

**CITY OF KEWAUNEE  
PLAN COMMISSION MEETING MINUTES  
JANUARY 25, 2024**

**1. Call to Order/Roll Call.**

Chairperson Laura Gerold called the meeting to order at 6:30 p.m. Members present, Claude Stangel, John Blaha, Jeff Welhouse, Cindy Tang, Chris Holterman and John Mastalir who arrived late due to a County Meeting.

**2. Approval of Minutes – September 21, 2023 meeting.**

John Blaha motioned to approve the minutes as presented. Claude Stangel seconded the motion. Motion carried unanimously.

**3. Public Comment/Communications.**

None

**4. Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters.

- a. Declaration of Surplus Real Estate. The Common Council requests a Plan Commission recommendation declaring the following properties as surplus real estate for purposes of future marketing of such properties:
  - 1. 413 Beardsley Street (Tax Parcels # 31 241 OTP 8 and OTP 9)
  - 2. 1304 Ellis Street (Tax Parcel # 31 241 NW19 14-1)
  - 3. 123 Kilbourn Street (Tax Parcel # 31 241 OTP 179)

Discussion was had on all properties. There was concern regarding the 2<sup>nd</sup> and 3<sup>rd</sup> parcels listed as they are part of the Blight Elimination Grant. Commissioners were wanting to know the restrictions if the properties were sold and what the penalties would be to the city. It was determined to table these two properties until Administrator Eddy could provide the answers.

413 Beardsley was recommended to be moved to Council with the recommendation to sell the property. Although the Plan Commission would like to see it Rezoned to R-1 prior to the sale.

Cindy Tang motioned to consider 413 Beardsley Street surplus and to move to the Council with the recommendation to rezone the property to R-1 and to put up for sale. Chris Holterman seconded the motion. Motion carried unanimously.

- b. 110 Hathaway Drive Easement Request. Review and recommend to Council on proposal for new ingress-egress easement through Harbor Point Park.

The requested easement location was not an option by the Plan Commission as it was located to close to the lift station and if city personal needs to work on that lift station it would be easier for them if they could park right next to it. An alternate plan was made on what we could offer them as an easement to the property. The commissioners would be willing to offer to eliminate the two parking spots in the southeast corner of the

parking lot and allow for a driveway to go in from there. It would then be the property owner's responsibility to maintain the driveway and be responsible for clearing any snow. However, the commissioners would have like to have input from the property owner to see if this is something that would work for them. Because they were not present for the meeting, it was suggested to table this until we hear from the property owner before making the final position.

- c. Short-Term Rentals Discussion. Specifically regarding using model language from the City of Algoma as a starting point for revisions to the current standards in Article VI of Chapter 18 Businesses)

The commissioners liked a lot of what they saw in the City of Algoma's draft ordinance and would like to see their finished ordinance before making any further decisions. It was suggested to table this until Algoma's ordinance was finalized and approved.

- d. Proposed Revisions to Sign Standards (Article VIII of Chapter 94 Zoning)

Under Window Signs, for the sign area, the commissioners like the current language rather than the proposed. The current language states that "the gross area of permanent window signs shall not exceed 25 percent of the gross window area of any given building fascia." They also like the proposed language in the other section that "the aggregate area of the permanent window sign(s) shall count towards the maximum amount of sign area permitted for wall signs."

Under On-Site Traffic Directional Sign, for the sign height, commissioners thought the proposed should state 4 feet instead of 4 square feet. Under the Number of Signs, they liked the proposed text stating "the permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator or their designee as necessary to assist in the safe movement of vehicular, bicycle, and pedestrian traffic on a property and between properties with vehicular cross access." The commissioners also thought this section should also state that a sign plan should be turned into the administrator for approval. Under the other section, commissioners like the current language that describes what signs do not require a permit rather than the proposed.

- e. Updates on incoming projects.

Family Dollar may or may not happen. Still waiting on information from them.

## **5. Adjournment**

Chris Holterman motioned to adjourn the meeting. Cindy Tang seconded the motion. Motion carried unanimously. Meeting adjourned at 8:17 pm.

Respectfully Submitted  
Karen Muchowski  
Administrative Assistant



City of Kewaunee  
401 Fifth Street  
Kewaunee, WI 54216  
T: 920-388-5000  
F: 920-388-5025

## MEMORANDUM

**TO: Plan Commission**

**FROM: Heath Eddy, AICP, City Administrator**

**RE: Plan Commission meeting of February 22, 2024**

**DATE: February 19, 2024**

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All Code Sections in this memo refer to the Kewaunee Municipal Code Chapter 94 version dated January 13, 2022, unless as specifically denoted below.

1. **Call to Order/Roll Call.**
2. **Approve of Minutes.**
  - a. **Approval of meeting of January 25, 2024.**
3. **Public Comment.**
4. **Public Hearing**
  - a. **RENEE D. MUELLER d/b/a EBALANCE MASSAGE & WELLNESS LLC.**  
Conditional Use Application to use an existing office/daycare/medical building as a massage and wellness facility (a “hospital” type facility in the R-1 Single-Family Residential District), property located at 1304 First Street, Parcel No. 241-00320-2565.

The subject property is under a contract to purchase from the current property owner (Townsend Rentals LLC) and will be leased by the applicant for this use. The property was previously an office and a daycare facility and previously a detached medical office when the hospital was located in what is currently the County Administration Building. The applicant is requesting approval of this use in order to regain use of the property for a combination massage and wellness facility, which staff has interpreted as most closely associated with “hospital”, since the R-1 District only permits “professional office” as an accessory use in a single-family detached residence.

The subject property has sufficient off-street parking for 12 vehicles depending on configuration, with multiple spaces on either side of the building plus parallel space along the side of the building/driveway. The operation will have four (4) total staff and

operational hours of 8:00 a.m. to 8:00 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Fridays.

The property is essentially in compliance with the general standards for this type of use, and given past history of the property it seems a suitable location for this operation.

The public notice was published in the Green Bay *Press-Gazette* on February 8 and 15, 2024, and the notices were mailed out in compliance with Section 94-281 of the City of Kewaunee Municipal Code.

Attachments: (1) Draft Resolution No. 2024-2040  
(2) Notice of Public Hearing (as posted in the Press-Gazette and mailed to adjacent property owners)  
(3) Applicant's submission package

## 5. Business Matters

- a. **Declaration of Surplus Real Estate.** The Common Council requested a Plan Commission recommendation declaring the following properties as surplus real estate for purposes of future marketing of such properties:
1. 1304 Ellis Street (Tax Parcel # 31 241 NW19 14-1)
  2. 123 Kilbourn Street (Tax Parcel # 31 241 OTP 179)

These two parcels are subject to requirements of the CDBG Blight Control program just completed. We are still waiting on a letter for each from the Wisconsin Department of Administration (DOA) regarding final closure of their clean-up and certification so that the requirements of the CDBG program (including a 5-year hold for development) can begin. As we haven't received said certification, staff is suggesting a Deferral on this item to the March 28, 2024 meeting.

- b. **Short Term Rentals Discussion.** At the January 25, 2024 meeting, the Plan Commission reviewed documentation from the City of Algoma about a recently adopted ordinance regulating short-term rentals. The Mayor confirmed that this ordinance was indeed adopted, so staff converted the model from Algoma into the framework of the City of Kewaunee for further review and consideration. The draft attached is generally consistent with the Municipal Code but needs a bit more cross-checking to ensure the references are correct.

Attachments: (4) Draft Short-Term Rentals ordinance (amending existing code)

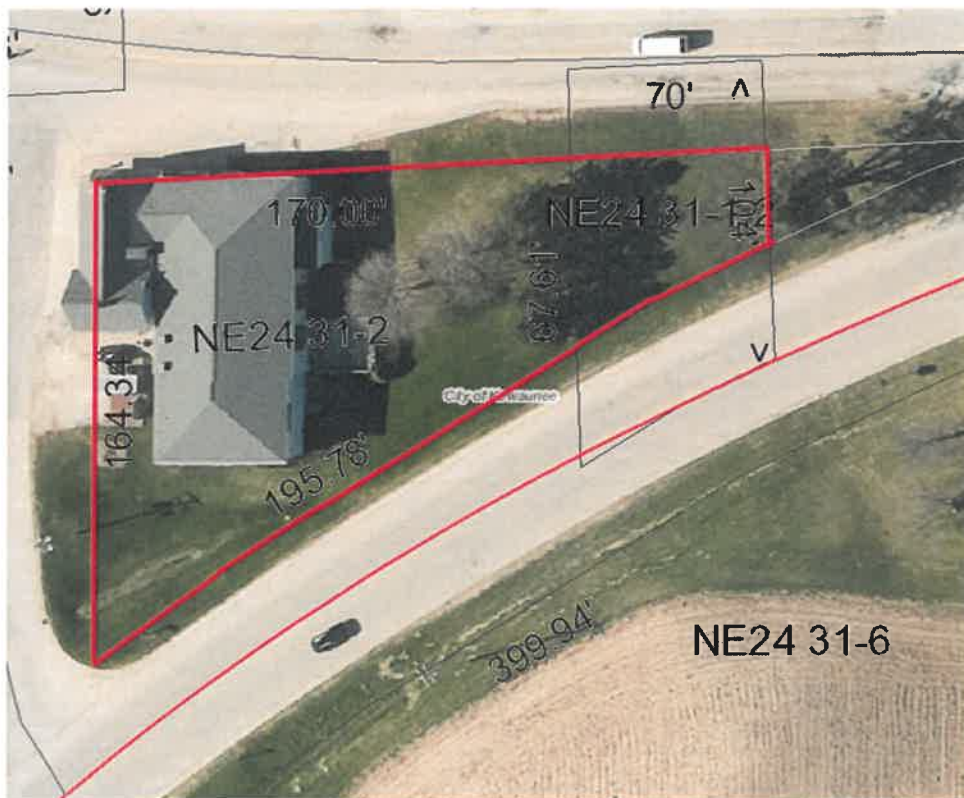
- c. **Proposed Revisions to Sign Standards (Article VIII of Chapter 94 Zoning).** Continuing the review of proposed versus current sign standards attached are two tables from Chairperson Gerold comparing (1) Wall mounted banner sign, temporary, (2) Ground mounted banner sign, temporary, and (3) Temporary signs.

- Attachments: (5) Chart #4 (Wall mounted and Ground mounted banner signs, temporary)  
(6) Chart #5 (Temporary signs)

**d. Updates on incoming projects.**

Staff has received an application for a Rezoning of 223 Milwaukee Street (Haagmire LLC, owners) to rezone from WFD to B-2. This application also requires a Comprehensive Plan Amendment to redesignate the subject property from “Marina/Waterfront” to “Downtown Commercial”. These two are public hearings that are scheduled for the March 28, 2024 meeting.

Staff has also received an inquiry from the Waterfront Bar & Grill property at 1510 Ellis Street to provide for off-street parking. This will be a bit tricky to incorporate on the site which is triangular in shape and restricted by both Ellis Street on the north and STH 29 (Marquette Drive) on the south.



The space involved creates a challenge and also the City requires right-of-way setbacks from streets for parking, so best case is maybe 12-13 parking spaces, which is more than are currently accommodated in pull-off spaces from Franklin Street (CTH C) and Ellis Street.

**6. Adjournment.**

## RESOLUTION NO. 2024-2040

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A  
CONDITIONAL USE TO OPERATE A MEDICAL CARE FACILITY AT 1304 FIRST STREET  
(BY RENEE D. MUELLER D/B/A EBALANCE MASSAGE & WELLNESS LLC, APPLICANT)  
(JONES & ASSOCIATES LLC, PROPERTY OWNERS)

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WHEREAS, Renee D. Mueller, d/b/a EBalance Massage & Wellness LLC, having petitioned the City of Kewaunee for the approval of a Conditional Use in the R-1 Single-Family Residential District, to operate a medical care facility, which requires a Conditional Use Permit in the R-1 Single-Family Residential District, upon property located at 1304 First Street. The property which is the subject of the application bears Parcel No. 241-00320-2565, and is more particularly described as follows:

Located in the Northwest Quarter of the Southeast Quarter of Section 19, Township 23 North, Range 25 East, in the City of Kewaunee, Kewaunee County, Wisconsin, as follows:

Commencing at the Northwest corner of Lot 1, Block 3 of Novak & Ihlenfeldt's First Addition, which is marked by an existing 2" iron pipe and is the point of beginning; thence North 00°05'30" East along the East line of First Street 138.00 feet; thence South 89°52'15" East 143.25 feet; thence South 00°05'30" West, 138.00 feet to an existing 2" iron pipe that marks the Northeast corner of said Lot 1, Block 3; thence North 89°52'15" West along the North line of said Lot 1, 143.25 feet to the point of beginning.

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Kewaunee for a public hearing, pursuant to the requirements of Sec. 94-71 et. sec., and the public hearing provisions in Sec. 94-281 of the City of Kewaunee Municipal Code, and a public hearing having been held before the Plan Commission on the 22nd day of February, 2024, and the Plan Commission thereafter having determined to recommend that the proposed Conditional Use be approved, subject to certain conditions; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Conditional Use, subject to conditions, meets the standards set forth under Chapter 94 of the City of Kewaunee Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kewaunee, Wisconsin, that the petition of Renee D. Mueller, d/b/a EBalance Massage & Wellness LLC, for the approval of a Conditional Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Conditional Use is approved only for the specific location as designated by this Resolution;
2. That the medical care facility shall operate within the framework of the statement of operations as provided by the applicant and attached as Exhibit 1;
3. That the applicant shall maintain compliance with all County, State and federal regulations and standards for the operation of the facility.
4. That the applicant shall maintain the available off-street parking needed for the continuous operation of the facility.

RENEE D. MUELLER D/B/A EBALANCE MASSAGE & WELLNESS LLC – CONDITIONAL USE RESOLUTION NO. 2024-2040

Page 2

BE IT FURTHER RESOLVED, that in the event Renee D. Mueller, d/b/a EBalance Massage & Wellness LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Conditional Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Conditional Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the City of Kewaunee Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Conditional Use Permit as is contemplated by Sec. 94-73 of the City of Kewaunee Municipal Code.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Kewaunee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Kewaunee this \_\_\_\_ day of \_\_\_\_\_, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Kewaunee this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Jeffrey L. Vollenweider Sr., Mayor

ATTEST:

\_\_\_\_\_  
Jo Ann Lesser, CMC, WCMC  
City Clerk/Treasurer

AYES \_\_\_\_ NOES \_\_\_\_ ABSENT \_\_\_\_

Please publish in the February 8 and February 15 issues of the Green Bay Press-Gazette. An affidavit of publication is also required.

Jo Ann Lesser, CMC, WCMC  
City Clerk



**CITY OF KEWAUNEE  
NOTICE OF PUBLIC HEARING  
CITY OF KEWAUNEE PLAN COMMISSION  
February 22, 2024 – 6:30 P.M.**

**NOTICE IS HEREBY GIVEN** that the City of Kewaunee Plan Commission will hold a public hearing on Thursday, February 22, 2024, at 6:30 p.m. at the Kewaunee Municipal Building, 401 Fifth Street, Kewaunee, WI 54216, to take public comments regarding an Application by Renee D. Mueller d/b/a EBalance Massage and Wellness LLC, applicant (Jones & Associates, LLC, property owners), requesting approval of a Conditional Use Permit to permit the operation of a massage and wellness medical facility located in an existing office/medical facility. This proposal is for property located at 1304 First Street, Parcel Number 241-00320-2565.

This public hearing is being held pursuant to the requirements and standards of Sec. 94-71 of the City of Kewaunee Municipal Code. Copies of the Application and all supporting materials are available for review and may be obtained from the City Clerk at the Kewaunee Municipal Building, 401 Fifth Street, Kewaunee WI 54216 during normal business hours. The public is invited to attend the public hearing and to provide input. Following the Public Hearing and while in regular session, the Plan Commission may take action to make a recommendation for final action by the Common Council at the next available date.

Dated this 31st day of January 2024.

Jo Ann Lesser, CMC, WCMC  
City Clerk





City of Kewaunee  
 401 Fifth Street  
 Kewaunee, Wisconsin 54126  
 (920) 388-5000  
[cityofkewaunee.org](http://cityofkewaunee.org)

APPLICATION DATE: 01/24/2024

STAMP DATE:                      city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Renee D. Mueller	NAME: Attorney Susan M. LaCrosse
COMPANY: EBalance Massage & Wellness LLC	COMPANY: LaCrosse Law Office, LLC
MAILING ADDRESS: PO Box 263	MAILING ADDRESS: N1623 Town Hall Road
CITY/STATE: Mishicot, WI                      ZIP: 54228	CITY/STATE: Kewaunee, WI                      ZIP: 54216
PHONE: 920-629-9661	PHONE: 920-495-8522
EMAIL ADDRESS: ebalancehealth@gmail.com	EMAIL ADDRESS: susan@lacrosselawoffice.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 1304 First Street, Kewaunee, WI	TAX KEY NUMBER: 31 241 SE19 21-2.1
PROPERTY OWNER: Jones & Associates LLC	PHONE: 920-629-7900
MAILING ADDRESS: 2810 44 <sup>th</sup> Street	EMAIL ADDRESS: rjcjrj@lakefield.net
CITY/STATE: Two Rivers, WI                      ZIP: 54241	DATE OF COMPLETION: <u>                    </u>

### APPLICATION TYPE

**Please check the application type that you are applying for**

Comprehensive Plan Amendment    Rezoning    Conditional Use    Zoning Text Amendment

These requests require Plan Commission review and Common Council approval.

Applicant is responsible for providing Plan Commission resubmittal materials up to 8 copies pending staff request and comments.


### SIGNATURES

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Kewaunee and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE:  NAME & TITLE: Richard P. Jones, its Member DATE: 1/28/24	APPLICANT SIGNATURE:  NAME & TITLE: Renee D. Mueller, its Member DATE: 1/29/24
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PROPERTY OWNER SIGNATURE:		APPLICANT REPRESENTATIVE SIGNATURE: 	
NAME & TITLE:	DATE:	NAME & TITLE: Attorney Susan M. LaCrosse	DATE: 01-30-2024

**CITY OF KEWAUNEE APPLICATION CHECKLIST**

If you have questions about the application materials please contact the City of Kewaunee.

**COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Kewaunee.
- \$500 Review Escrow payable to the City of Kewaunee (any remainder will be refunded after a decision is made or process is completed).
- Word Document legal description of the subject property.
- Eighteen (18) complete collated sets of application materials to include ...
  - Eighteen (18) project narratives.
  - Eighteen (18) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Administrator, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Plan Commission Meeting, followed by Common Council approval.

**REZONING**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fees payable to the City of Kewaunee:
  - \$600
  - \$500 Review Escrow (any remainder will be refunded after a decision is made or process is completed).
- Word Document legal description of the subject property.
- Eighteen (18) complete collated sets of application materials to include ...
  - Eighteen (18) project narratives.
  - Eighteen (18) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Administrator, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Requires a Class II Public Hearing notice at Plan Commission and Common Council approval.

**CONDITIONAL USE APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Kewaunee... [select one of the following]
  - \$600
  - \$500 Review Escrow (any remainder will be refunded after a decision is made or process is completed).
- Word Document legal description of the subject property.
- Eighteen (18) complete collated sets of application materials to include ...
  - Eighteen (18) project narratives. *see attached writup (2 copies per item)*
  - Eighteen (18) folded copies of the Site Plan package, drawn to scale at least 24" X 36", (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Assessment).
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required. (Hours, employes, type of activities, etc.)
  - Require a Class II Public Hearing notice at Plan Commission and Common Council approval. *(see attached writup)*

**ZONING TEXT AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$600 Application fee payable to the City of Franklin.
- Eighteen (18) project narratives, including description of the proposed text amendment.
  - Requires a Class II Public Hearing notice at Plan Commission and Common Council approval.
  - The City's Zoning Ordinance (Chapter 94 of Municipal Code) is available at [www.cityofkewaunee.org](http://www.cityofkewaunee.org).

**1304 First Street, Kewaunee, WI**



**Kewaunee County GIS**

DISCLAIMER: Kewaunee County does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



**Kewaunee County**  
Land Information Office  
810 Lincoln St  
Kewaunee, WI 54216  
920-388-7190

SCALE: 1" = 35'

Print Date: 1/24/2024

## **EBALANCE MASSAGE & WELLNESS, LLC**

### **Mission**

Ebalance Massage & Wellness LLC, a Wisconsin limited liability company, strives to create an atmosphere that is inviting and peaceful while maintaining the best experience for both guests and practitioners.

### **History**

Ebalance Massage & Wellness, LLC was founded in 2013 by Renee Mueller. It started as a one room suite rental in the former Steele Chiropractic Office n/k/a Balance Chiropractic, LLC. In the past 10 years it grew to a two room suite rental with the addition of services offered and the number of therapists. We are thankful to the wonderful Kewaunee community for embracing our passion and growing with us.

In April of 2024 we will be adding another practitioner to our staff. With the addition of another practitioner we have found the need to seek additional space. The property located at 1304 First Street, in the City of Kewaunee, Kewaunee County, Wisconsin, became available and is a perfect turn-key opportunity for our team size and vision.

### **Ebalance Massage & Wellness LLC Services Offered**

Custom Massage and Wellness Services including:

- Swedish
- Deep Tissue
- Myofascial
- Lymphatic
- Neuromuscular Therapy
- Pre & Postnatal
- Hot and Cold Stone
- Cupping
- Aromatherapy (Raindrop)
- Yomassage (Combines Yoga and Massage in a small group setting, up to 5 participants)
- Ear Candling
- Itovi Wellness Scan

Services added in 2024:

- Custom Skin Analysis and Facials
- Detox and Contour Wraps
- Facial and Body Waxing

### **Hours of Operation**

Monday – Thursday 8:00 am – 8:00 pm

Friday 8:00 am – 5:00 pm

Occasional weekends by appointment only

**Staff**

Renee Mueller- Owner, Licensed Massage Therapist and Yomassage Practitioner

Nikki Jackson- Licensed Massage Therapist

Shelby Delfosse- Licensed Massage Therapist

Baliey Kinjerski- Esthetician

**Footprint of the Property**

The real property located at 1304 First Street, City of Kewaunee, Kewaunee County, Wisconsin, consists of a 138'x143' lot (See attached GIS map). There is a commercial building situated on the property which was built in approximately 1976. Based on information and belief, the building was originally built as a doctor's office and has subsequently been utilized in some form of commercial manner since that time. There are approximately 10-12 parking spaces located on the property for ease of use by customers and staff alike which will minimize any on street parking. As mentioned above, the building is essentially a turnkey facility and is ready to be utilized for business operations, and therefore, minimal renovations will be needed to get the property operational and open for business.

For additional information about Ebalance Massage & Wellness, LLC please see our website

[www.essentialbalancehealth.com](http://www.essentialbalancehealth.com)

2  
3 ORDINANCE NO. 2024-XXX

4  
5 AN ORDINANCE REPEALING AND REPLACING ARTICLE VI OF CHAPTER 18  
6 (BUSINESSES) IN THE CITY OF KEWAUNEE MUNICIPAL CODE AS IT RELATES TO  
7 REGULATING SHORT TERM RENTALS

8  
9 WHEREAS, The Common Council of the City of Kewaunee has the authority to amend  
10 the City of Kewaunee Municipal Code; and

11  
12 WHEREAS, The Common Council deems it advisable to repeal and replace Article VI of  
13 Chapter 18, Businesses, of the City of Kewaunee Municipal Code to regulate short term rentals.

14  
15 NOW, THEREFORE the Common Council of the City of Kewaunee does ordain that  
16 Article VI of Chapter 18, Businesses, shall be repealed and replaced with the following:

17  
18 **ARTICLE VI. – SHORT TERM RENTALS**

19  
20 **DIVISION 1. – GENERALLY**

21  
22 **Sec. 18-210. - Purposes.**

23  
24 The purposes of this article are to:

- 25  
26 (a) Ensure the quality of short-term rentals operating within the City is adequate  
27 for protecting public health, safety, and general welfare, including establishing  
28 minimum standards of space for human occupancy and parking and for an  
29 adequate level of maintenance;
- 30 (b) Determine the responsibilities of owners and property managers operating or  
31 managing these rental properties for tourists or transient occupants, including,  
32 but not limited to, the responsibility to expeditiously and personally respond  
33 to, stop, mitigate, or prevent the reoccurrence of unreasonable activities on, or  
34 conditions, uses or misuses of, these rental properties which adversely impact  
35 or sustainably annoy, disturb, threaten, harm, offend or interfere with the  
36 residential uses, nature or values of other properties in the neighborhoods in  
37 which these rental properties operate, or with the comfort, health, enjoyment,  
38 security, life, or safety of others, or which substantially interfere with,  
39 obstruct, or tend to obstruct or render dangerous for passage any lane, street,  
40 road, bridge or other public or private way used by emergency vehicles, or  
41 protective service personnel to gain access to property or navigable body of  
42 water to provide services (i.e., public nuisances);
- 43 (c) Protect the character and stability of all areas, especially residential areas,  
44 within the City of Kewaunee;
- 45 (d) Provide minimum standards necessary for the health and safety of persons  
46 occupying or using buildings, structures, or premises;

- 47 (e) Require the provision of liability insurance in connection with the operation of  
48 short-term rentals so that persons on these properties, and the owners and  
49 occupants of adjacent properties, who suffer bodily injury or property damage  
50 arising from the condition or operation of the short-term rental, or from acts or  
51 omissions occurring thereon, are afforded a potential source of recovery to  
52 pay such damage claims; and  
53 (f) provide for the administration and enforcement hereof.  
54

55 **Sec. 18-211. - Definitions**  
56

57 *CLERK* – The Clerk of the City of Algoma or designee.  
58

59 *DWELLING UNIT* – One (1) or more rooms with provisions for living, cooking,  
60 sanitary and sleeping facilities and a bathroom arranged for exclusive use by one (1) or  
61 more persons maintaining a common household. Dwelling units include residential,  
62 tourist rooming house, seasonal employee housing, and dormitory units.  
63

64 *ENTITY* – A corporation, investment company, limited partnership, limited liability  
65 partnership, limited liability company, cooperative association, unincorporated  
66 cooperative association, common law trust, or any other group or organization licensed to  
67 do business in this state.  
68

69 *GUEST REGISTER* – The official record provided and kept by a Property Owner or  
70 Property Manager in which short-term rental guests are required to list their true names  
71 and addresses before being assigned sleeping quarters, pursuant to Wis. Admin. Code §  
72 ATCP 72.16.  
73

74 *LICENSE* – The Short-Term Rental License issued under § 18-104.  
75

76 *LICENSE YEAR* – The period from April 1<sup>st</sup> of each year to March 31<sup>st</sup> of the  
77 following year.  
78

79 *OCCUPANT* – Any person, over one (1) year of age, living, sleeping, cooking, or  
80 eating in, or having actual possession of, a dwelling unit.  
81

82 *PERSON* – An individual, group of individuals, or an entity.  
83

84 *PROPERTY MANAGER* – Any person who is not the Property Owner and is  
85 authorized by the property owner, expressly or impliedly, to act as agent and as the local  
86 contact person on behalf of the property owner for one or more short-term rental, and to  
87 take remedial action and promptly respond to any violation of this chapter of the  
88 Municipal Code relating to the licensed premises.  
89

90 *PROPERTY OWNER* – The owner of a short-term rental.  
91

92            *RENEWAL LICENSE* – Any license issued under this Chapter 28, Article V which  
93 will be or is in effect for the License Year immediately following a License Year for  
94 which the City Clerk issued a license under this chapter for the same short-term rental  
95 property.  
96

97            *SHORT-TERM RENTAL* – A residential dwelling that is offered for rent for a fee and  
98 for fewer than twenty-nine (29) consecutive days, as defined in Wis. Stat. §66.1404.  
99

100    **Sec. 18-212. - Operation of Short Term Rentals**

- 101
- 102            (a) No person may maintain, manage or operate a short-term rental more than ten  
103            (10) nights each License Year without a short-term rental license. Every short-  
104            term rental shall be operated by a Property Owner or Property Manager.  
105
- 106            (b) Each short-term rental Property Owner is required to have the following  
107            licenses and permits:  
108
- 109                    (1) A state of Wisconsin Tourist Rooming House License.  
110
- 111                    (2) A seller’s permit issued by the Wisconsin Department of Revenue  
112
- 113                    (3) A license from the City issued pursuant to this chapter.  
114
- 115            (c) Each short-term rental shall comply with all of the following:  
116
- 117                    (1) No residential dwelling unit may be rented for a period of six (6) or fewer  
118                    consecutive days. However, after a short-term rental license has been  
119                    issued for a residential dwelling unit under Sec. 18-222, then any  
120                    subsequent rental of that dwelling unit during the license term may be for  
121                    a period of six or fewer consecutive days.  
122
- 123                    (2) There shall not be excessive noise as prohibited by §94-196 of the  
124                    Municipal Code, excessive fumes, glare, or vibration, any nuisance  
125                    activities prohibited pursuant to Chapter 50 of the Municipal Code, dogs at  
126                    large as prohibited by Chapter 10 of the Municipal Code, or trespass onto  
127                    neighboring properties as prohibited by Chapter 54 of the Municipal Code.  
128
- 129                    (3) Name plates or other signage related to the short-term rental property shall  
130                    not exceed one square foot. No other signage advertising the short-term  
131                    rental is permitted on site, unless the proper sign permit was obtained prior  
132                    to the passing of this ordinance.  
133
- 134                    (4) The number of occupants in any dwelling unit shall not exceed the limits  
135                    set forth in Wis. Admin. Code § ATCP 72.14 for hotels, motels, and  
136                    tourist rooming houses.



- 137 (5) No recreational vehicles (RVs), campers, tents or other temporary lodging  
138 arrangements shall be permitted on site as a means of providing additional  
139 accommodations for paying guests or other invitees.  
140
- 141 (6) Compliance with all applicable state, county, and local codes and  
142 regulations are required.  
143
- 144 (7) The property owner shall have and maintain homeowner's liability or  
145 business liability insurance effective during all short-term rental periods  
146 for the premises that are used for short-term rental and shall provide  
147 written evidence of such insurance with the license application and  
148 renewal application forms.  
149
- 150 (8) The property owner or property manager of each short-term rental shall  
151 provide a guest register and require all guests to register their true names  
152 and addresses and rental time period(s) before being assigned sleeping  
153 quarters. The guest register shall be kept by the property owner or  
154 property manager and available for inspection for at least one year, as  
155 required by the Wisconsin Administrative Code.  
156
- 157 (9) Upon probable cause to believe that a violation of this chapter, or of law,  
158 code, rule or regulation relating to buildings, housing, electrical,  
159 plumbing, heating, gas, fire, health, safety, environmental pollution, water  
160 quality, food or zoning has occurred or is occurring, the Building  
161 Inspector, the County health officer, the Chief of Police, or the Chief's  
162 designee, may request that the property owner or property manager allow  
163 him or her, upon presenting proper identification, access to the short-term  
164 rental premises at any reasonable time. As used in this subsection,  
165 "probable cause" means facts and circumstances within an officer's  
166 knowledge and of which he or she has reasonably trustworthy information  
167 that are sufficient to warrant a reasonable officer in believing that a  
168 violation has been or is being committed. If consent is refused, the  
169 Building Inspector, County health officer, Chief of Police, or Chief's  
170 designee may apply for a special inspection warrant issued under Wis.  
171 Stats. § 66.0119, or other warrant, subpoena or order as may be necessary  
172 or appropriate.  
173

174 **Secs. 18-213 – 18-221. – Reserved**

175  
176 **DIVISION 2. – PERMIT PROCEDURE**

177  
178 **Sec. 18-222. Short-term Rental License.**

- 179  
180 (a) The City Clerk shall issue a short-term rental license if an applicant  
181 demonstrates compliance with the provisions of Chapter 18 of the Municipal  
182 Code. A short-term rental license is issued for one (1) License Year and may

183 be renewed annually as provided in §18-224. The license shall contain the  
184 following information:

- 185
- 186 (1) The name of the Property Owner, with contact information including  
187 mailing address and a telephone number at which the Property Owner is  
188 available. If the Property Owner is also acting as the Property Manager,  
189 then the requirements of subsection (2) below shall apply to the Property  
190 Owner.
- 191
- 192 (2) The name of the Property Manager, with contact information including  
193 mailing address, physical address (if different than mailing address) and a  
194 telephone number at which the Property Manager is available at all times  
195 the property is rented.
- 196
- 197 (3) The license term.
- 198
- 199 (4) The State of Wisconsin Tourist Rooming House license number.
- 200

201 Sec. 18-223. Short-Term Rental License Procedure.

202

- 203 (a) All applications for a short-term rental license shall be filed with the City  
204 Clerk on forms provided by the Clerk. Applications must be filed by the  
205 Property Owner or the Property Manager. No license shall be issued unless  
206 the completed application form is accompanied by payment of the required  
207 application fee, which shall be non-refundable.
- 208
- 209 (b) Each application shall include the following information and documentation  
210 for each short-term rental unit in order to demonstrate compliance with all  
211 requirements of this chapter, including, but not limited to, §18-226:
- 212
- 213 (1) The name of the Property Owner, with contact information including  
214 mailing address and a telephone number at which the Property Owner is  
215 available.
- 216
- 217 (2) A copy of the state of Wisconsin Tourist Rooming House license issued  
218 under Wis. State §97.605; or proof that such state license has been applied  
219 for, in which event a provisional short-term rental license may be issued  
220 under this chapter for a period of thirty (30) days but shall be conditioned  
221 upon the City Clerk's receipt of a copy of such state license from the  
222 applicant within said thirty (30) day period, and if a copy of such state  
223 license is not received by the Clerk within said period, then such  
224 provisional license shall expire and be void at and after the end of said  
225 thirty (30) day period.
- 226
- 227 (3) A copy of a completed state of Wisconsin Lodging Establishment  
228 Inspection form dated within one (1) year of such inspection.

- 229 (4) Proof of insurance as required by §18.212(c)(7).  
230  
231 (5) A copy of a current Seller's Permit issued by the Wisconsin Department of  
232 Revenue.  
233  
234 (6) A description of the property boundaries, location of buildings and the on-  
235 site, off-street parking area(s) designated for tenants and invitees on the  
236 premises.  
237  
238 (7) Designation of a Property Manager, unless Property Owner is acting as the  
239 Property Manager, with contact information including mailing address,  
240 physical address (if different from mailing address), a telephone number,  
241 an affirmative statement that the Property Manager is authorized to act as  
242 agent and as the local contact person for the Property Owner with respect  
243 to operation of the short-term rental.  
244  
245 (8) Written certification by the Property Owner that the short-term rental  
246 meets the requirements of this chapter and applicable state and county  
247 laws, ordinances, and regulations.  
248  
249 (9) Employer identification number issued by the Internal Revenue Service.  
250  
251 (10) For renewal licenses only, written certification that a guest register has  
252 been kept as required by the Wisconsin Administrative Code.  
253  
254 (c) Unless earlier revoked, each license shall run from April 1<sup>st</sup> of one year to  
255 March 31<sup>st</sup> of the following year and may be renewed for additional one (1)  
256 year periods. The application fee shall be paid upon filing of the application.  
257 Any application that does not include all of the information and supporting  
258 documentation required by this chapter shall not be considered as complete.  
259  
260 (d) When the City Clerk determines that an application is complete and meets the  
261 requirements of this chapter, the Clerk shall approve the application and issue  
262 a short-term rental license (or, if applicable, a provisional short-term rental  
263 license) to the application. If the Clerk determines that the application is  
264 incomplete or does not meet the requirements of this chapter, the Clerk shall  
265 deny the application and inform the applicant, in writing, of the reason(s) why  
266 the application was denied and what action is needed to obtain approval of the  
267 application.  
268  
269 (e) No short-term rental license (or, if applicable provisional short-term rental  
270 license) shall be issued or renewed if the application or short-term rental  
271 property has outstanding fees, taxes, special charges, or forfeitures owed to  
272 the City, State of Wisconsin, or Kewaunee County.  
273

- 274 (f) No short-term rental license (or, if applicable provisional short-term rental  
275 license) shall be issued if the applicant or short-term rental property is found  
276 to be subject to one of the grounds for revocation as provided in §18-227(d).  
277

278 **Sec. 18-224. - Renewal.**  
279

- 280 (a) Each application for renewal of a short-term rental license shall include  
281 updated information for the documentation file with the City Clerk, and  
282 payment of the renewal fee. A renewal application must be filed with, and a  
283 nonrefundable renewal fee must be paid to, the City Clerk at least ninety (90)  
284 days prior to the license expiration date to allow the City Clerk adequate time  
285 to review the application. The Clerk shall determine whether the information  
286 provided in the renewal application is complete and meets the requirements of  
287 this chapter. The Clerk may also request reports from the City Building  
288 Inspector, Police Department, and other law enforcement agencies regarding  
289 any enforcement actions taken with respect to the short-term rental properties  
290 and operations, and their owners, tenants, occupants or visitors. The Clerk  
291 shall review the renewal application and may approve or deny the application  
292 after taking into consideration the number, frequency and/or severity of law  
293 violations relating to the short-term rental property and operations, and its  
294 owner(s), tenant(s), occupant(s), or visitor(s), and whether such violations  
295 substantially harm or adversely impact the predominantly residential uses and  
296 nature of the surrounding neighborhood. If after such consideration the Clerk  
297 determines not to renew the license, the Clerk shall notify the application in  
298 writing of the reason(s) for such decision, and the applicant's right to appeal  
299 the decision to the Common Council as provided in §18-227.  
300

- 301 (b) No license shall be renewed if the short-term rental property is under an order  
302 issued by the Building Inspector or the County health officer, or his or her  
303 designee, to bring the premises into compliance with state, county, or local  
304 laws, codes, rules, or regulations.  
305

306 **Sec. 18-225. - Standards for Short-Term Rentals.**  
307

- 308 (a) Each short-term rental shall comply with this chapter's requirements and any  
309 other applicable state, county, or local laws, codes, rules or regulations. Each  
310 short-term rental shall comply with the following standards:  
311
- 312 (1) The number of occupants may not be more than allowed under Wis.  
313 Admin. Code. Ch. ATCP 72 or any other state regulation, state statute, or  
314 local ordinance.  
315
  - 316 (2) Not less than one (1) on-site, off-street parking space shall be provided for  
317 every four (4) occupants, based upon maximum occupancy.

318 (3) The short-term rental premises shall have functioning smoke detectors and  
319 carbon monoxide detectors pursuant to the requirements of Wis. Admin.  
320 Code Ch. SPS 321.

321  
322 (4) Certification of compliance: As a condition of issuance of a license under  
323 Chapter 28 of the City Code, the Property Owner or Property Manager  
324 shall certify in writing in each initial application and renewal application  
325 form that the short-term rental property complies with the terms and  
326 conditions of the license and this chapter.

327  
328 **Sec. 18-226. - Display of Permit.**

329  
330 Each license shall be displayed on the inside of the main entrance door of each  
331 short-term rental.

332  
333 **Sec. 18-227. Appeal of Licensing Decisions; License Revocation; Appeal Procedure;**  
334 **Judicial Review.**

335  
336 (a) The City Clerk's decision to deny any initial short-term rental license or to  
337 deny renewal of a short-term rental license shall specify the reason(s) for such  
338 denial, in writing. Prior to the time for the renewal of the license, the City  
339 Clerk shall notify the licensee in writing of the City's intention not to renew  
340 the license and notify the licensee of his or her right to an appeal hearing as  
341 provided in subsection (b) below.

342  
343 (b) The City Clerk's decision to deny an initial license or to deny renewal of a  
344 license may be appealed to the Common Council by filing a written appeal  
345 with the Clerk within twenty-one (21) calendar days (excluding legal  
346 holidays) after the date of mailing of the written notice of the City Clerk's  
347 decision denying such license or renewal license. The Common Council shall  
348 conduct a due process hearing and issue a written decision on the appeal  
349 within thirty (30) calendar days of the City's receipt of the written appeal. If  
350 the appellant appears at the hearing he or she may produce and cross-examine  
351 witnesses, present relevant evidence, and be represented by counsel of his or  
352 her choosing, at his or her expense. If the Common Council finds the City  
353 Clerk's reason(s) for his or her decision sufficient, the decision shall be  
354 affirmed. If the Common Council finds the City Clerk's reason(s) for his or  
355 her decision insufficient, the decision shall be reversed, and the license shall  
356 be granted and issued. If the appellant does not appear at the hearing and the  
357 Common Council finds the City Clerk's reason(s) for his or her decision  
358 sufficient, the decision shall be affirmed. The Common Council's written  
359 decision on the appeal must specify the reason(s) for its determination. The  
360 City Clerk shall give written notice of the Common Council's decision to the  
361 applicant or licensee.

363 (c) A license may be revoked by the Common Council during the term of a  
364 License Year and following a due process hearing for one or more the  
365 following reasons:

366 (1) Failure by the licensee to make payment of delinquent fees, taxes, special  
367 charges, forfeitures, or other debt owed to the City of Kewaunee, State of  
368 Wisconsin, or Kewaunee County.

369 (2) Failure to maintain all required local, county, or state laws or regulations  
370 which, based upon their number, frequency and/or severity, and their  
371 relation to the short-term rental property, its owner(s), tenant(s),  
372 occupant(s), or visitor(s), substantially harm or adversely impact the  
373 predominantly residential uses and nature of the surrounding  
374 neighborhood.  
375  
376

377 (d) Revocation. Any resident or owner of property within the City may file sworn  
378 written complaint with the City Clerk and Kewaunee Police Department  
379 alleging one or more of the reasons set forth in subsection (c) above as  
380 grounds for revocation of a short-term rental license issued under this chapter.  
381 Upon the filing of the complaint, the City Clerk shall notify the licensee of the  
382 complaint by certified mail – return receipt requested and provide the licensee  
383 with a copy of the complaint. The notice shall direct the licensee to appear  
384 before the Common Council on a day, time, and place included in the notice,  
385 not less than ten (10) days and not more than forty-five (45) days from the  
386 date of the notice and show cause why his or her license should not be  
387 revoked. The hearing shall be conducted as provided in subsection (b). If a  
388 license is revoked, the City Clerk shall give notice of revocation to the  
389 licensee by certified mail – return receipt requested. No part of the fee paid for  
390 any license if revoked may be refunded.  
391

392 (e) Judicial Review. The action of the Common Council in granting, refusing to  
393 grant or renew, or revoking a license under this chapter may be reviewed by  
394 the County Circuit Court upon appeal by the applicant, licensee, or a resident  
395 of or owner of property within the City, such appeal shall be filed within thirty  
396 (30) days of the date of mailing by the City Clerk of the notice of the  
397 Common Council’s action granting or renewing, refusing to grant or renew, or  
398 revoking a license. The procedure on review shall be the same as in civil  
399 actions commenced in the circuit court pursuant to Wis. Stat. Chps. 801 to  
400 807.  
401

402 **Sec. 18-228. - Penalties.**

403 (a) Any person who violates any provision of this chapter shall be subject upon  
404 conviction thereof to a forfeiture of not less than \$250 nor more than \$2500  
405 for each offense, together with the costs of prosecution. Each violation and  
406  
407

408 each day a violation occurs or continues to exist shall constitute a separate  
409 offense.

410  
411 (b) The penalties set forth in this section shall be in addition to all other remedies  
412 of injunction, abatement or costs, whether existing under this chapter or  
413 otherwise.

414  
415 **Sec. 18-229. - Fees**

416  
417 Any person applying for an initial short-term rental license or renewing a license  
418 pursuant to this chapter shall be subject to the fees as established by resolution of the  
419 Common Council.

420  
421 **Sec. 18-230. - Severability.**

422  
423 Should any portion of this ordinance be declared invalid or unconstitutional by a  
424 court of competent jurisdiction, such decision shall not affect the validity of any other  
425 provisions of this ordinance.

426  
427 This ordinance shall become effective upon passage and publication / posting.

428  
429 Adopted by the Common Council of the City of Kewaunee, Wisconsin at a meeting thereof on  
430 the \_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_ for and \_\_\_\_ opposed.

431  
432  
433 APPROVED:

434  
435  
436  
437 \_\_\_\_\_  
438 Jeffrey L. Vollenweider Sr., Mayor

439 ATTEST:  
440  
441  
442 \_\_\_\_\_  
443 Jo Ann Lesser, CMC, WCMC  
444 Clerk/Treasurer

445  
446  
447 Class II Notice of Publication: \_\_\_\_\_

448  
449 Date Adopted: \_\_\_\_\_

450  
451 Date Published: \_\_\_\_\_

452

Type of Sign	Sign Area		Sign Height		Location		Projection	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
Wall Mounted Banner Sign, Temporary	The maximum area of a wall mounted banner sign shall be five (5) percent of the total area of the face of the wall to which the sign is affixed.	On premises temporary signs. Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations provided such signs are posted not more than 45 days before such event and removed within five days after the event. <i>(listed as a sign not requiring a permit )</i>	No wall mounted banner sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.	-	Wall mounted banner signs shall be affixed to a building only.	-	Wall mounted banner signs shall be affixed to a building only.	-
Ground Mounted Banner Sign, Temporary	The maximum sign area of a ground mounted banner sign shall be twenty (20) square feet.	<i>Same as above.</i>	The maximum sign height of a ground mounted banner sign shall be five (5) feet.	-	-	-	-	-



Type of Sign	Temporary Signs Requiring a Permit							
	Single-Tenant Building		Multi-Tenant		Display Period		Temporary Freestanding Signs	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
Temporary	A maximum of two (2) permitted temporary signs, as permitted per district in Table 94-374(c), may be displayed concurrently on a lot with a single tenant building.	-	A maximum of one (1) permitted temporary sign as permitted per district in Table 94-374 ('c), may be displayed per unit on a lot with a multi-tenant building concurrently. If no instance shall more than two(2) freestanding temporary signs be displayed concurrently.	-	The permitted display period of a permitted temporary shall be a maximum of thirty (30) days. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multitenant building per calendar year. Display periods shall be separated by a minimum of thirty (30) days.	Banners, pennants, searchlights or balloons shall not be used on a permanent basis. They may be permitted as a special promotion in a commercial or industrial zone for a total period not to exceed 30 days per calendar year and will be allowed in residential zones in conjunction with an open house or model home demonstration conducted by a real estate broker for up to ten days.	Temporary freestanding signs shall include ground mounted banner, feather, post, and yard signs.	Currently only really discusses portable signs (other than sandwich signs) and sandwich signs.