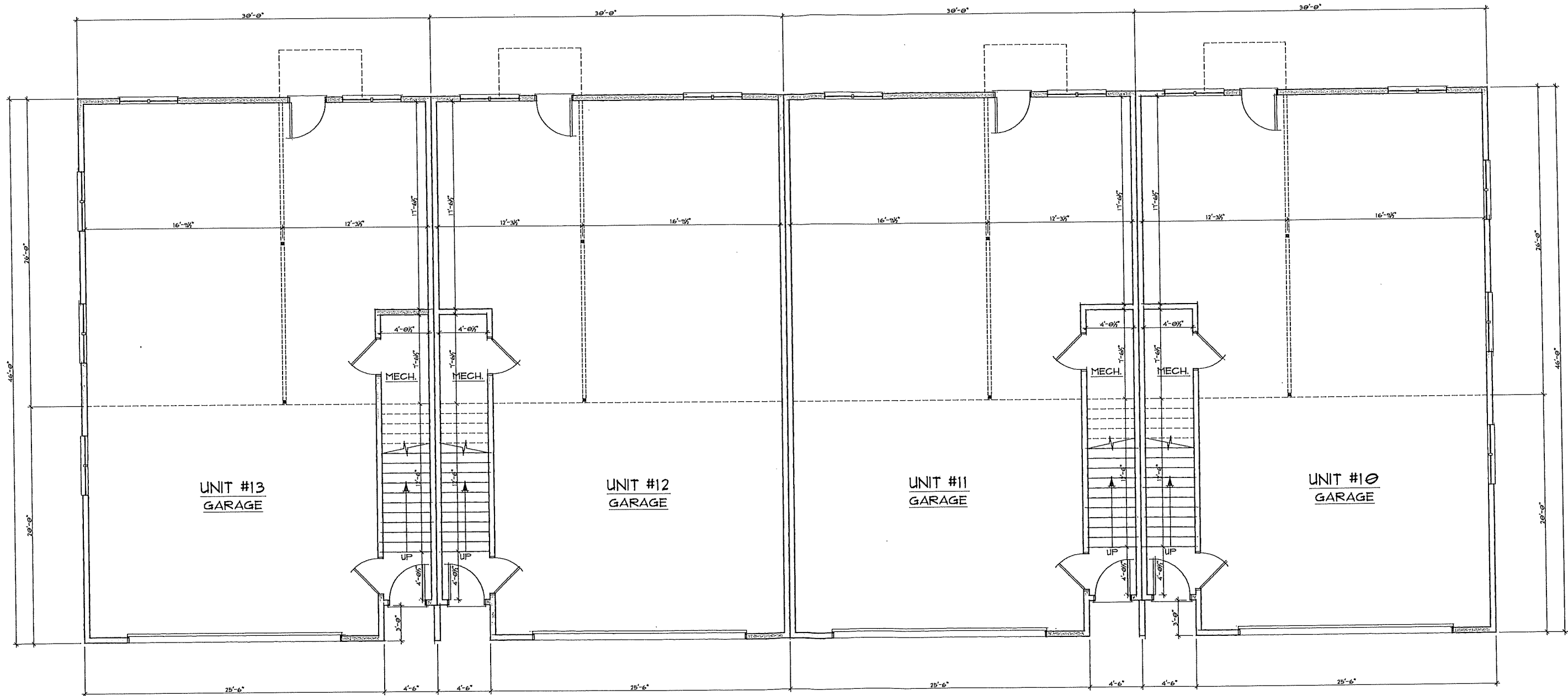
REAR ELEVATION

SCALE:  $\frac{1}{4}'' = 1'-0''$

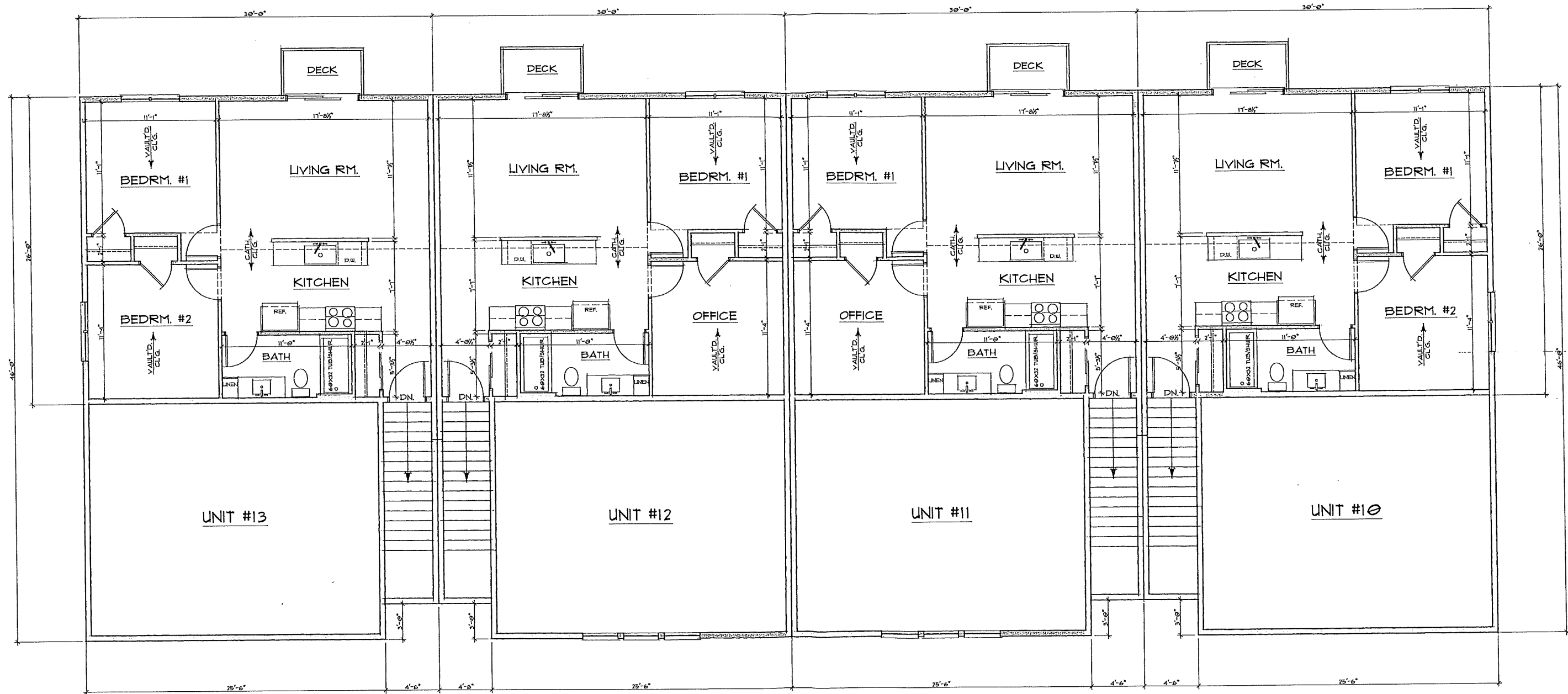


RIGHT SIDE ELEVATION

SCALE:  $\frac{1}{4}'' = 1'-0''$



FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



# SECOND FLOOR PLAN

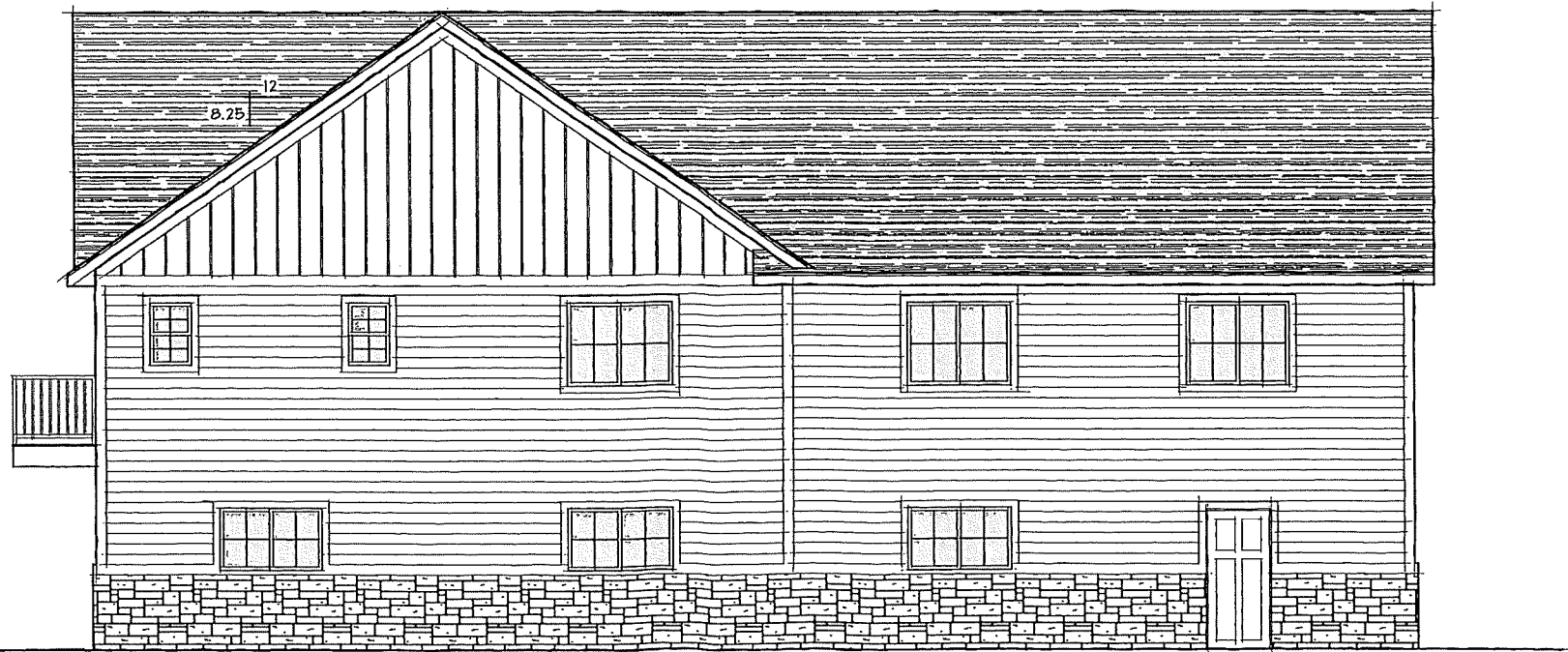
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180 SQ.FT. PER UNIT



**FRONT ELEVATION**

SCALE:  $\frac{1}{4}" = 1'-0"$



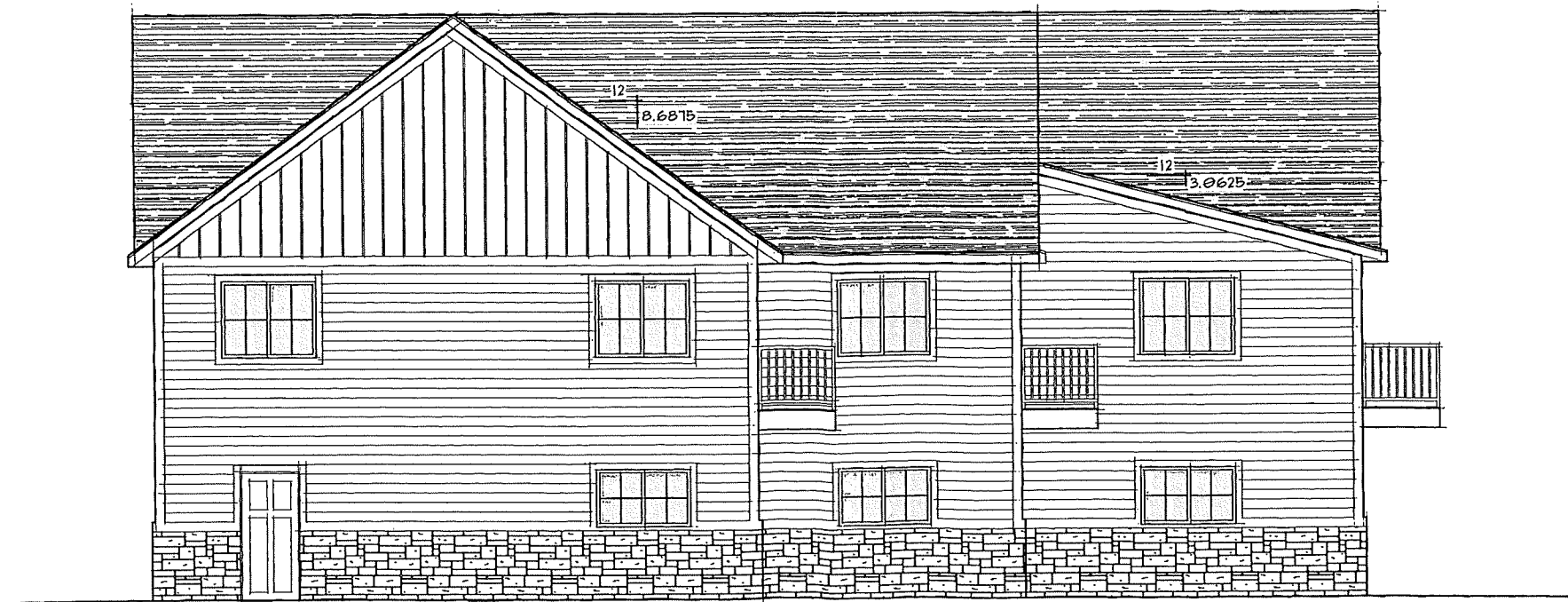
**LEFT SIDE ELEVATION**

SCALE:  $\frac{1}{4}" = 1'-0"$



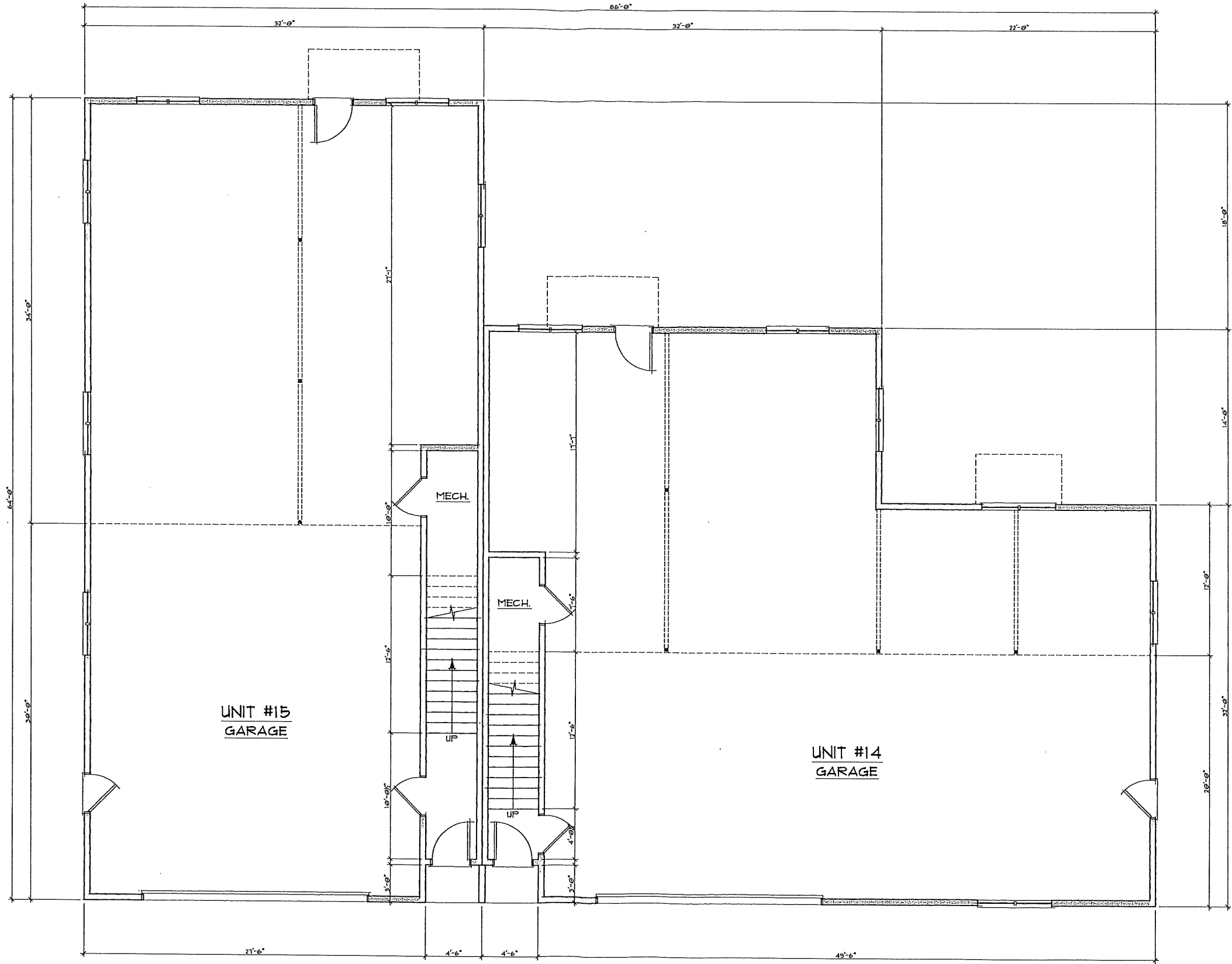
REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

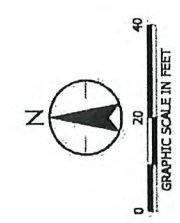
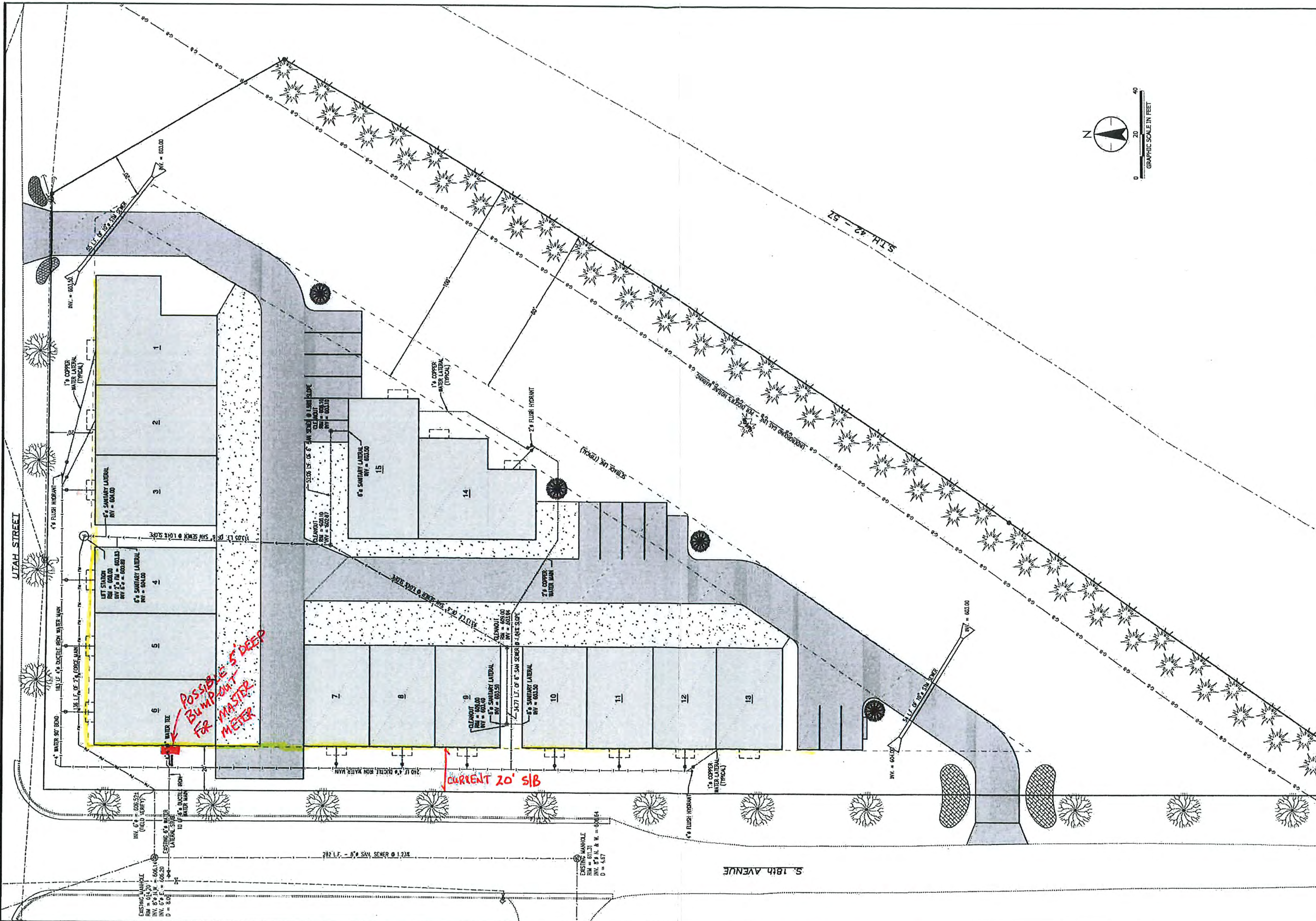


**FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"





Plot Date: 06/17/2024 - 9:15am  
Drawing Name: E:\193806728\CAD\DWG\193806728.10 STORAGE DES.dwg  
Title: 193806728.10 STORAGE VICO, 193806728.P21.XOUT, 10-3422



**Stantec**  
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Sturgeon Bay, WI 54235  
[www.stantec.com](http://www.stantec.com)

UTILITY PLAN

E & R - SB, LLC, c/o Ryan Polzin  
N4156 Little River Park Lane  
Peshtigo, WI 54157

DATE OF ISSUANCE	
June 11, 2024	
NO REVISION	DATE
SURVEY	
DRAWN	
DESIGNED	
CHECKED	
APPROVED	
PROJ. NO.	193601928
SHEET NUMBER	
C300	



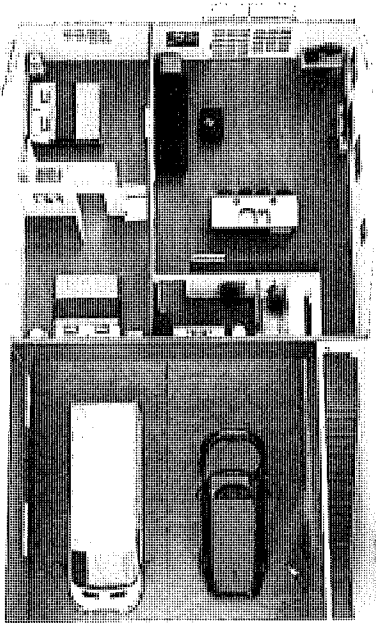
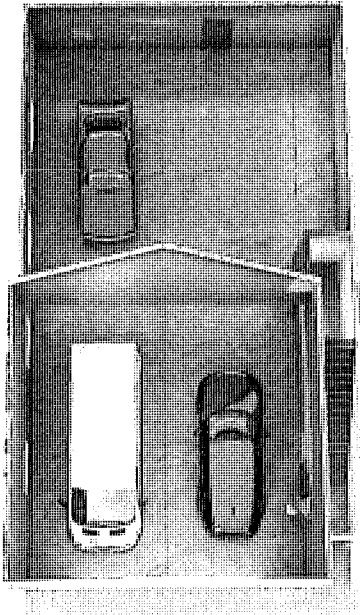






**Sturgeon Bay  
Boat House  
Motor Condos**

**1st Floor Garage  
(typical)**



**2nd Floor Living  
(typical)**

\* Measurements are provided for information only and are not intended to be used for construction purposes. All dimensions are approximate.



## Examples of Materials

### LP SIDING SOLUTIONS

Engineered for advanced durability, siding solutions from LP can help you boost efficiency on the jobsite and offer your clients longer-lasting curb appeal.

USE THE TOGGLES BELOW TO EXPLORE THE LP PRODUCT PORTFOLIO

#### LP® SmartSide® Panel & Vertical Siding

- Durable solutions for achieving the classic board and batten look
- Available in Cedar Texture and primed for exceptional paint adhesion
- Vertical siding is available in 16-foot lengths to help make installation efficient
- Panel siding available in 4-foot widths and various lengths
- Backed by a 5/50-year per-piece prorated limited warranty

[EXPLORE PANEL & VERTICAL SIDING >](#)



## Michiels, Colleen

---

**From:** Servia, Stephanie  
**Sent:** Thursday, June 6, 2024 11:37 AM  
**To:** Michiels, Colleen  
**Cc:** Olejniczak, Marty  
**Subject:** FW: Boat House Condos


FYI

Thank you,

Stephanie Servia  
Planner / Zoning Administrator  
City of Sturgeon Bay  
421 Michigan Street  
(920)746-2907  
[sservia@sturgeonbaywi.gov](mailto:sservia@sturgeonbaywi.gov)

---

**From:** Hurth, Peter <Peter.Hurth@stantec.com>  
**Sent:** Tuesday, May 28, 2024 1:49 PM  
**To:** Servia, Stephanie <SServia@sturgeonbaywi.gov>; Olejniczak, Marty <molejniczak@sturgeonbaywi.gov>  
**Cc:** Ryan Polzin <Ryan@wimiinsurance.com>; Erik Vandervest <erik@vvhd.com>; Alberts, Max <Max.Alberts@stantec.com>  
**Subject:** Boat House Condos

 You don't often get email from [peter.hurth@stantec.com](mailto:peter.hurth@stantec.com). [Learn why this is important](#)  
Hi Stephanie and Marty,

The intention for the Boat House Project would be to have lights surface mounted on the buildings, with no need for stand alone light poles. The light above each garage door and at each man door would provide adequate lighting for the site. Please let us know if you need any further detail in this regard. The lights can/will be shown on the electrical plans when supplied by the architect/builder for building permits for each of the individual buildings.

Thanks for your help,

**Pete Hurth, P.E.**  
Project Manager  
Mobile: 920-495-9101  
[peter.hurth@stantec.com](mailto:peter.hurth@stantec.com)

Stantec  
312 N 5<sup>th</sup> Avenue  
Sturgeon Bay, WI 54235



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## Michiels, Colleen

---

**From:** Olejniczak, Marty  
**Sent:** Tuesday, May 21, 2024 1:26 PM  
**To:** Michiels, Colleen; Servia, Stephanie  
**Subject:** Fw: Public Comments on Parcel 2816240000101A

FYI

---

**From:** Olejniczak, Marty <molejniczak@sturgeonbaywi.gov>  
**Sent:** Tuesday, May 21, 2024 1:25 PM  
**To:** Amanda Sawdo <amanda.sawdo@gmail.com>  
**Subject:** Re: Public Comments on Parcel 2816240000101A


Amanda,

Thank you for taking the time to send your comments about the combination residential/storage condo proposed at Utah and 18th. That item was not on the agenda at last week's plan commission meeting. The developers are still working on the documentation required for the conditional use. It likely will be on the June 19<sup>th</sup> agenda. If you like, I can submit your comments to the plan commission when it appears on the agenda. Otherwise, you can attend the meeting in person or resubmit your comments at that time.

Marty Olejniczak  
Community Development Director  
City of Sturgeon Bay

---

**From:** Amanda Sawdo <amanda.sawdo@gmail.com>  
**Sent:** Thursday, May 16, 2024 5:21 AM  
**To:** Olejniczak, Marty <molejniczak@sturgeonbaywi.gov>  
**Subject:** Public Comments on Parcel 2816240000101A

 You don't often get email from amanda.sawdo@gmail.com. [Learn why this is important](#)

Good Morning Marty,

I had planned to attend the public comment meeting last night but something came up at the last minute so hopefully I'm still able to submit them in writing. Before approving a conditional use permit for a condo and storage facility, there are a few factors, I hope the City will take into consideration:

1. The intersection of Utah Street and 18th Avenue is already a very dangerous one with people constantly running the stop signs on 18th. I've had many close calls over the years with people that either didn't realize they needed to stop, didn't see traffic coming from the highway due to the bushes on corner or simply didn't have patience to wait. Increasing the traffic at this intersection, especially when they are towing boats or whatever will be stored in the units, will only increase the likelihood of accidents. And with only being able to turn right onto the highway from Utah Street, anyone living in the condo would need to go straight on 18th Avenue to head north. According to land records 18th Avenue only goes as far

as Anna's House and does not extend down to Leathem Smith so the traffic would need to utilize the Utah and 18th intersection.

2. My second concern also relates to traffic, as Utah Street is a residential neighborhood. We already have quite a few vehicles on our street, as it's the closest one to the highway bridge. In summer, the number of cars increases, as people detour down Utah Street to avoid the bridge when it's open for boat traffic.

3. My other concern is how this will look to visitors. I work for a law firm that has its main office in Green Bay and many of my coworkers visit Door County. When explaining where things are in the county or giving directions, one of the main things they are always familiar with is the Bayview Bridge. Since the Bayview Bridge is one of the first landmarks people associate with Sturgeon Bay, do we really want the first thing they see after that to be a condo or storage unit?

Thanks for taking the time to read my concerns. I'm confident the city will make the right decision.

Have a great day,

Amanda Sawdo  
1616 Utah St, Sturgeon Bay, WI 54235



June 10, 2024

City of Sturgeon Bay Plan Commission  
421 Michigan Avenue  
Sturgeon Bay, WI 54235

RE: Conditional Use Permit, Parcel #281-62-40000101A

Dear Sir or Madam:

Please accept this letter as opposition to the approval of the application for a conditional use permit by Ryan Polzin and Eric Vandervest of E & R-SB, LLC that would allow construction of a condominium development on subject parcel.

The Door Peninsula Astronomical Society (DPAS) operates the research-grade Leif Everson Observatory (LEO) less than 1/2 mile from the proposed development. LEO is located on public property and is operated for the primary benefit of the public.

As a result of increased light pollution, the function and enjoyment of LEO would be diminished by any nearby development that uses excessive nighttime outdoor lighting (we assume that outdoor lighting is proposed for the development even though the publicly viewable material submitted by the developer is silent on the subject of lighting).

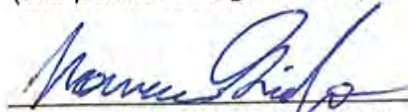
It is likely that DPAS would withdraw its opposition to this conditional use permit if satisfied that the outdoor lighting for the development complies with published dark sky guidelines to minimize the adverse effects on LEO. In particular, close adherence is requested to the recommendations provided by

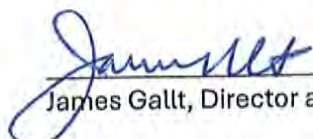
DarkSky International ([darksky.org](https://darksky.org))  
5049 East Broadway Blvd #105  
Tucson, AZ 85711 U.S.A.

However, pending submittal by the developer of additional information and firm commitments regarding the proposed outdoor lighting, we are forced to oppose the conditional use permit on the basis of the likely negative impacts on the public enjoyment of this unique resource.

Thank you.

DOOR PENINSULA ASTRONOMICAL SOCIETY  
([doorpeninastro@gmail.com](mailto:doorpeninastro@gmail.com))

  
Thomas Gwilym, Vice President

  
James Gallt, Director at Large





# MEMO

**To:** Sturgeon Bay Plan Commission  
**From:** Stephanie Servia, Planner/Zoning Administrator  
**Date:** July 9<sup>th</sup>, 2024  
**Subject:** Conceptual Planned Unit Development for Miller Art Museum

*[Handwritten signature]* 7/9/2024

James VanderHeiden of the Miller Art Museum is initiating a Planned Unit Development to facilitate building new museum facilities on parcels #281-10-85020104A and #281-10-85020105A located on the intersection of S 1<sup>st</sup> Ave and Oregon Street. The Museum hopes to expand towards Martin Park in the future. The properties are currently zoned Central Business District (C-2) and Planned Unit Development/ C-2 and are 0.57 acres and 0.33 acres in size (0.9 acres total- 39,081 sf). The project may require variances for setbacks and building height.

The first formal step in a PUD process is a conceptual review. The conceptual review allows for the applicant to provide an overview of the project and for Plan Commission members to provide substantial constructive feedback and direction to the petitioner prior to proceeding with the formal hearing and review/recommendation. Plan Commissioners should be prepared and ready to discuss the project. Official action is not necessarily required during a conceptual review, but it allows any pertinent issues to be discussed. It allows for feedback on the general acceptability of the concept and on specific aspects that should be included, excluded, or otherwise addressed as the project moves along.

The Miller Art Museum is also seeking permission to follow the combined preliminary/final PUD procedures for the next phase of the PUD process. This is an option within the zoning code, but it requires approval of the Plan Commission at the time of conceptual review. The combined procedures are usually used for projects with a single parcel and single buildings. Staff has no objection to using the combined preliminary/final procedures.

# CITY OF STURGEON BAY PLANNED UNIT DEVELOPMENT APPLICATION

STAFF USE:	
Date Received:	_____
Fee Paid:	\$ _____
Received By:	_____

Application for: Conceptual ☒ Preliminary ☐ Final ☐ Combined Preliminary/Final ☐  
 Note there are different requirements for each for the above processes. A separate application is required for each.

NAME OF PROPOSED PLANNED UNIT DEVELOPMENT: \_\_\_\_\_

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	James VanderHeiden	
Company	Miller Art Museum	Shipyard Development LLC
Street Address	107 S. 4 <sup>th</sup> Ave	
City/State/Zip	Sturgeon Bay, WI 54235	
Daytime Telephone #	414.403.8033	
Email	Jimvanderheidenc@gmail.com	

STREET ADDRESS OF SUBJECT PROPERTY: 2 parcels — 210 S. 1<sup>st</sup> Ave &  
 Location if not assigned a common address: vacant parcel across 1<sup>st</sup> Ave.

TAX PARCEL NUMBER: 2811085020104A & 2811085020105A

CURRENT ZONING CLASSIFICATION: PUD for 210 S. 1<sup>st</sup> Ave  
GZ zoning for vacant parcel

CURRENT USE AND IMPROVEMENTS: vacant

COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: Downtown Mixed Use

WOULD APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT CONFORM WITH THE  
 COMPREHENSIVE PLAN? Yes or No IF YES, EXPLAIN: Intended for a variety of  
uses such as commercial, institutional, governmental, retail etc.  
Museum use will fit in district.

PLEASE IDENTIFY SPECIFIC POPOSED LAND USES. USES MUST IDENTIFY AND CORRESPOND TO A PARTICULAR LOT, LOCATION, BUILDING, ETC. :

Proposed land use would be museum facilities and landscaped gardens for Millor Art Museum.

Currently have option to purchase and assessing feasibility of site in Due Diligence period.

CURRENT USE AND ZONING OF ADJACEMENT SURROUNDING PROPERTIES:

North: C-2 / PUD

South: PUD / CON

East: PUD

West: CON - Graham Park

COMPREHENSIVE PLAN DESIGNATION OF ADJACENT SURROUNDING LAND USES:

North: Downtown Mixed Use

South: Downtown Mixed use / open space + recreation

East: Downtown mixed use / higher Density Residential

West: Open Space + Recreation

IS ANY VARIANCE FROM COMPREHENSIVE PLAN, SUBDIVISION ORDINANCE, OR ZONING ORDINANCE BEING REQUESTED? IF YES, DESCRIBE:

Setbacks and building height would be potential modifications from current zoning.

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED

PREVIOUSLY FOR THIS PROPERTY? Yes or No IF YES, EXPLAIN:

Attach an 8-1/2"x 11" detailed site plan (if site plan is larger than 8-1/2"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-1/2"x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

Property Owner

Date

James Vander Heiden

Applicant/Agent

06/27/24

Date

I, James Vander Heiden 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.

06/06/24

Date of review meeting

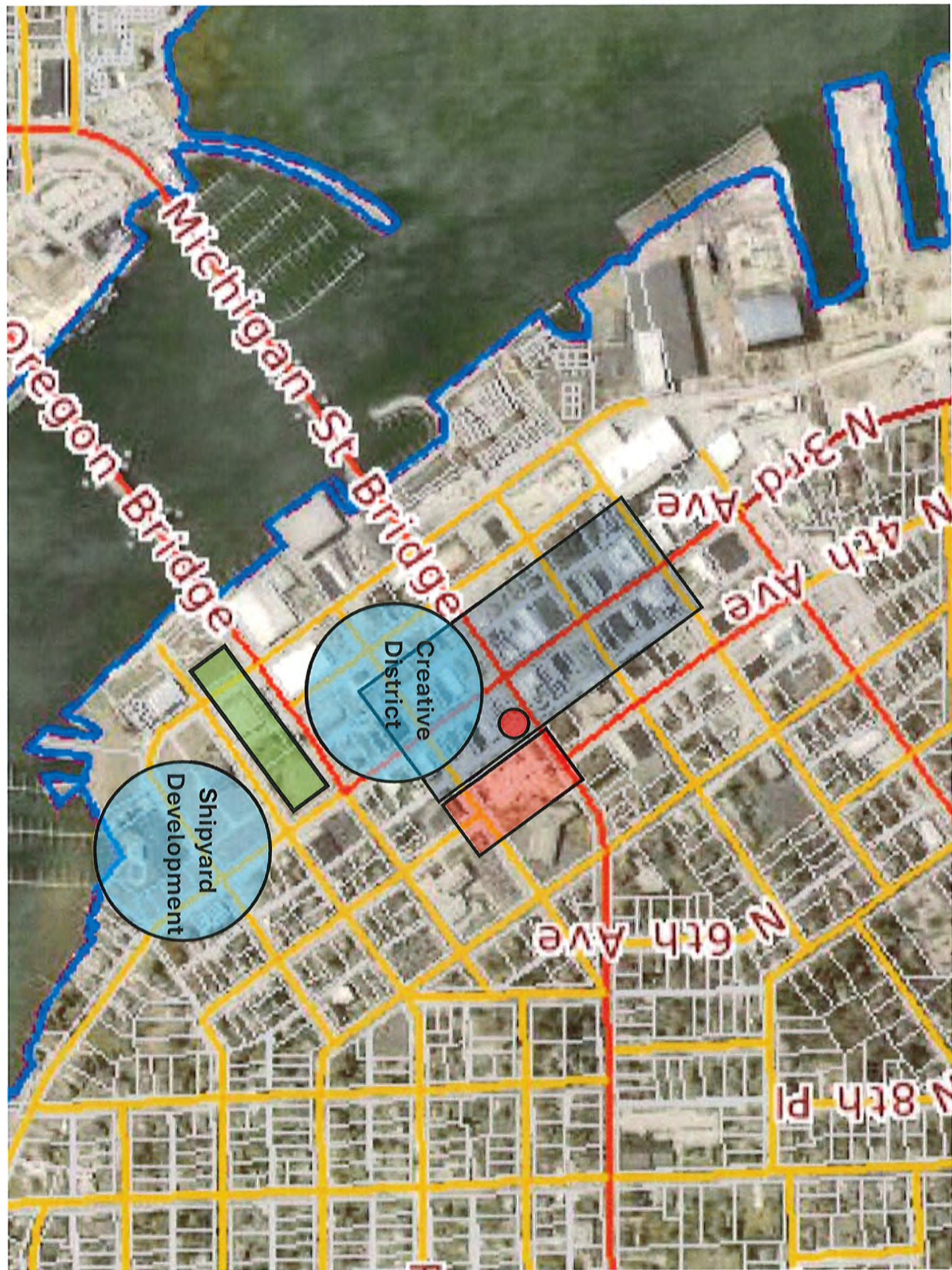
James Vander Heiden

Applicant Signature

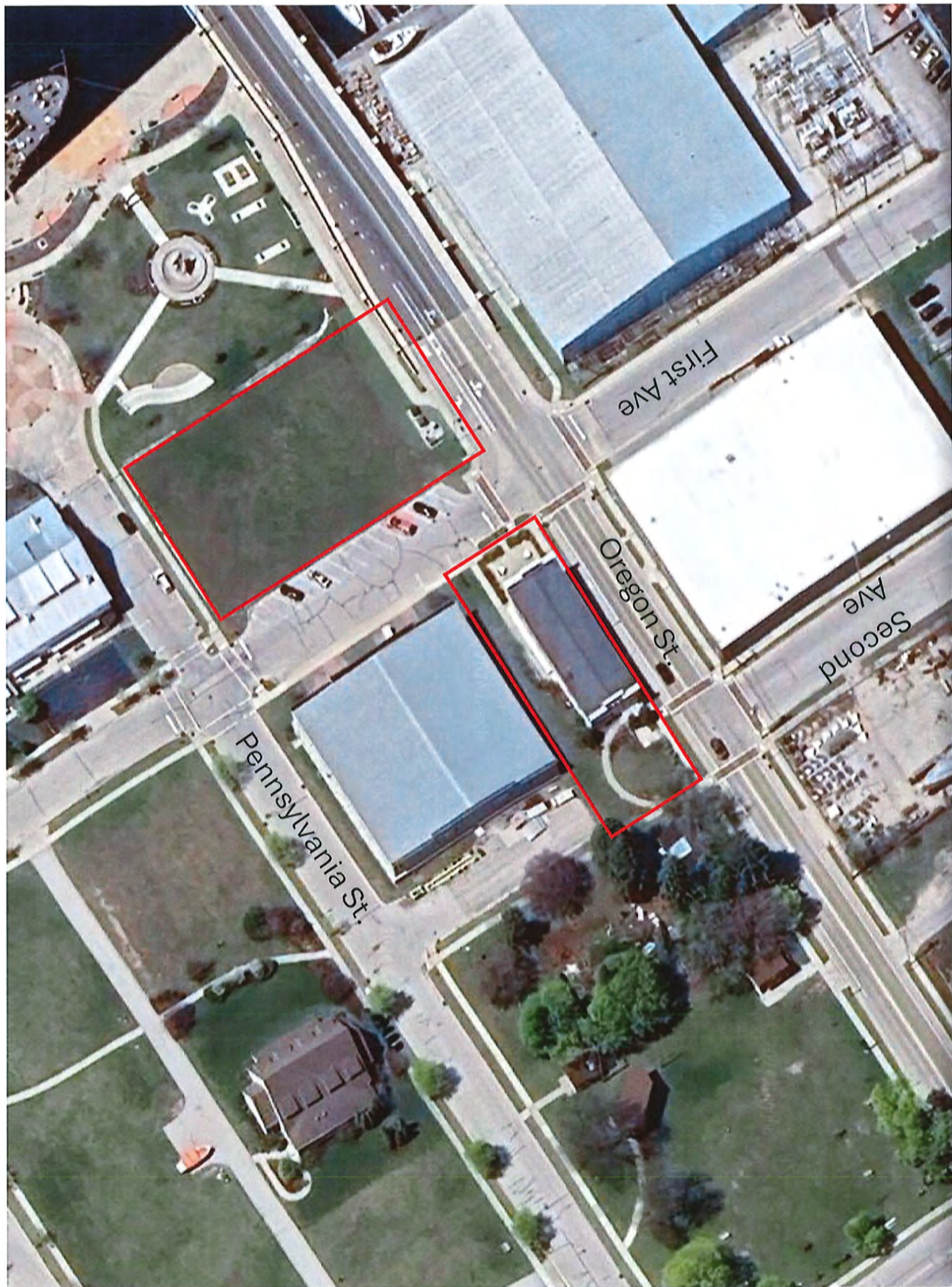
[Signature]

Staff signature





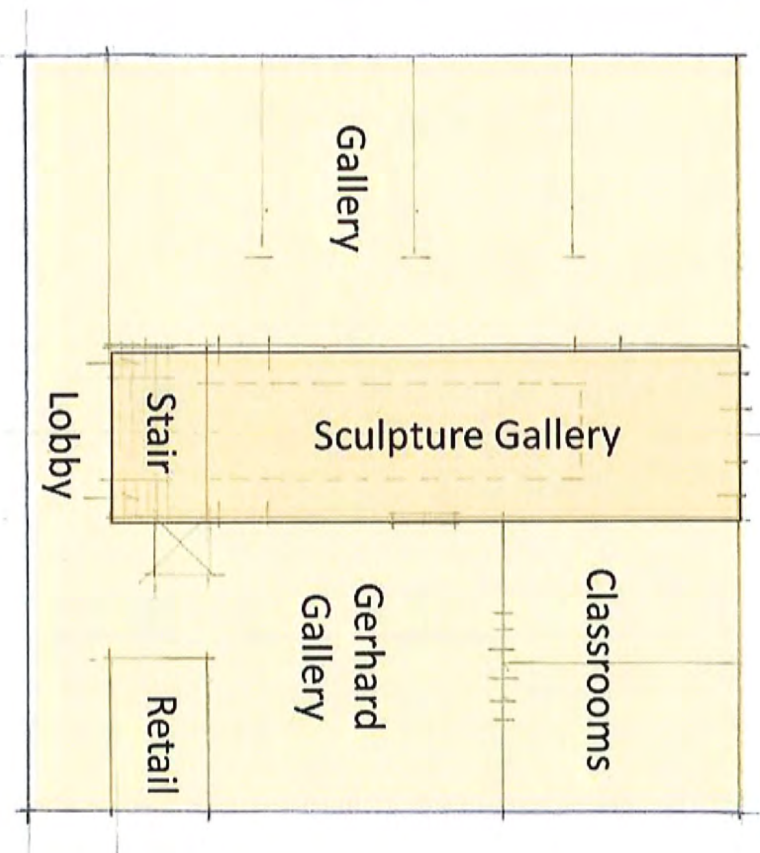
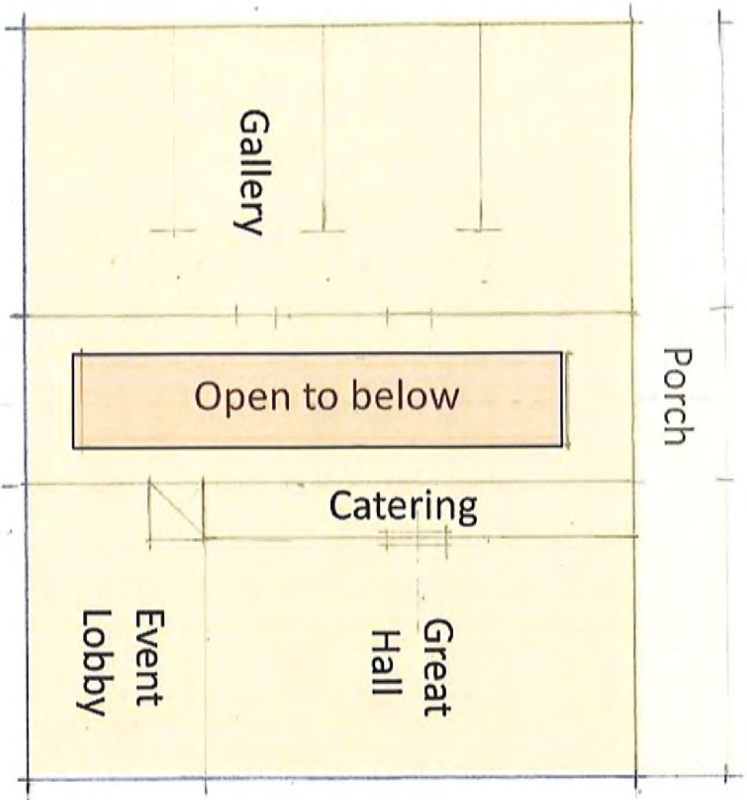












# Museum Planning Concept









203

24,766 sf

122

60

70

133

205

100

14,315 sf  
(3,800 sf)

20,206 sf  
(15,840 sf)

5,090 sf

19,069 sf

153

152

60

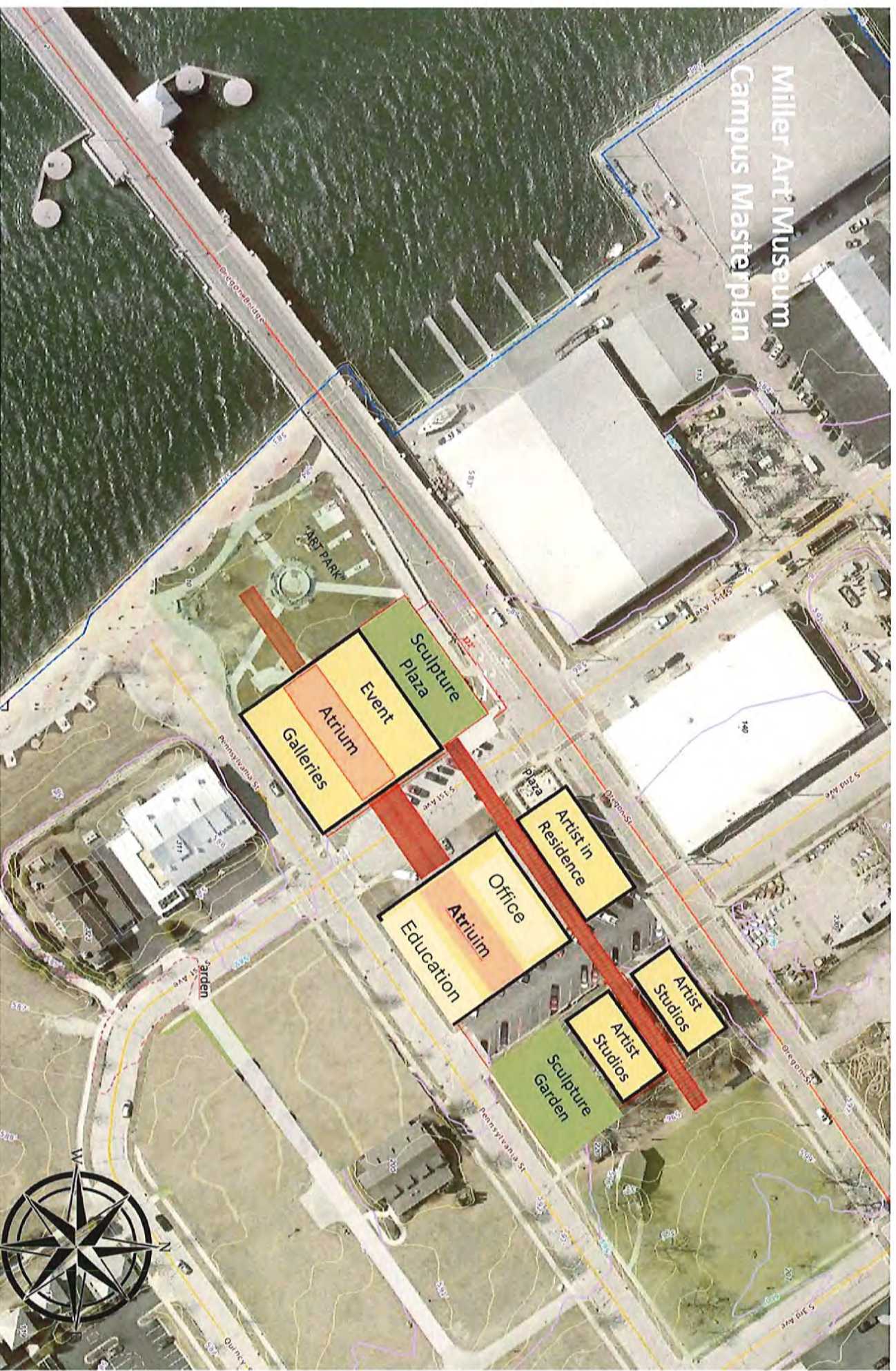
122

Pennsylvania St

Oregon St

S 1st Ave





Future Miller Art Museum Campus

Sturgeon Bay, WI



Subject Property- Miller Art Museum







# MEMO

**To:** Sturgeon Bay Plan Commission  
**From:** Stephanie Servia, Planner/Zoning Administrator  
**Date:** July 9<sup>th</sup>, 2024  
**Subject:** Conceptual Planned Unit Development for Sawyer Park Flats

*[Signature]* 7/9/2024

Richard Robinson of First and Main Properties, LLC is initiating a Planned Unit Development to facilitate a 54-unit 4-story apartment building on parcel #281-12-10080101A1 located on the north side of E Maple Street. The property is currently zoned Central Business District (C-2) and is 0.924 acres (40,291 sf) in size. As part of the PUD the applicant is requesting a few deviations from the standard requirements of the C-2 district, namely 1) housing unit density that exceeds C-2 maximum (21 units per acre), 2) on-site parking is less than that required by the zoning code, 3) height of building (51'4") exceeds the 45' height limit.

The first formal step in a PUD process is a conceptual review. The conceptual review allows for the applicant to provide an overview of the project and for Plan Commission members to provide constructive feedback and direction to the petitioner prior to proceeding with the formal hearing and review/recommendation. Plan Commissioners should be prepared and ready to discuss the project. Official action is not necessarily required during a conceptual review, but it allows any pertinent issues to be discussed. It allows for feedback on the general acceptability of the concept and on specific aspects that should be included, excluded, or otherwise addressed as the project moves along.

First and Main Properties, LLC is also seeking permission to follow the combined preliminary/final PUD procedures for the next phase of the PUD process. This is an option within the zoning code, but it requires approval of the Plan Commission at the time of conceptual review. The combined procedures are usually used for projects with a single parcel or use and a single building. Staff has no objection to using the combined preliminary/final procedures. The Plan Commission will need to make and pass a motion to approve the combined PUD process, if it agrees that the developer can follow that option.

# CITY OF STURGEON BAY PLANNED UNIT DEVELOPMENT APPLICATION

STAFF USE:	
Date Received:	_____
Fee Paid:	\$ _____
Received By:	_____

Application for: Conceptual ☒ Preliminary ☐ Final ☐ Combined Preliminary/Final ☐  
 Note there are different requirements for each for the above processes. A separate application is required for each.

NAME OF PROPOSED PLANNED UNIT DEVELOPMENT: <u>Sawyer Park Flats</u>		
	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	<u>Richard Robinson</u>	<u>City of Sturgeon Bay</u>
Company	<u>First Main Properties, LLC</u>	
Street Address	<u>3405 Hawthorne Blvd.</u>	<u>421 Michigan St.</u>
City/State/Zip	<u>St. Louis, MO 63104</u>	<u>Sturgeon Bay, WI 54235</u>
Daytime Telephone #	<u>314-504-2664</u>	<u>920-746-2900</u>
Email	<u>richard.robinson@firstandmainproperties.com</u>	
STREET ADDRESS OF SUBJECT PROPERTY: <u>54 E. Maple St.</u>		
Location if not assigned a common address: <u>Lot 1, Certified Survey Map #3476</u>		
TAX PARCEL NUMBER: <u>2811210080101A1</u>		
CURRENT ZONING CLASSIFICATION: <u>C-2 Central Business District</u>		
CURRENT USE AND IMPROVEMENTS: <u>vacant land</u>		
COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: <u>Downtown Mixed Use</u>		
WOULD APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT CONFORM WITH THE COMPREHENSIVE PLAN? <u>Yes</u> or No IF YES, EXPLAIN: <u>the proposed multi-family development is compatible with the goals and principles outlined in the 2019 West Waterfront Redevelopment Recommendations by the Ad Hoc West Waterfront Planning Committee</u>		



PLEASE IDENTIFY SPECIFIC POPOSED LAND USES. USES MUST IDENTIFY AND CORRESPOND TO A PARTICULAR LOT, LOCATION, BUILDING, ETC.: a 54-unit, 4-story apartment building with above-ground enclosed 46-space parking garage on the ground floor, and three floors of apartment units above, with a leasing/management office and exercise room on the 2nd floor, and a community room and patio on the 4th floor

CURRENT USE AND ZONING OF ADJACEMENT SURROUNDING PROPERTIES:

North: C-2 parking lot of the Door County Maritime Museum  
South: C-2 vacant land and Cellcom building  
East: C-2 vacant land  
West: C-2 Greystone Castle

COMPREHENSIVE PLAN DESIGNATION OF ADJACENT SURROUNDING LAND USES:

North: open space  
South: Downtown Mixed Use  
East: open space  
West: Downtown Mixed Use

IS ANY VARIANCE FROM COMPREHENSIVE PLAN, SUBDIVISION ORDINANCE, OR ZONING ORDINANCE BEING REQUESTED? IF YES, DESCRIBE: 1. housing unit density exceeds C-2 maximum, 2. on-site parking is less than that required by the zoning code, 3. height of building (51'-4") exceeds C-2 45' limit

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? (Yes) or No IF YES, EXPLAIN: PUD zoning was approved for the Breakwater Residences project ✓

Attach an 8-1/2"x 11" detailed site plan (if site plan is larger than 8-1/2"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-1/2"x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

LLC to be determined 6/28/24  
Property Owner Date

Richard Robinson 6/28/24  
Applicant/Agent Date  
First & Main Properties, LLC

I, Richard Robinson, 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.

\_\_\_\_\_  
Date of review meeting

Richard Robinson  
Applicant Signature

\_\_\_\_\_  
Staff signature

# Subject Property- Sawyer Park Flats



Parcel #281-12-10080101A1



# CERTIFIED SURVEY MAP

BEING A REVISION OF:  
C.S.M. NUMBER 2952, RECORDED AT VOLUME 18, PAGE 57  
OF CERTIFIED SURVEY MAPS AS DOCUMENT NO. 788826.

BEING PART OF:  
LOT 1, BLOCK 9 OF HARRIS FIRST ADDITION AND ALSO A  
PART OF LOTS 1,6 AND 7, BLOCK 8 OF BAYVIEW PLAT AND  
ALL OF LOTS 2,3,4 AND 5, BLOCK 8 OF BAYVIEW PLAT AND  
ALSO PART OF SUBDIVISION 76

ALL LOCATED IN:  
THE NE 1/4 OF SECTION 7,  
TOWNSHIP 27 NORTH, RANGE 26 EAST,  
CITY OF STURGEON BAY,  
DOOR COUNTY,  
WISCONSIN.

DOC #: 845579

MAP #: 3476

RECORDED ON:

08/19/2021 03:10:51 PM

CAREY PETERSILKA

REGISTER OF DEEDS

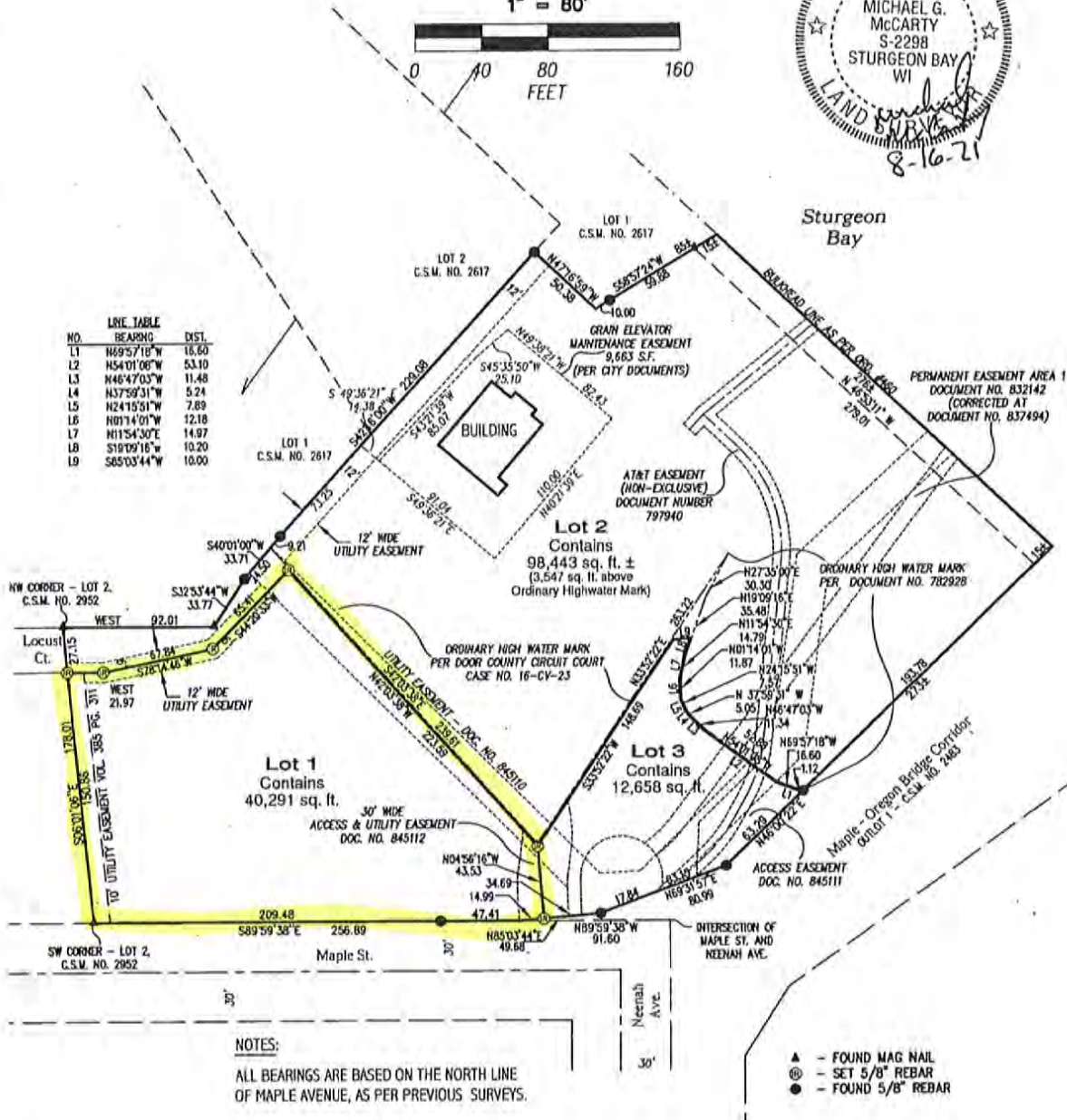
DOOR COUNTY, WI

FEE AMOUNT PAID: 30.00

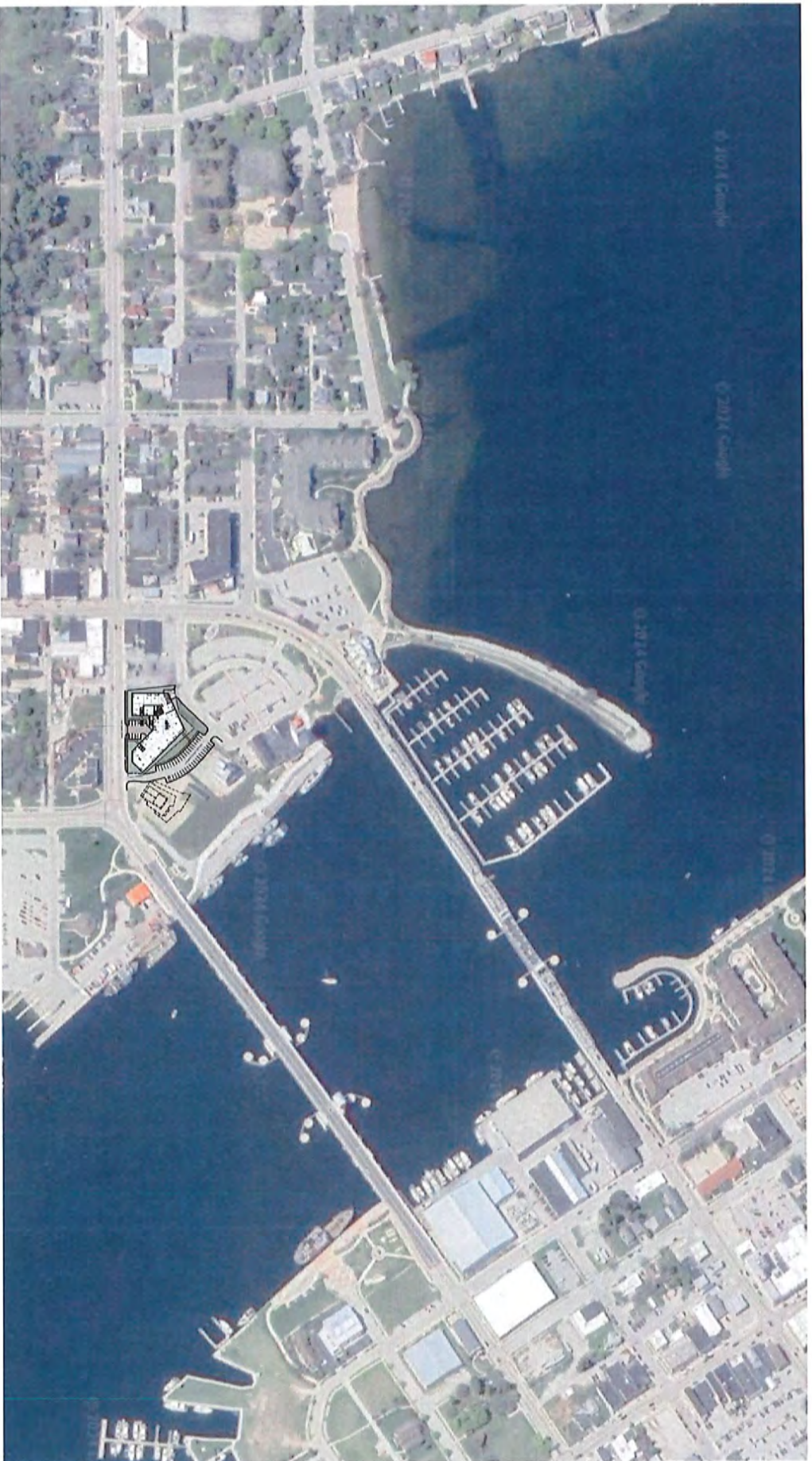


NORTH  
1" = 80'

0 40 80 160  
FEET







## SAWYER PARK FLATS

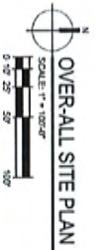
STURGEON BAY, WI

24.013

PSP 3.0

WISCONSIN  
05.01.2024





# SAWYER PARK FLATS

ARCHITECTS

1718 S. BROADWAY  
SUITE 100  
DENVER, CO 80202  
303.733.1111

STURGEON BAY,  
24.013

PSP 3.0

WISCONSIN  
05.01.2024





ARCHITECTS  
1718 S. GRAINWOOD BLVD.  
ST. LOUIS, MISSOURI 63114  
© Copyright 2024

STURGEON BAY,  
24.013

PSP 3.0

## SAWYER PARK FLATS

WISCONSIN  
05.01.2024



### PROJECT DATA:

#### UNIT SUMMARY:

UNIT TYPE:	QUANTITY BY FLOOR:										TOTAL	% OF TOTAL	AVERAGE UNIT AREA
	1	2	3	4	5	6	7	8	9	10			
A. 1 BEDROOM	0	8	9	9	25						48%		691 SF
A+ 1 BEDROOM - DEN	0	2	3	2	7						13%		962 SF
B. 2 BEDROOM	0	5	5	5	15						28%		1,082 SF
B+ 2 BEDROOM - DEN	0	2	2	2	6						11%		1,272 SF
TOTAL:	0	17	19	18	54								

#### BUILDING AREA SUMMARY:

4th FLOOR:	21,545 SF
3rd FLOOR:	21,897 SF
2nd FLOOR:	21,897 SF
1st FLOOR:	23,338 SF
GROSS AREA:	88,678 SF

#### PARKING REQUIRED:

33 1BR UNITS @ 1.5PS/UNIT: 50 P.S.  
21 2BR UNITS @ 1.75PS/UNIT: 37 P.S.

TOTAL PARKING REQUIRED: 87 P.S.

#### PARKING PROVIDED:

9 P.S.  
46 P.S.  
32 P.S.  
TOTAL PROVIDED: 87 P.S.



3rd FLOOR PLAN  
SCALE: 1" = 40'-0"



4th FLOOR PLAN  
SCALE: 1" = 40'-0"



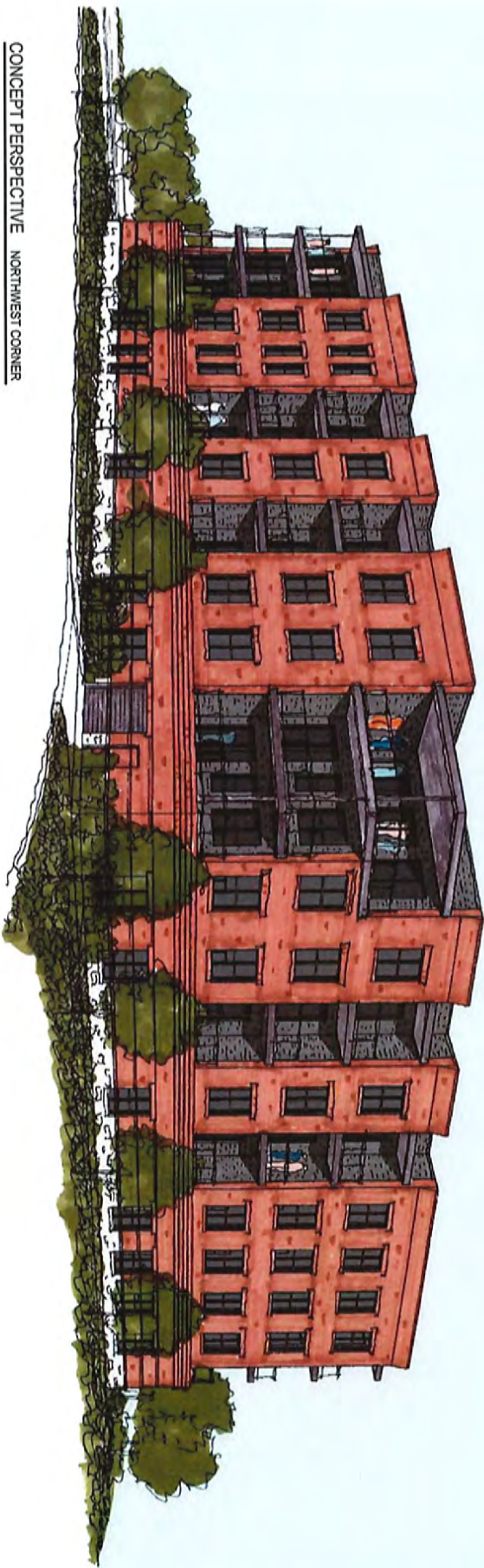


CONCEPT PERSPECTIVE EAST MAPLE STREET



ARCHITECTS  
1780 S. BURNINGOOD BLVD.  
SUITE 100, WISCONSIN 53148  
© Copyright 2024

SAWYER PARK FLATS  
STURGEON BAY,  
24.013  
PSP 3.0  
WISCONSIN  
05.01.2024



CONCEPT PERSPECTIVE NORTHWEST CORNER



ARCHITECTS  
1735 S. BRADWOOD BLVD.  
ST. LOUIS, MISSOURI 63114  
© Copyright 2024

## SAWYER PARK FLATS

STURGEON BAY,  
24.013

PSP 3.0

WISCONSIN  
05.01.2024







## MEMO

**To:** Sturgeon Bay Plan Commission  
**From:** Stephanie Servia, Planner/Zoning Administrator  
**Date:** July 9<sup>th</sup>, 2024  
**Subject:** Conceptual Planned Unit Development for Shipyard Development

*[Handwritten signature]* 7/9/2024

Peter Moede of Shipyard Development, LLC is initiating a Planned Unit Development to facilitate a cabin-style hotel resort on parcels #281-23-08325009 and #281-23-08325010 located on the south side of where S 1<sup>st</sup> Ave and Quincy Street meet. The properties are currently zoned Multiple-Family Residential (R-4) and are 2.41 acres total (104,979 sq ft) in size. The proposal for these properties is approximately 29 units in either two-unit buildings or stand-alone buildings, as well as a restaurant on the waterfront, a main office building, and various amenities. The PUD zoning is necessary to address the planned uses and potential dimensional deviations from the zoning code such as setbacks and unit sizes.

In addition, a portion of the property across the street, the so called "center block" - parcel #281-23-08325001A, will be used for parking to support the resort. That parcel is currently zoned PUD/R-2 and is 2.9 acres in size. The parking area is not allowed under the current PUD for that parcel so either that PUD ordinance needs to be amended or some or all of the "center block" will need to be included in the PUD for the cottage resort.

The first formal step in a PUD process is a conceptual review. The conceptual review allows for the applicant to provide an overview of the project and for Plan Commission members to provide substantial constructive feedback and direction to the petitioner prior to proceeding with the formal hearing and review/recommendation. Plan Commissioners should be prepared and ready to discuss the project. Official action is not necessarily required during a conceptual review, but it allows any pertinent issues to be discussed. It allows for feedback on the general acceptability of the concept and on specific aspects that should be included, excluded, or otherwise addressed as the project moves along.

The proposed plan was informally reviewed by various City and Utility staff. The plan was then revised based upon staff comments to better accommodate fire lanes, utility services, building code regulations, and other matters. If the PUD moves forward, a formal review by staff will be completed during the preliminary and final PUD reviews.

**CITY OF STURGEON BAY  
PLANNED UNIT DEVELOPMENT  
APPLICATION**

STAFF USE:

Date Received: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Received By: \_\_\_\_\_

Application for: Conceptual ☒ Preliminary \_\_\_ Final \_\_\_ Combined Preliminary/Final \_\_\_  
*Note there are different requirements for each for the above processes. A separate application is required for each.*

**NAME OF PROPOSED PLANNED UNIT DEVELOPMENT:** \_\_\_\_\_

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Peter Moede	
Company	Shipyard Development LLC	
Street Address	700 S Water St	
City/State/Zip	Milwaukee WI 53204	
Daytime Telephone #	(414) 745-1349	
Email	PeterJay@CenterPointeService.com	

**STREET ADDRESS OF SUBJECT PROPERTY:** \_\_\_\_\_

Location if not assigned a common address: Lots 9 and 10 at The Shipyard

**TAX PARCEL NUMBER:** 2812308325010 AND 2812308325009

**CURRENT ZONING CLASSIFICATION:** R-4

**CURRENT USE AND IMPROVEMENTS:** None - Vacant

**COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY:** Downtown Mixed Use

**WOULD APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT CONFORM WITH THE COMPREHENSIVE PLAN? Yes or No** IF YES, EXPLAIN: Downtown mixed use is intended for a variety of uses such as commercial, residential and retail uses



PLEASE IDENTIFY SPECIFIC PROPOSED LAND USES. USES MUST IDENTIFY AND CORRESPOND TO A PARTICULAR LOT, LOCATION, BUILDING, ETC. The proposed land use is a cottage resort designed to offer a tranquil retreat experience amidst natural surroundings. Located on Shipyard lots 9 and 10, the resort would feature a cluster of charming cottages nestled within landscaped gardens along the waterfront. Additionally, the resort plans to include recreational facilities such as walkways, a central clubhouse for gatherings, and other amenities like a swimming pool/spa, a restaurant and bar, and a fuel dock. Location of such buildings can be found on the preliminary site plan provided by Shipyard Development

CURRENT USE AND ZONING OF ADJACENT SURROUNDING PROPERTIES:

North: PUD/ R-2- pool building

South: Sturgeon Bay

East: PUD/R-2- Condos

West: PUD/ R-2 and CON- Condos and park space

COMPREHENSIVE PLAN DESIGNATION OF ADJACENT SURROUNDING LAND USES:

North: Higher Density Residential

South: N/A

East: Downtown Mixed Use

West: Downtown Mixed Use/ Open Space and Recreation

IS ANY VARIANCE FROM COMPREHENSIVE PLAN, SUBDIVISION ORDINANCE, OR ZONING ORDINANCE BEING REQUESTED? IF YES, DESCRIBE: Potential dimensional deviations such as unit sizes and setbacks

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? Yes or No IF YES, EXPLAIN: No

**Attach an 8-½"x 11" detailed site plan (if site plan is larger than 8-½"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-½"x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.**

Shipyard Development  
Property Owner

7-2-24  
Date


\_\_\_\_\_  
Applicant/Agent

\_\_\_\_\_  
Date

I, Peter Moede, 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.

6-5-24  
Date of review meeting

  
Applicant Signature

  
Staff signature



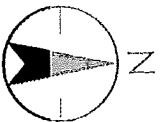
# Subject Property- Shipyard Development



Parcels #281-23-08325010, #281-23-08325009,  
and #218-23-08325001A



Sturgeon Bay

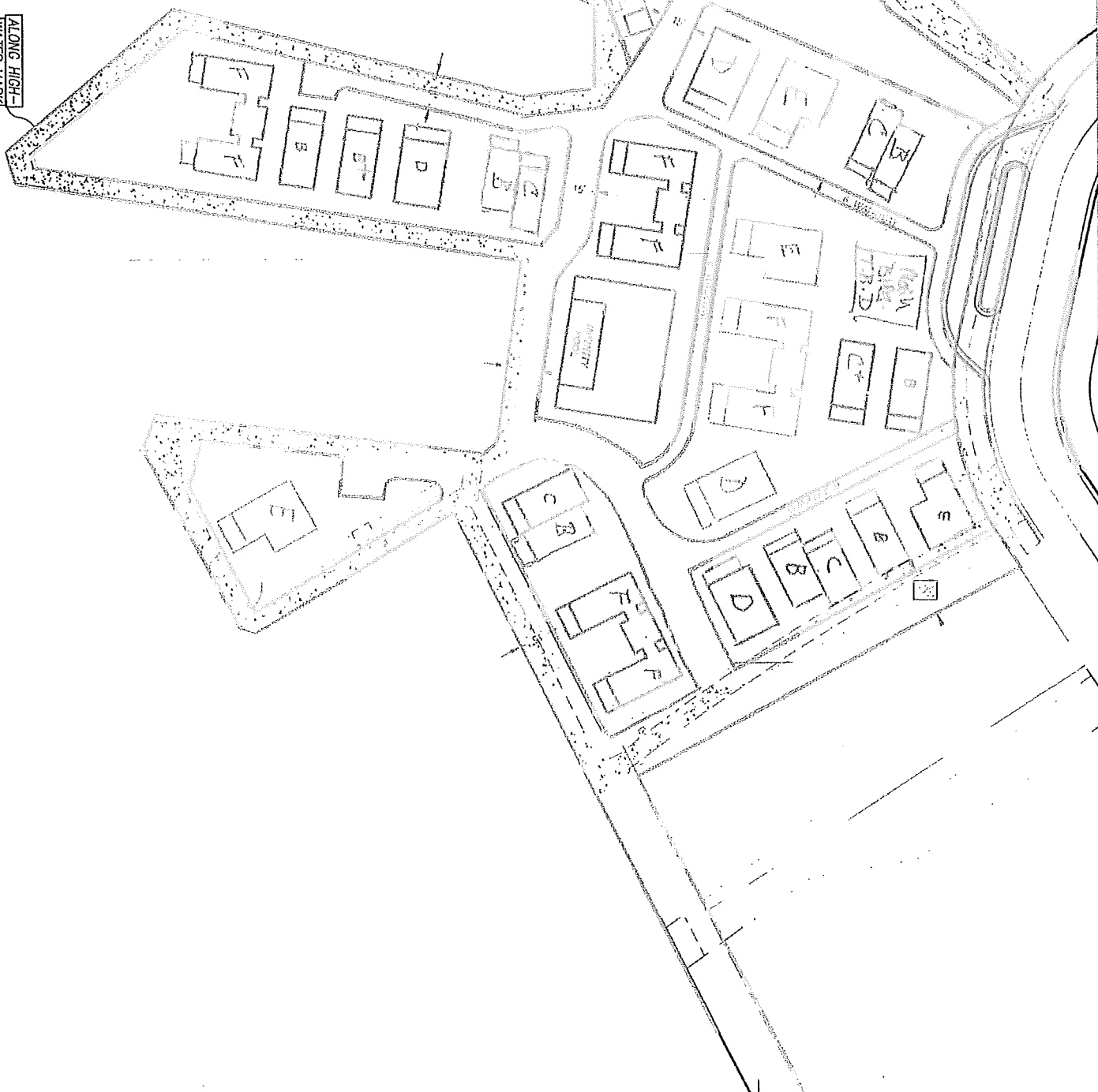


0 50 100  
GRAPHIC SCALE IN FEET

← Fuel Dock →

Gasoline

ALONG HIGH-  
WATER MARK  
(ENTIRE P. 1000)





Cottage  
Resort  
Properties

Expansion  
Land

Children's  
Play Area

Dog run  
(Resort guests)


3 Pickle ball  
Courts

Resort  
Parking /  
Marine overflow





# MEMO

**To:** Sturgeon Bay Plan Commission  
**From:** Stephanie Servia, Planner/Zoning Administrator   
**Date:** July 12<sup>th</sup>, 2024  
**Subject:** Interpretation/ Amendment to Zoning Code: Animal Services Principal Use

---

**Background:** Two Sturgeon Bay residents reached out to City Staff regarding whether animal care services such as dog training, doggy day care, and grooming would be permitted in the C-5 zoning district. Currently the Zoning Code has principal animal related uses listed for "Kennels" (conditional use in A), "Veterinarian Clinics" (permitted use in all C districts and conditional use in R-4), and "Animal Shelters and Pounds" (conditional use in C-1).

The training and grooming uses could potential be classified as "Customer Service Establishments", which are generally permitted in commercial districts and conditional in R-4 and industrial districts. The animal day care use potentially falls under the "Kennel" use. Currently, "Kennels" are a conditional use in the Agricultural zoning district and are not permitted in any other district.

The Sturgeon Bay municipal code currently does not include a definition of "kennels". When there is not a specific definition included in the Code, staff refers to the common definition of the term. Per Merriam-Webster, "kennel" is defined as a) a shelter for a dog or cat, or b) an establishment for the breeding or boarding of dogs or cats. In Staff's research into the issue, animal boarding is typically longer term and doggy day care is typically less than 1 day. Other municipalities such as Menasha, Neenah, and Appleton lumped day care and boarding under kennel use. De Pere has an Animal Services section of their code that then breaks down the uses by "Boarding", "Grooming", and "Veterinary" uses. Their "Boarding" use included boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers, and animal rescue shelters.

Animal services like day care, training and grooming have increased in popularity since the current animal related principal uses were established in the code. Hence, an option for the Plan Commission to consider is amending the code to more clearly classify and define such uses. For instance, an animal services use could be created in the zoning code as a catch all, with particular use requirements established depending on the specific service. For example, any use where animals may be outside for an extended period of time such as in a day care/boarding situation, could be allowed only in the Agricultural District as a conditional use. Indoor activity such as dog grooming or day care without outdoor play areas could be permitted in commercial zones, perhaps as a conditional use depending upon the size of the operation.

Staff's largest concern regarding the Animal Services use is the potential nuisance that could arise from noises from animals being outside and potentially close to residential areas.



At the previous Plan Commission meeting, staff was directed to continue looking into the issue. In the packet is information on a few municipalities and what their codes include relating to animal services/ kennels, there is page showing the potential changes to the code for the Plan Commission to consider that includes "other considerations".

**Options:** The Plan Commission has several options for addressing the animal services uses as follows:

1. Create an "animal day care" use and determine which districts to permit the use with or without use requirements, while leaving the other animal related uses as currently regulated.
2. Create an "animal services" use that contains the current animal related uses along with other uses including animal day care, then establish which zones and requirements would apply.
3. Make no changes to the zoning code relating to Animal Services uses and drop any amendments from further consideration. Staff would interpret the code to mean that animal day care is treated as a kennel use, while dog grooming or training could be treated as a customer service establishment.

## Proposed Code Changes

### 20.03 Definitions

*Animal Services* The providing of a service to animals such as animal grooming, animal training, veterinarian care, animal day care, animal boarding or similar uses.

*Animal Boarding* the keeping or care of any number of animals, such as dogs, cats or other similar animals, that is either overnight or longer than 1 day for remuneration or profit.

*Animal Day Care* the keeping or care (except veterinarian care) of any number of animals, such as dogs and cats, for remuneration or profit that is less than 1 day in length of stay and that does not include overnight stays.

### 20.09(3) Principal Use Table

\* Proposed to remove “Kennels”, “Animal Shelters and Pounds”, and “Veterinarian Clinic” and combine into one use “Animal Services”. The use would be subject to particular use requirements.

	Residential Districts	C-1	C-2	C-4	C-5	A
Animal Services	Not Permitted	P	P	P	P	C

### 20.10(19) Particular Use Requirements

#### *Animal Services use*

- (a) In the commercial zoning districts animal services is limited to indoor use only, with the exception that not more than one dog may be outside at a time for training, exercise, or other activities. Outdoor activity shall not cause a nuisance for surrounding properties.

#### **Other Considerations:**

- Limit Capacity of use (A 5-dog operation is much different than a 50-dog operation)
- Require fencing or screening for outdoor areas
- Thoughts on Industrial Districts?
- Difference between indoor uses and outdoor uses? Other municipalities have indoor kennel vs outdoor kennel we could have “Outdoor Animal Service” and “Indoor Animal Service” and have different particular use requirements for each.
- Requirement for “buffer from residential use/districts? Marinette requires 50 feet from residential district, De Pere requires 100 feet from any Residential district for Boarding uses, Sheboygan requires 300 feet for buildings housing animals.

## Animal Uses Municipal Comparisons

### Door County

Kennel: Any establishment wherein or whereon 8 or more dogs over the age of 5 months are kept for breeding, sale, or sporting purposes, or **where boarding care is provided for compensation**

Permitted in General Agricultural, Prime Agricultural, and Countryside

4.04 Commercial uses requirements.

(2) Kennels.

(a) All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.

(b) Minimum side and rear yards for all structures associated with kennels shall be 200 feet.

(c) Except as exempted here, all kennels shall be screened from public roads by vegetative screening as described in s. 3.10(4), landscape buffer tree requirements. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.

(d) There shall be no more than 2 adult dogs in any single enclosure unit.

<https://www.co.door.wi.gov/DocumentCenter/View/5821/CHAPTER-04-utility-amendments>

### De Pere

Animal Service

Boarding: permitted in Commercial (C), Business park 1 (BP-1), Business Park 2 (BP-2), Industrial (I), and Agricultural (AG)

Grooming/ Veterinary : permitted in Downtown Mixed Use (MX1), Neighborhood Mixed Use (MX2), Corridor Mixed Use (MX3), Office-Residential Mix (GX1), Neighborhood Office-Residential (GX2), Commercial (C), Business park 1 (BP-1), Business Park 2 (BP-2), Industrial (I), and Agricultural (AG)

(1) Animal Service Uses that provide goods and services for care of animals, including the following use subcategories:

(a) Boarding: The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters. Any building or structure in which animals are kept or exercised must be set back at least 100 feet from any R-zoned lot.

(b) Grooming: Grooming of companion animals, including dog bathing and clipping salons and pet grooming shops. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.



(c) Veterinary: Animal hospitals and veterinary clinics staffed by veterinarians. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

[https://www.deperewi.gov/egov/documents/1703171468\\_81245.pdf](https://www.deperewi.gov/egov/documents/1703171468_81245.pdf) (page 81)

### **Appleton**

**Kennel** means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.

**Indoor kennel** means any use where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals in a completely enclosed building or structure.

**Outdoor kennel** means a use, outside of any building or completely enclosed structure, where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals.

Sec. 3-53. Kennels and pet stores. Except as otherwise provided, the restrictions and conditions imposed by this division shall apply to kennels and pet store licenses pursuant to Chapter 9. Kennel and pet store operators shall have dogs and cats vaccinated against rabies, but are not required to license individual animals. No kennel or pet store license or fee is required of any veterinary hospital or clinic or animal shelter. The location of kennels and pet stores is subject to applicable zoning and other regulations.

### **Menasha**

**KENNEL -- COMMERCIAL.** Any structure or premises on which four (4) or more animals of one (1) type, over four (4) months of age, are kept, owned, boarded, groomed, sheltered, protected, bred or offered for sale or any other merchandising

<https://cms5.revize.com/revize/cityofmenasha/City%20Clerk/City%20Code/13-1-M.pdf>

### **Neenah**

*Kennel, commercial* means any structure or premises on which four or more licensable animals of one type over five months of age are boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising.

Boarding kennel means an establishment wherein any person is engaged in the business of boarding of pet animals for a period of 12 consecutive hours or longer, but not permanently. Boarding kennel shall not include veterinary clinics or hospitals, pet stores, humane society, animal shelter or commercial kennels.

Commercial kennel means an establishment wherein any person is engaged in the business of breeding, buying, letting for hire, training for a fee, and/or selling of pet animals, with the exception of veterinary clinics or hospitals, humane society, animal shelter or pet stores.

- Permitted in General Commercial District –fencing, site plan review, and plan commission approval of outdoor storage and lighting required.

*Animals and birds.* Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels, licensed under and in compliance with licensing and permitting provisions set forth in this Code are exempt from this subsection

Prohibited as home occupations- Any business or activity involving the care, grooming, breeding or keeping of animals on the premises is prohibited

<https://library.municode.com/search?stateId=49&clientId=3485&searchText=kennel&contentType=CODES>

## **Green Bay**

*Commercial dog day care* means a commercial facility occupied by dogs for the purpose of exercise and socialization during daytime business hours. No animal will be kept overnight or on weekends. These facilities can include indoor and outdoor spaces.

*Animal hospital or veterinary clinic* means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care.

*Animal grooming facility* means an establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than 48 hours incidental to the grooming services.

*Animal boarding facility, kennel, or animal shelter* means an establishment in which more than two dogs or three cats or any combination thereof may be kept for boarding, breeding, safekeeping, convalescence, placement, sale, or humane disposal.

Business with Dog Area / commercial dog day care conditional in Office Residential (OR) and Neighborhood Center (NC ), permitted in Downtown (D), C1 General Commercial, C2 Highway Commercial, C3 Community Center Commercial .

Animal grooming/ vet is permitted in Office Residential (OR) and Neighborhood Center (NC), and Downtown (D)light industrial and business park. (Vet use is permitted in light industrial and business park, grooming is not permitted in business park)

Animal boarding facility permitted in C1 General Commercial, C2 Highway Commercial, C3 Community Center Commercial, light industrial .

Commercial dog day care: permitted in light industrial and business park

LI Light Industrial

GI General Industrial.

BP Business Park

	Office Residen tial	Neighboh ood Center	Downto wn	General Commer cial	Highway Commer cial	Commu nity Center	Light indust rial	Busin ess Park
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						Commer cial		
Busines s with Dog Area	C	C	P	P	P	P		
Commer cial Dog Day Care	C	C	P	p	p	p	p	p
Animal Groomin g	p	p	p	p	p	p	p	
Veterina rian	p	p	p	p	p	p	p	p
Animal Boardin g Facility				p	p	p	p	

[https://library.municode.com/wi/green\\_bay/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH44Z\\_O\\_ARTVIIMIEDI](https://library.municode.com/wi/green_bay/codes/code_of_ordinances?nodeId=COOR_CH44Z_O_ARTVIIMIEDI)

## Marinette

Permitted Uses in the B-3 Community Business District

H. Miscellaneous Retail and Services Uses as follows, all conducted wholly within a completely enclosed building except as provided for herein:

2. Animal hospital, provided any structure housing animals be a minimum of fifty (50') feet from any lot line which is adjacent to or across an alley from a Residential District.

10. Kennel, provided any structure housing animals be a minimum of fifty (50') feet from any lot line which is adjacent to or across an alley from a Residential District.

Kennels, Outdoor A lot on which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept, commercially for board, and/or propagation, training, or sales, or other uses, all of which are conducted on the property itself.

Kennels, Indoor A building in which three (3) or more dogs, or four (4) or more cats or other animals at least two (2) months of age are kept, commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.

## Sheboygan

**Kennel** means any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes.

*Land uses permitted as accessory uses. (Agricultural)*

1. *Land uses permitted as special use.*

1. Private residential kennel.



Land uses permitted as accessory uses. (Residential)

*Land uses permitted as conditional use.*

1. Private residential kennel.

*Commercial animal boarding.*

1. *Description.* Commercial animal boarding facility land uses include land uses which provide short-term or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration. Animal boarding facilities and activities which, except for parking, are completely and continuously contained indoors, are subject to a separate set of regulations.
2. *Conditional use regulations.* RA-35ac, SC, UC, SI and UI:
  1. A maximum of one animal unit per acre of fully enclosed outdoor area shall be permitted.
  2. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
3. The following setbacks shall be required in addition to those of the zoning district:
  1. No activity area, including pastures or runs, shall be located closer than ten feet to any property line.
  2. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property.
  3. A vegetative strip at least 100 feet wide shall be maintained between any pile, or manure application area and any surface water or well in order to minimize runoff, prevent erosion, and promote nitrogen absorption.
  4. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
  5. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.
  6. Dogs, cats and similar animals shall have a minimum of 60 square feet of outdoor playground space per dog/cat/similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal.
  7. The outdoor play area will be enclosed with an eight-foot-high solid fence which shall match or coordinate with the color of the building. Prior to installing the fencing, a layout plan and material samples shall be approved by the plan commission.
  8. Operation of the outdoor play area shall include removal of all animal waste prior to the close of business each day, no overnight boarding within the outdoor area, and abatement of any runoff or any odors from the outdoor play area.
4. *Conditional use regulations.* All indoor facilities, SC, UC, SI and UI:
  1. All activities, except vehicle parking, shall be completely and continuously contained indoors -- including animal exercising and display areas.
  2. Section 105-717(b), (d), and (e) of this section shall be complied with.
  3. Dogs, cats and similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal.
  4. The minimum size of an indoor facility shall be 100 square feet of area per dog, cat or similar animal.

### Current Sturgeon Bay Zoning Code

#### 20.09 Principal Uses Table- Uses relevant to proposed changes

Type of Use	R-1	R-2	R-3	R-4	R-M	C-1	C-2	C-4	C-5	I-1/I-1A	I-2/I-2A	A	CON
Customer Service Establishments [20.10(9)]				C		P	P		P/C <sup>1</sup>	C	C		
Veterinarian Clinics				C		P	P	P	P/C <sup>1</sup>				
Kennels												C	
Animal Shelters and Pounds						C							

#### 20.10 Particular Use Requirements

(9) *Customer service establishments.* In the I-1/I-1A and I-2/I-2A districts, customer service establishments are limited to travel agencies, health clubs, and quick-printing/copy shops.

## Chapter 34 REGULATION AND LICENSING OF ANIMALS

### 34.01 Definitions.

In this section, unless the context or subject matter otherwise requires:

- (1) *Animal* means mammals, reptiles and birds.
- (2) *Apiary* means the assembly of one or more colonies of honey bees at a single location.
- (3) *At large* means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner or in an automobile of any other person with the consent of the owner of such dog or cat shall be deemed to be upon the owner's premises.
- (4) *Beekeeper* means a person who owns or has charge of one or more colonies of honey bees.
- (5) *Beekeeping equipment* means any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (6) *Cat* means any feline, regardless of age or sex.
- (7) *Colony* means a hive and its equipment and appurtenances, including, honey bees, comb, honey pollen and brood.
- (8) *Cruel* means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- (9) *Dog* means any canine, regardless of age or sex.
- (10) *Dwelling unit* means a building, or portion thereof, which provides or is intended to provide living quarters exclusively for one family.
- (11) *Farm animal* means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (12) *Hive* means the receptacle inhabited by a colony that is manufactured or created for that purpose.
- (13) *Honey bee* means all life stages of, and limited to, the common domestic honey bee.
- (14) *Law enforcement officer* has that meaning as appears in § 967.02(5), Wis. Stats. and includes a humane officer under § 113.03, Wis. Stats., but does not include a conservation warden appointed under § 23.10, Wis. Stats..
- (15) *Lot* means a contiguous parcel of land under common ownership.
- (16) *Neutered*, describing a dog or cat, means a dog or cat having nonfunctional reproductive organs.
- (17) *Nucleus colony* means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- (18) *Owner* means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.
- (19) *Pet* means an animal kept and treated as a pet.



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- (20) *Pot-bellied pig* is a breed of domesticated pig originating in Vietnam with 14 sub-species. Considerably smaller than standard farm pigs, most adult pot-bellied pigs are about the size of a medium- or large-breed dog.
  - (21) *Residential lot* means a parcel occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this article, any vacant parcel adjoining a dwelling and under the same ownership shall constitute one lot.
  - (22) *Restrain* includes notifying the dog's or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.
  - (23) *Untagged* means not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(Ord. No. 1256-0710, § 5, 7-6-10; Ord. No. 1337-0717, § 1, 7-18-17)

### **34.02 Rabies and distemper vaccination required for dog and cat license.**

### **34.03 Issuance of animal and kennel licenses.**

- (1) *License required.*
  - (a) Before April 1 of each year or at such other times as any person may come into the possession, charge or custody of any unlicensed dog, cat or pot-bellied pig more than five months of age, every person owning, keeping or harboring a dog, cat or pot-bellied pig more than five months of age within the city shall annually register such dog, cat or pot-bellied pig in the city clerk-treasurer's office by giving his/her name and address and the name, breed, color and sex of each dog, cat or pot-bellied pig more than five months of age owned or kept by such person and shall pay the clerk-treasurer a dog, cat or pot-bellied pig license fee according to the fee schedule adopted by the common council and as may be amended from time to time:
  - (b) If the animal becomes five months of age after July 1 of the license year, the fee shall be one-half of the regular fee.
  - (c) If the above indicated fees are not paid prior to April 1 of each year, within 30 days of acquiring ownership of an animal or when an animal reaches licensable age, the owner shall be assessed a late fee of \$5.00.
- (2) *Dog and cat licenses.* Dog and cat licenses shall be issued in accordance with the following:
  - (a) It shall be unlawful for any person in the city to own, harbor or keep any dog or cat more than five months of age without complying with the provisions of §§ 174.05—174.69, Wis. Stats., relating to the listing, licensing and tagging of dogs.
  - (b) Upon payment of the required license tax and upon presentation of evidence that the dog or cat is currently immunized against rabies and distemper, as required by section 34.02, the city clerk shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The city clerk shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the county in which issued and the license year.
  - (c) The owner shall securely attach the tag to a collar, and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times.

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(Supp. No. 45)

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- (d) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
  - (e) Notwithstanding previous subsections, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the clerk-treasurer upon application therefor.
- (3) *Pot-bellied pigs.* The application for a license for a pot-bellied pig shall be accompanied by a certificate issued by a licensed veterinarian indicating:
- (a) That the animal is currently vaccinated for Erysipelas.
  - (b) That the animal has been properly tested as negative for pseudo rabies or that the veterinarian has been provided with sufficient proof that the animal was tested as negative for pseudo rabies within the 30-day period prior to the applicant's purchase of the animal as required by state law.
  - (c) That the tusks of the animal have been removed. If the applicant is applying for the reduced fee for neutered or spayed animals, the application shall also be accompanied by a certificate from a licensed veterinarian indicating that the animal has been neutered or spayed.

(Ord. No. 1256-0710, § 5, 7-6-10)

#### **34.04 Restrictions on keeping.**

- (1) No person shall keep any cows, pigs raised for agricultural purposes, donkeys, sheep, goats, horses, ponies or mules, except for pot-bellied pigs, in the city, except in areas zoned agricultural.
- (2) The number of such animals as enumerated in subsection (1) or any combination thereof allowable under this section shall be computed at one-half acre per animal on only that portion of the property actually used for keeping of such animals. No stable or other building or structure shall be used for the keeping, harboring or sheltering of any of the above animals unless such building or structure is located at least 150 feet from the nearest residence other than the residence of the keeper of such animals which is located on the property where the animals are kept.
- (3) Upon application filed with the city clerk, a special permit may be granted by the council for permission to keep such animals as herein listed in areas zoned other than agricultural. The council may grant such a special permit only after an inspection and report by the health officer and after the council finds there will be no health hazard involved. If such a special permit is granted by the council, such permit shall be subject to all provisions of this section applicable to the keeping of animals, unless otherwise stated by the council in its resolution granting such special permit. The council may also make such special permit conditional as it deems necessary. Special permits shall be issued for not to exceed six months, and extensions may be granted in up to six-month increments, one extension at a time, after recertification by the health officer and action by the council. The duty to apply and reapply or an extension is upon the person seeking the special permit.
- (4) Whenever the animals enumerated in subsection (1) are located in an agricultural zoned area which is contiguous to a nonagricultural zoned area or whenever such animals are located in an area other than agricultural by special permit, the area used for the keeping and/or grazing of the animals shall be set back a minimum of 25 feet from the property line of the property so used.

(Ord. No. 1256-0710, § 5, 7-6-10)

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### 34.05 Maximum number of pets.

- (1) The maximum number of dogs and cats shall be as follows:
- (a) *Single-family dwellings.* No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than three dogs over five months of age, or three cats over five months of age within the single-family dwelling in which the person resides or upon the residential lot or portion of a residential lot upon which such is located.
  - (b) *All other dwellings.* No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than two dogs over five months of age, or two cats over five months of age within the dwelling unit in which the person resides or upon the lot or portion of a lot upon which such dwelling unit is located.
  - (c) In determining the limitations on the numbers of dogs and cats provided for in paragraphs (a) and (b) above any specific dog or cat which was licensed on or before the effective date of this ordinance, will be grandfathered in. Any owner having more than three dogs or cats on or before effective date of the ordinance adopting this chapter will comply with this chapter as the excess dog or cat dies, is given away or sold.

(Ord. No. 1256-0710, § 5, 7-6-10)

### 34.06 Nuisance or dangerous animals.

- (1) *Nuisance or dangerous animals.* It shall be unlawful for any person within the city to own, harbor or keep any dog, cat or other animal or fowl which:
- (a) Habitually pursues any vehicle upon any public street, alley or highway in the city.
  - (b) Bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises.
  - (c) Is repeatedly at large within the city limits.
  - (d) Repeatedly breaks from a leash or an enclosure and trespasses or defecates or urinates upon property other than that on which the animal is kept.
  - (e) Habitually barks, howls or makes other noise audible beyond the property upon which the animal is kept during any hour of the day or night.
  - (f) Kills, wounds or worries any domestic animal.
  - (g) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
  - (h) If a dog, cat, or pot-bellied pig is unlicensed.
  - (i) Otherwise disturbs the peace and quiet of the city.
- (2) *Animals running at large.* Restrictions on animals running at large are as follows:
- (a) No person having in his/her possession or ownership any animal or fowl shall allow the animal or fowl to run at large within the city. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure as not to allow such animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by law or ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.



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- (b) A dog, cat, or pot-bellied pig shall not be considered to be running at large if it is on a leash not to exceed ten feet in length and under control of a person physically able to control it when the animal is off the owner's premises. However, no person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the city or in such a manner that the animal has access to any portion of a street, alley, sidewalk or other public place.
  - (3) *Wild or vicious animals kept for display or exhibition purposes.* No person shall keep or permit to be kept on his/her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection does not apply to a zoo, theatrical exhibit or circus.
  - (4) *Barking dogs or crying cats.* It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood who are of ordinary sensibilities. Such dogs and cats are declared to be a public nuisance. A dog or cat is considered to be in violation of this subsection when complaints are filed with the police department.
  - (5) *Warnings.* In addition to other authorized enforcement remedies:
    - (a) Upon any complaint to the police department, warnings may be issued to the owner of a dog or other animal engaging in the conduct in this section that such animal may be in violation of this section.
  - (6) *Disposal of injured or dangerous animals.* The city may euthanize and dispose of any:
    - (a) Animal that is hopelessly injured beyond any reasonable chance of recovery;
    - (b) Animal that poses an imminent threat to public health or safety;
    - (c) Animal that poses an imminent threat to the health or safety of itself or its custodian.

(Ord. No. 1256-0710, § 5, 7-6-10)

### **34.07 Impoundment.**

### **34.08 Duty of owner if animal bites.**

### **34.09 Feces.**

- (1) *Removal of fecal matter.* The owner or person in charge of any dog, cat, horse or other animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such matter is immediately removed therefrom by such owner or person in charge.
- (2) *Accumulation of fecal matter prohibited on private yards.* The owner or person in charge of the dog, or other animal must also prevent accumulation of animal waste on his/her own property by regularly and properly disposing of the fecal matter. No person shall fail to maintain in a clean and sanitary condition and free from objectionable odor all structures, pens, yards and areas adjacent thereto wherein any dog or animal is kept.

(Ord. No. 1256-0710, § 5, 7-6-10)

### **34.10 Injury to property.**

- (1) *Injury to property.* It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the

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owner of such premises and dig, break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate or urinate thereon.

(Ord. No. 1256-0710, § 5, 7-6-10)

#### **34.11 Presence in parks and cemeteries.**

- (1) *Presence in parks.* Dogs are allowed in all city parks except for on beaches, playgrounds, ballfields and ballfield areas and must be contained on a leash at all times. Dogs must be cleaned up after. If ordinance is violated, the person will receive a fine as set by forth by common council. Dogs in city parks are only allowed off a leash if in an officially designated dog park.
- (2) *Cemeteries.* Animals are prohibited at any time in cemeteries.

(Ord. No. 1256-0710, § 5, 7-6-10; Ord. No. 1338-0917, § 1, 9-5-17)

#### **34.12 Provision of proper food and drink to confined animals.**

- (1) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section. The food shall be sufficient to maintain all animals in good health. Potable water shall be provided daily and in sufficient quantity and temperature for the health of the animal.

(Ord. No. 1256-0710, § 5, 7-6-10)

#### **34.13 Neglect and abandonment.**

- (1) *Required.* No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter.
- (2) *Shelter standards.* Minimum standards of shelter shall include the following:
  - (a) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
  - (b) *Shelter from inclement weather.* Shelter from inclement weather shall be provided.
  - (c) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
- (3) *Abandonment.* No person may abandon any animal.
- (4) *Enforcement.* Any law enforcement officer may remove, order sheltered and cared for, any animal found to be neglected, abandoned or otherwise treated in a cruel manner.
  - (a) In all cases the owner shall be immediately notified and such informed of such ordered care and that the costs of care, keeping and medical attention are the sole responsibility of the owner.
  - (b) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained, the animal shall be treated as a stray and dealt with as such.
  - (c) Whenever, in the opinion of any such officer, an animal is so hopelessly injured or diseased as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal, and the owner thereof shall not recover damages for the killing of such animal.

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(Ord. No. 1256-0710, § 5, 7-6-10)

**34.14 Keeping of bees.**

**34.15 Penalties.**