

**CITY OF WASHBURN**  
119 Washington Avenue  
P.O. Box 638  
Washburn, WI 54891



715-373-6160  
715-373-6161  
FAX 715-373-6148

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings by utilizing a computer or smart phone and using the link <https://us02web.zoom.us/j/81946092257?pwd=U1pkSjhJSk4rMk5qK1NIVEpXSXRIZz09> or by calling 1 (877) 853-5247 (Toll Free) and entering Webinar ID: 819 4609 2257 and entering passcode **347346** as opposed to being present for the meeting. Limited seating will be available at the meeting and guests are asked to keep a six-foot distance from one another.

## **NOTICE OF JOINT PLAN COMMISSION AND CITY COUNCIL MEETING**

DATE: Thursday, August 18, 2022  
TIME: 5:30 PM  
PLACE: Washburn City Hall

### **AGENDA:**

- Call to Order/Roll Call
  - Approval of Minutes of July 21, 2022
  - Public Hearing, Discussion, Plan Commission Recommendation, and Council Action on Conditional Use Permit Application for Non-Conforming Conditional Use – To Allow the Current Non-conforming residential use of the property at 1500 CTH C (Tax ID 32476) to continue as a legal non-conforming use without non-conforming restrictions, Timothy and Jody Compton, Petitioners.
  - Public Hearing, Discussion, Plan Commission Recommendation, and Council Action on Zoning Code Amendment -For the purpose of amending the City's Zoning Code (Title 13) Chapter 1, Article 8 to update the regulation of licenses for outdoor consumption of alcoholic beverages
- \*Note: At This Point the Council Can Adjourn and the Plan Commission Can Continue*
- Discussion and Action on Special Exception Request to Enlarge a Non-Conforming Structure, 905 N. 10<sup>th</sup> Avenue West, Carrie Linder Petitioner
  - Discussion on Conceptual Ordinance for Off-Premise Signs in Certain Areas of the City
  - Continued Discussion and Action on Comprehensive Plan Re-Write Project –Review of Land Use Maps and Policies
  - Adjourn

July 21, 2022

CITY OF WASHBURN PLAN COMMISSION MEETING

5:30PM Washburn City Hall & Remote Video Conferencing

COMMISSION MEMBERS: Leo Ketchum-Fish, Mary Motiff, Nicolas Suminski, Dave Anderson, Michael Malcheski, Matt Simoneau- VIA Zoom

ABSENT: Felix Kalinowski,

MUNICIPAL PERSONNEL: Scott Kluver-City Administrator, Tammy DeMars-Treasurer/Deputy Clerk

Meeting called to order at 5:30 pm by Motiff, attendance as recorded above. Also attending was Eric of Northwest Regional Planning-VIA Zoom.

**Approval of Minutes – July 19, 2022, Minutes – Motion by Suminski to approve the minutes of July 19, 2022, second by Anderson. Motion carried 6-0.**

**Continued Discussion and Action on Comprehensive Plan Re-Write Project – Review of Land Use Map** –Eric with Northwest Regional Planning Commission continue reviewing the land use policies with the commission. The Parks Committee is working on the Outdoor Recreation section, so Section 5.1 is where we started. Text changes were made to policy no. 5.1.a, 5.1.b, 5.1.c, 5.1.f, 5.2.a 5.2.c., 5.2.f; and 5.2.d, 5.2.g were removed; 5.2.e was separated into two policies. Section 5.3 text changes were made to policy no. 5.3.a, 5.3.b, 5.3c and 5.3.d. Section 6.1 text change were made in all policies, and two new policies were added. Section 6.2 no changes made. Section 6.3 added policy to promote compost site. Section 6.3 Deleted policy 6.4.a, changed text in 6.4.b, 6.4.c and 6.4.d. Section 6.5 text changes to policy no. 6.5.a, 6.5.b, 6.5.d; policy 6.5.e, 6.5.c were deleted. Section 6.6 text changes to 6.6.a, 6.6.e and remove 6.6d. Section 6.7 remove “and responsibility” from the objective, text change to 6.7.a. We will start with 7.1 at our next meeting.

Moved by Malcheski to adjourn, seconded by Anderson. Motion carried 6-0. Meeting adjourned at 8:50pm

Respectfully Submitted,  
Tammy DeMars  
City Treasurer/Deputy Clerk

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**CITY OF WASHBURN**  
**NOTICE OF PUBLIC HEARING**

A Public Hearing will be held by the Plan Commission on, Thursday, August 18, 2022, at 5:30 P.M. at City Hall, 119 Washington Avenue, for public comment on the following issue:

**Conditional Use Permit Application:**

Request for Non-Conforming Conditional Use – To allow the current non-conforming residential use of the property at 1500 CTH C (Tax ID 32476) to continue as a legal non-conforming use without non-conforming restrictions. Timothy and Jody Compton, Petitioners

The property is zoned I-1, Light Industrial. Residents unable to attend the public hearing may provide written comment to the Zoning Administrator prior to the hearing.

Scott J. Kluver  
Zoning Administrator

**publ.: Class 2 – July 29 and August 5, 2022**  
**Daily Press Box Ad**

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Scott J. Kluver  
Zoning Administrator

As required by ordinance, copy mailed to property owners within 150 feet of the subject property.

**NOTICES MAILED FIRST CLASS MAIL 07/25/2022**

**ERIC E & LYNN M ADAMS**  
30850 HOVE LN  
WASHBURN WI 54891

**ROBERT G & KAREN K SWANSON**  
BOX 562  
WASHBURN WI 54891

**JOHN CHARLES ADAMS**  
30900 CO HWY C  
WASHBURN WI 54891

**MICHAEL & REBECCA WORBLEWSKI**  
1491 CTH C  
WASHBURN, WI 54891


**RENA LOUISE ARSENEAU**  
77050 BIG ROCK RD  
WASHBURN WI 54891

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715-373-6160  
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To: Honorable Mayor and City Council Members and Plan Commission Members

From: Scott J. Kluver,  Administrator

Re: Non-Conforming Conditional Use Permit - Compton

Date: July 29, 2022

Enclosed you will find a draft Non-Conforming Conditional Use Permit application for Tim and Jody Compton and their property at 1500 CTH C. The Compton's have resided on this property since the late 1990s, and in addition, there used to be an industrial business at this property that ceased operations around 2005 or so. The property remained zoned industrial, and when the zoning code was amended in 2017, the property was essentially made non-conforming as the previous conditional use permits had expired prior to state law changes and the new code prohibited residential uses outright in the industrial zone.

Recently, the Compton's decided to put their property up for sale, and they had an offer which now has subsequently been released because the property is classified as a non-conforming use which prohibits reconstruction, expansion, or improvements beyond 50 percent of the value of the property under the current code. This is a red flag that essentially prohibits a prospective buyer from obtaining financing to purchase the property.

At a recent Plan Commission meeting, the Compton's requested that the future land use map, which is currently being revised as part of the Comprehensive Plan update, be changed which is the first step needed to rezone the property. The Plan Commission has agreed to propose the change in the new draft, but it would take the remainder of the year to complete the entire process if the Compton's waited to go that route with their request. In reviewing the situation, a never before used provision of the zoning code allows the property owner to petition for a new conditional use permit that would grandfather a non-conforming use and provide the protections of a conditional use permit under current law. Essentially, this would allow the Compton's to seek resolution of their request within a month or two.

A draft conditional use permit is now presented to you to allow the property to be used for residential use, without non-conforming restrictions, should you approve. Both bodies should consider whether or not (1) approval would be adverse to the public health, safety or welfare; (2) approval is keeping with the spirit and intent of this chapter of the code; and (3) that the use would not be otherwise detrimental to the area and in particular the surrounding properties.

After the public hearing on this matter, and any discussion by both bodies, the Plan Commission should take action first on a recommendation to the Council, and then the Council can act upon that recommendation.

You will also find the hearing notices, application, legal opinion, and map included in the packet. Please let me know if you have any advance questions related to this matter.

# CITY OF WASHBURN CONDITIONAL USE PERMIT

A Nonconforming Conditional Use Permit is hereby granted, pursuant to Title 13, Chapter 1, Article 7, Division 3 of the City of Washburn Zoning Ordinance to Timothy and Jody Compton (hereinafter User), in respect to property currently zoned I-1 Light Industrial, herein referred to as Subject Property, described as:

**Street Address:** 1500 CTH C

**Legal Description:** S31 T49N R04W PAR IN NW 1/4 IN V.735 P.105

**Tax ID:** 32476

**PIN:** 04-291-2-49-04-31-2 02-000-20000

This Nonconforming Conditional Use Permit is granted for the purpose of permitting the User to engage in the permitted use set forth immediately below:

1. To allow continued use of the property located at 1500 CTH C, in the I-1 Light Industrial District, as a residential use in accordance with Section 13-1-7-55(b) of the City of Washburn Zoning Code.

This Nonconforming Conditional Use Permit is subject to the following special conditions:

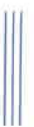
1. Issuance of a Conditional Use Permit does not indicate that the City of Washburn has certified the above referenced dwelling nor has it inspected the building, nor does it ensure that it meets local, state, federal, or professional requirements or standards related to the subject use.
2. This permit shall remain in effect so long as the permit holder complies with all conditions of this permit and applicable City of Washburn ordinances.

Statement on the nature of the approval:

In approving this Nonconforming Conditional Use Permit, the Plan Commission confirmed the use will not be adverse to the public health, safety, or welfare; the use is in keeping with the spirit and intent of this chapter; and the use would not be otherwise detrimental to the area and in particular the surrounding properties. The Common Council adopts these findings.

Appeal rights for applicant and other aggrieved persons:

Within 30 days of the decision date, a written appeal, including the reasons for the appeal, must be received by the City Clerk. The appeal process will follow the procedure outlined in 13-1-7-23 of the zoning ordinance.



Timothy Compton

Date

\_\_\_\_\_  
Jody Compton

\_\_\_\_\_  
Date

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above-named Timothy and Jody Compton, to me known to be the persons who executed for the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Bayfield County, Wisconsin

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Mary D. Motiff, Mayor  
City of Washburn

\_\_\_\_\_  
Date

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above-named Mary D. Motiff, known to be the person who executed for the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Bayfield County, Wisconsin

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Scott J. Kluver, Zoning Administrator  
City of Washburn

\_\_\_\_\_  
Date

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above-named Scott J. Kluver, known to be the person who executed for the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Bayfield County, Wisconsin

My commission expires: \_\_\_\_\_





**ANICH, WICKMAN & LINDSEY, S.C.**

ATTORNEYS AT LAW  
220 SIXTH AVENUE WEST  
POST OFFICE BOX 677  
ASHLAND, WISCONSIN 54806-0677  
TELEPHONE (715) 682-9114  
FAX NO. (715) 682-9504

MATTHEW F. ANICH  
TYLER W. WICKMAN  
MAX T. LINDSEY  
ROBERT E. EATON

July 20, 2022

City of Washburn Plan Commission

**RE: Residential Property at 1500 County Highway C**

Dear Plan Commission Members:

This letter is in response to a request for a legal opinion regarding the existing residence located at 1500 County Highway C. Since that property is currently zoned industrial, the residential building is a structure housing a nonconforming use and is subject to restrictions on expansion, improvement, and rebuilding. I have been requested to advise if and how the property owner could avoid these limitations on continuation and expansion of the residential use.

After reviewing this issue with Zoning Administrator Kluver, we have determined that the best route forward would be for the owner to proceed pursuant to § 21-6 (p.281) of the City's zoning code. This section allows the owner of a nonconforming use to submit an application seeking to authorize the nonconforming use instead as a conditional use, even though such use is not listed in the land use matrix for the particular zone in question. Applications for conversion of a nonconforming use to a nonconforming conditional use are governed by the general standards in Article 7, Division 3 of the zoning code, and more specifically Section 7-55(b). This section provides that the application for nonconforming conditional use must meet three factors:

- 1) The nonconforming use will not be adverse to the public health, safety, or welfare
- 2) The nonconforming use is in keeping with the spirit and intent of this chapter
- 3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

If the applicant satisfies all three of these conditions, then the application should be approved and the nonconforming use would be redesignated as a nonconforming conditional use. Upon approval as a nonconforming conditional use, the building expansion and rebuilding limitations placed upon the residential structure as a nonconforming use would no longer apply.

I have attached the cited provisions of the zoning code for your review.

Yours truly,  
ANICH, WICKMAN & LINDSEY, S.C.  
/s/  
Max T. Lindsey

cc: Scott Kluver  
Faith Mauritz



# Conditional Use City of Washburn

Version: May 25, 2017

WASHBURN CITY HALL  
119 Washington Avenue  
Washburn, WI 54891

**Overview:** The City's zoning code identifies land uses that may be allowed in each of the zoning districts either by right or as a conditional use. By definition, a conditional use is a land use that may or may not be appropriate on a given parcel depending on a wide range of factors that relate to the proposed use and the particular circumstances relating to the parcel and surrounding properties. Conditional uses are therefore considered on a case-by-case basis. The Plan Commission conducts a public hearing to solicit input from the general public and other interested parties. When reviewing conditional use applications, the Plan Commission serves in an advisory capacity to the Common Council, which makes the final decision. The recommendation of the Plan Commission and the decision of the Common Council are based on the evidence and testimony received as part of the application and through the public hearing process.

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 7 of the City's zoning code.

**General instructions:** Complete this application and submit one copy to the City Clerk at the mailing address shown above. Before you formally submit your application, you may meet with the City Administrator who can answer any questions you may have. You may also ask the City Administrator to review your application before it is formally submitted to determine if it is complete and provides enough information to describe the circumstances related to this application. If you have any questions, do not hesitate to contact the City Administrator at (715) 373-6160 ext 4 or via e-mail at [washburnadmin@cityofwashburn.org](mailto:washburnadmin@cityofwashburn.org).

### Office Use Only

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

1. **Applicant and agent information** include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Applicant	Agent
Name	<u>Timothy R Compton &amp; Jody L Compton</u>	_____
Street address	<u>1500 County Highway C</u>	_____
City, state, zip code	<u>Washburn, WI 54891</u>	_____
Daytime telephone	<u>715-209-5670</u>	_____
E-mail address	<u>ccc11842002@yahoo.com</u>	_____

2. **Type of application (select one)**

- New conditional use
- An amendment of a previously approved conditional use

3. **Proposed use.** Describe the proposed conditional use or amendment in detail.

Residential

4. Subject property information

Physical address 1500 County Hwy C

Tax key number(s) 32476

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the City Clerk.

Is the subject property currently in violation of the City's zoning code as determined by the zoning administrator?

- No
- Yes

If yes, please explain.

It's a non-conforming use

Comment: Pursuant to Section 6-10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 6-11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

Are there any buildings on the subject property?

- No
- Yes

Will the proposed conditional use be located in an existing building or a new building?

- Existing building
- Proposed building
- NA

If the conditional use will be in an existing building, is that building classified as "conforming" or "nonconforming?" A nonconforming building does not meet the dimensional requirements for the district in which it is located.

- Conforming building
- Nonconforming building

If nonconforming, please explain.

Has the City approved a variance or special exception for the subject property?

- No
- Yes

If yes, provide the year of issuance and a short description for each one.

5. Zoning information. The subject property is located in the following zoning district(s). (check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> R-1 Rural residential      | <input type="checkbox"/> C-1 Cottage commercial  | <input type="checkbox"/> MUW Mixed-use waterfront |
| <input type="checkbox"/> R-2 Suburban residential   | <input type="checkbox"/> C-2 General commercial  | <input type="checkbox"/> L-1 Lakefront            |
| <input type="checkbox"/> R-6 Mixed residential      | <input type="checkbox"/> C-3 Downtown commercial | <input type="checkbox"/> M Marina                 |
| <input type="checkbox"/> R-7 Waterfront residential |  | <input checked="" type="checkbox"/> I Industrial  |

6. Adjoining land uses and zoning

	Zoning classification	Current uses
North	R-1	
South	I	
East	I	
West		

7. Evaluation criteria. The factors listed below will be used in evaluating this application. Your responses are important.

1. The size of the parcel on which the proposed use will occur

13 Acres

2. The presence of and compatibility with other uses on the subject property, if any

ITS has been our Residents since 1998

3. The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses)

The property is adjacent to other Residential & Industrial Property's

4. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

There would not be any ~~more~~ change in traffic since 2004

5. The suitability of the subject property for the proposed use

Residential use has been primary use  
since 2004

6. Effects of the proposed use on the natural environment

NO KNOWN IMPACT ON ENVIRONMENTAL

7. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

There would NO change or impact on surrounding  
properties

8. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts

NO KNOWN EFFECTS ON DEVELOPMENT OF OTHER PROPERTIES

9. Any other factor not listed above, but which relates to the public health, safety, or welfare

Allow for ~~contingent~~ <sup>inves</sup> use of a Residential structure  
within the city

8. **Project map.** Attach a project map. It can consist of a single page or multiple pages depending on the complexity of the features that need to be depicted.

The following items need to be included as appropriate to the project.

**Background Project Information**

- Project name
- Applicant name
- Preparation date

**Survey Information**

- North arrow and graphic scale
- Address of subject property or legal description
- Property boundaries
- Acreage of subject property

**Project Development Information**

- Easements/rights-of-ways (location, width, purpose, ownership)
- Common areas/conservancy areas (location, purpose, ownership)

**Setting**

- Property boundaries within 150 feet of the subject property
- Land uses within 150 feet of the subject property
- Zoning district boundaries within 150 feet of the subject property
- Municipal boundaries within 150 feet of the subject property

**Site Features (existing and proposed)**

- Ground contours when any slope exceeds 10 percent
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.)
- Floodplain boundaries
- Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines

**Landscaping Features (existing and proposed)**

- Fences, buffers, and berms
- Pervious and impervious surfaces by type
- Existing trees and other prominent vegetation

**Transportation Facilities (existing and proposed)**

- Streets
- Driveways and road access onto public and private roads
- Sidewalks / trails

**Buildings and Outdoor Storage/Activity Areas footprint, use, etc.)**

- Existing and proposed
- Existing within 150 feet of subject property

**Required Setbacks**

- Yard setbacks (front, side, rear and shore)
- On-site septic systems
- On-site wells and off-site wells within 10 feet of the perimeter of the subject property

9. **Attachments.** List any attachments included with your application.

10. **Other information.** You may provide any other information you feel is relevant to the review of your application.

**11. Applicant certification**

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes city officials, Plan Commission members, Common Council members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner Signature(s):

Date:

Timothy R. Coyle

7/21/2022

Jockey J. Compton

7/21/2022

exceed 4 years. In the event the Common Council rescinds an approval, the Common Council shall at that time reclassify undeveloped lands in the district based on the zoning regulations in effect at that time. Developed portions of the planned development district may either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

**7-38 to 7-50 Reserved**

**DIVISION 3  
CONDITIONAL USE**

Sections	
7-51	Generally
7-52	Applicability
7-53	Initiation
7-54	Review procedure
7-55	Basis of decision
7-56	Imposition of conditions
7-57	Application form and content
7-58	Staff report content
7-59	Content of decision document
7-60	Effect of approval
7-61	Expiration of an approval
7-62	Amendment of an approved conditional use

**7-51 Generally**

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

**7-52 Applicability**

Those land uses designated as conditional uses in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

**7-53 Initiation**

The owner of the subject property may submit an application for the establishment of a conditional use.

**7-54 Review procedure**

The general steps outlined below shall be used in the review of an application for a conditional use.

- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
- (2) **Submittal of application materials.** The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (3) **Staff review.** Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to complete the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.



- (19) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.
- (20) **Administrative steps.** If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator shall add the conditional use to that map.

#### 7-55 Basis of decision

(a) **Generally.** When reviewing conditional uses other than nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property, if any;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

(b) **Nonconforming conditional uses.** When reviewing nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall make the following determinations:

- (1) The nonconforming use will not be adverse to the public health, safety, or welfare.
- (2) The nonconforming use is in keeping with the spirit and intent of this chapter.
- (3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The Common Council shall grant approval for a nonconforming conditional use only if the council can make an affirmative finding for all of the criteria listed in this subsection.

#### 7-56 Imposition of conditions

(a) **Generally.** The Plan Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare.

(b) **Condition may not lessen any requirement.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Special consideration for solar panels.** In those instances where a solar panel is classified as a conditional use, the reviewing authority may impose one or more conditions of approval, provided the condition satisfies one of the following:

- (1) The condition serves to preserve or protect the public health or safety.
- (2) The condition does not significantly increase the cost of the system or significantly decrease its efficiency.

- (6) other information the Common Council or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the Common Council, and
- (8) the date of the decision.

**7-60 Effect of approval**

Unless otherwise specified in the conditional use order, approvals are personal to the property owner meaning the approval automatically lapses when the property owner ceases to own the property.

**7-61 Expiration of an approval**

(a) **Non-establishment of use.** If the zoning administrator determines that substantial work as authorized by a conditional use approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (i) the permit holder requests the extension prior to the expiration of the approval, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Cessation of use.** If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article.

**7-62 Amendment of an approved conditional use**

Following approval of a conditional use, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

**7-63 to 7-70 Reserved**

**DIVISION 4  
SITE PLAN**

Sections	
7-71	Generally
7-72	Applicability
7-73	Initiation
7-74	Review procedure
7-75	Basis of decision
7-76	Imposition of conditions
7-77	Application form and content
7-78	Staff report content
7-79	Content of decision document
7-80	Effect of approval
7-81	Expiration of an approval
7-82	Amendment of an approved site plan

**7-71 Generally**

The way in which a land use occupies a lot has a direct effect on the overall functionality of the site, the extent to which the land use can be expanded on the site in the future, effects of the land use on nearby properties, and impacts on existing and anticipated public and private infrastructure. This division describes the requirements and procedures for reviewing site plans.

exceed 4 years. In the event the Common Council rescinds an approval, the Common Council shall at that time reclassify undeveloped lands in the district based on the zoning regulations in effect at that time. Developed portions of the planned development district may either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

**7-38 to 7-50 Reserved**

**DIVISION 3  
CONDITIONAL USE**

**Sections**

7-51	Generally	7-58	Staff report content
7-52	Applicability	7-59	Content of decision document
7-53	Initiation	7-60	Effect of approval
7-54	Review procedure	7-61	Expiration of an approval
7-55	Basis of decision	7-62	Amendment of an approved conditional use
7-56	Imposition of conditions		
7-57	Application form and content		

**7-51 Generally**

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

**7-52 Applicability**

Those land uses designated as conditional uses in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

**7-53 Initiation**

The owner of the subject property may submit an application for the establishment of a conditional use.

**7-54 Review procedure**

The general steps outlined below shall be used in the review of an application for a conditional use.

- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
- (2) **Submittal of application materials.** The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (3) **Staff review.** Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to complete the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

- (4) **Special notice to Department of Natural Resources.** If the application relates to the floodplain regulations in this chapter, the zoning administrator shall send a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.
- (5) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.
- (6) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the applicant, and any other interested person upon request.
- (7) **Public hearing.** Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with Division 3 of Article 6. If a continuance is granted, the Plan Commission may direct the zoning administrator to conduct additional research.
- (8) **Staff follow-up.** If the Plan Commission does not render a decision immediately following the public hearing, the Plan Commission may direct the zoning administrator to prepare a preliminary decision document.
- (9) **Recommendation.** After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Plan Commission, no more than 40 calendar days after the public hearing, shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.
- (10) **Transmittal of recommendation.** If the Plan Commission action is favorable, the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission action is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.
- (11) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.
- (12) **Common Council meeting.** Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.
- (13) **Decision.** After considering all of the information submitted by the applicant, public comments received at the public hearing, the staff report, and the Plan Commission's recommendation, the Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or imposed by the city, the city shall grant the conditional use permit. The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied. The decision to approve or deny the permit must be based on substantial evidence.
- (14) **Preparation of final decision document.** Based on the action of the Common Council, the zoning administrator shall prepare a final decision document consistent with this division.
- (15) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.
- (16) **Notification to Department of Natural Resources.** If the application relates to the floodplain regulations in this chapter, the zoning administrator shall mail a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources within 10 calendar days of the date of decision.
- (17) **Acceptance by property owner.** If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document

shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

- (18) **Public record copy.** A duplicate copy of the decision document shall be retained as a public record.
- (19) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.
- (20) **Administrative steps.** If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator shall add the conditional use to that map.

Amendment(s):  
 1. Ordinance 18-001, adopted April 9, 2018

**7-55 Basis of decision**

(a) **Generally.** When reviewing conditional uses other than nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property, if any;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

(b) **Nonconforming conditional uses.** When reviewing nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall make the following determinations:

- (1) The nonconforming use will not be adverse to the public health, safety, or welfare.
- (2) The nonconforming use is in keeping with the spirit and intent of this chapter.
- (3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The Common Council shall grant approval for a nonconforming conditional use only if the council can make an affirmative finding for all of the criteria listed in this subsection.

(c) "Substantial evidence" as used in this Article means facts and information, other than mere personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Amendment(s):  
 1. Ordinance 18-001, adopted April 9, 2018

**7-56 Imposition of conditions**

(a) **Generally.** The Plan Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Conditions as to the permit's duration, transfer, or renewal may also be included. All conditions must be reasonable and, to the extent practicable, measurable. Any condition imposed must be related to the purpose of the evidence and be based on substantial evidence.

(b) **Condition may not lessen any requirement.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Special consideration for solar panels.** In those instances where a solar panel is classified as a conditional use, the reviewing authority may impose one or more conditions of approval, provided the condition satisfies one of the following:

- (1) The condition serves to preserve or protect the public health or safety.
- (2) The condition does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) The condition allows for an alternative system of comparable cost and efficiency.<sup>6</sup>

(d) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.<sup>7</sup>

(e) **Special condition for business as property owner.** As a condition of approval of a conditional use, the property owner if it is a business entity, such as a limited liability company or a corporation, shall for the life of the conditional use continuously maintain a registered office and registered agent in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

## Amendment(s):

1. Ordinance 18-001, adopted April 9, 2018

**7-57 Application form and content**

The application submittal shall include an application form as may be used by the City and a project map prepared at an appropriate scale depicting the information listed in Appendix A.

**7-58 Staff report content**

The staff report shall contain preliminary findings for the decision criteria listed in this division and other information deemed appropriate.

**7-59 Content of decision document**

(a) **Approval.** If the application for a conditional use is approved, the decision document shall include the following:

- (1) a statement that the application is approved,
- (2) a description of the conditional use,
- (3) a description of where the conditional use will occur on the property,
- (4) reasons for the decision based on the criteria listed in this division,
- (5) a list of conditions of approval that must be satisfied prior to the establishment of the conditional use or complied with during the life of the conditional use, or both,

<sup>6</sup> Commentary: See s. 66.0401(1m), Wis. Stats.

<sup>7</sup> Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (6) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,
- (7) a statement that the applicant may appeal the decision to the Zoning Board of Appeals,
- (8) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,
- (9) a statement indicating the nature of the approval (i.e., personal to the property owner or runs with the land),
- (10) other information the Common Council or zoning administrator deems appropriate,
- (11) the signature of the zoning administrator on behalf of the Common Council, and
- (12) the date of the decision.

(b) **Denial.** If the application for a conditional use is denied, the decision document shall include the following:

- (1) a statement that the application is denied,
- (2) a description of the project, including acreage and proposed use characteristics,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Common Council or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the Common Council, and
- (8) the date of the decision.

#### **7-60 Effect of approval**

Unless otherwise specified in the conditional use order, approvals are personal to the property owner meaning the approval automatically lapses when the property owner ceases to own the property.

#### **7-61 Expiration of an approval**

(a) **Non-establishment of use.** If the zoning administrator determines that substantial work as authorized by a conditional use approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (i) the permit holder requests the extension prior to the expiration of the approval, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Cessation of use.** If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article.

#### **7-62 Amendment of an approved conditional use**

Following approval of a conditional use, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

#### **7-63 to 7-70 Reserved**

**TITLE 13  
CHAPTER 1 – ZONING CODE**

**ARTICLE 21  
NONCONFORMITIES**

**Sections**

21-1	Legislative findings	21-7	Special provisions for nonconforming signs
21-2	Official registry of nonconforming lots, structures, signs, and land uses	21-8	Special provisions for nonconforming bathhouses Special provisions related to the shoreland-wetland overlay district
21-3	Nonconforming lots	21-9	Special provisions related to the floodplain overlay district
21-4	Nonconforming structures		
21-5	Nonconforming uses		
21-6	Nonconforming conditional uses		

**21-1 Legislative findings**

The Common Council makes the following legislative findings relating to nonconformities:

- (1) There may exist lots, structures, uses, and signs in the City of Washburn that were lawfully established but that do not now comply with one or more provisions of the zoning district in which they are located.
- (2) It is not the intent of this chapter to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the zoning districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein.
- (3) State law permits the reconstruction of nonconforming structures under certain circumstances.

**21-2 Official registry of nonconforming lots, structures, signs, and land uses**

(a) **Content of registry.** The zoning administrator is authorized to develop and maintain a registry of (1) lots known by him or her to be considered nonconforming, (2) structures known by him or her to be considered nonconforming, (3) signs known by him or her to be considered nonconforming, and (4) land uses known by him or her to be considered nonconforming and those which have registered as a nonconforming use consistent with the requirements in Article 7 of this chapter.

(b) **Form of registry.** At the discretion of the zoning administrator, the registry may consist of either a written list or digital records.

(c) **Disclaimer.** Given the nature of the registry, the city does not warrant that such information is complete and/or accurate in all respects.

**21-3 Nonconforming lots**

(a) **Generally.** A valid, prior nonconforming lot (herein after nonconforming lot) may be used for an allowable use, provided such use complies with all other development standards of the zoning district in which the lot is located.

(b) **Common ownership of abutting lots.** If a nonconforming lot of record abuts another lot of record, both of which are owned by the same individual or other legal entity, such lots shall be combined prior to the issuance of a zoning permit or a building permit for new construction, if one or both of the lots are vacant.

(c) **Alteration of property boundary lines.** The location of a property boundary line of a nonconforming lot shall not be modified by any means, except when the new property boundary line location will make the nonconforming lot to be conforming or lessen the nonconformity. Any such change in a property boundary location shall be reviewed and approved by the Common Council upon recommendation of the Plan Commission.



**21-4 Nonconforming structures**

(a) **Generally.** A valid, prior nonconforming structure (herein after nonconforming structure) may be used for any conforming use.

(b) **Enlargement.** A nonconforming structure that is used for a conforming use may be enlarged provided the Plan Commission authorizes such enlargement pursuant to the requirements in Article 7.

(c) **New foundation/basement.** The placement of a new foundation or basement under an existing nonconforming structure that is not located in the 100-year floodplain is permitted provided the foundation or basement does not extend beyond the vertical extent of the existing exterior wall.

(d) **Unsafe conditions.** Nothing in this article shall preclude the building inspector or any other city official from initiating remedial or enforcement actions when a nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare; constitutes a public nuisance; or is in violation of any licensing regulation.

(e) **Ordinary repair and maintenance, and remodeling.** Nothing in this article shall be deemed to prohibit or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(f) **Reconstruction following damage.** A nonconforming structure that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the structure may be larger when necessary to comply with state or federal requirements.<sup>1</sup>

(g) **Relocation.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

**21-5 Nonconforming uses**

(a) **Generally.** A valid, prior nonconforming use (herein after nonconforming use) may continue to exist so long as it remains otherwise lawful, subject to the provisions in this section.

(b) **Cessation of use.** If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 continuous months, such use shall not thereafter be reestablished.<sup>2</sup> A business of a seasonal nature shall not be deemed to be discontinued during periods in which it is normally inactive (e.g., marinas, summer camps). If the zoning administrator determines that a nonconforming use has ceased to operate for more than the aforementioned time period, he or she shall initiate the process established under Article 7 to terminate the nonconforming use. However, if a temporary structure houses a nonconforming use, such use shall terminate when the temporary structure is removed.

(c) **Change in extent.** Except as may be provided in this article or in state law, a nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(d) **Limitation on structural alterations to structure housing nonconforming use.** Structural alterations to a structure housing a nonconforming use shall not exceed, on an accumulative percentage basis, 50 percent of the equalized assessed value of such structure.<sup>3</sup> For example, if a property owner makes structural alterations, the cost of which equals 40 percent of the current equalized assessed value of the structure, any additional structural alterations are limited to 10 percent of the equalized assessed value at the time of the work.

(e) **Damage to structure housing nonconforming use.** If a structure housing a nonconforming use is damaged beyond 50 percent of its present equalized assessed value, such nonconforming use shall not be reestablished.

(f) **Change of location.** A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(g) **Casual, occasional, accessory, or incidental use.** Casual, occasional, accessory, or incidental use after the primary nonconforming use has terminated, shall not be deemed to perpetuate a nonconforming use.<sup>4</sup>

<sup>1</sup> Commentary: See s. 62.23(7)(h), Wis. Stats.

<sup>2</sup> Commentary: See s. 62.23(7)(h), Wis. Stats.

<sup>3</sup> Commentary: See s. 62.23(7)(h), Wis. Stats.

<sup>4</sup> Commentary: See *Village of Menominee Falls v. Veinstahler*, 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994)

(h) **Change of production.** A change in the method or quantity of production and the incorporation of new technology into a nonconforming use is permitted provided the original character of the use remains the same.<sup>5</sup>

(i) **Termination due to effects on public health, safety, and welfare.** In the event the zoning administrator determines that a nonconforming use, regardless of its duration, is harmful to the public health, safety, or welfare, he or she shall follow the procedure outlined in Article 7 of this chapter relating to termination of a use.<sup>6</sup>

(j) **Unsafe conditions.** Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, provided that such work conforms to the provisions in this chapter.

(k) **Licensing.** The operator of a nonconforming use shall obtain such licenses as may be required by the state of Wisconsin, or its designated agent; Bayfield County; or the City of Washburn, and maintain such licenses for the life of the use or until the entity no longer requires such license.

(l) **Conversion to another nonconforming use.** Subject to the requirements in Article 7, a nonconforming use may be converted to a different nonconforming use. Any nonconforming use that has been converted shall continue to be subject to all applicable provisions related to nonconforming uses and to the conversion order as approved by the Common Council.

(m) **Permissible accessory residential uses.** If an existing single-family dwelling unit is classified as a nonconforming use, the establishment of accessory residential uses normally incidental to a single-family dwelling is not considered to be an expansion of a nonconforming use and is permitted provided the accessory use is otherwise allowed by the zoning code and all accessory buildings exceeding 600 square feet must be approved by the Plan Commission upon a determination that the accessory building is otherwise allowed in the zoning district in which it is located.

(n) **Special provisions for manufactured home communities.** Notwithstanding subsection (d) above, a manufactured home community licensed under s. 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- (1) Repair or replacement of any manufactured homes
- (2) Repair or replacement of infrastructure.<sup>7</sup>

#### 21-6 Nonconforming conditional uses

(a) **Generally.** Subject to the requirements in Division 3 of Article 7, a nonconforming use may be allowed as a conditional use.

(b) **Expansion and change in a nonconforming conditional use.** If a nonconforming use is approved as a conditional use, it is not subject to the restrictions contained in this article. Any proposed expansion or change in a nonconforming conditional use shall be reviewed as an amendment to the initial approval.

#### 21-7 Special provisions for nonconforming signs

- (a) **Change of copy.** The copy of a nonconforming sign may be changed.
- (b) **Change of sign face.** The face of a nonconforming sign may be changed provided the building inspector determines that the other features of the sign are structurally sound and properly maintained.
- (c) **Change in location.** A nonconforming sign shall not be relocated.
- (d) **Change in area.** The area of a nonconforming sign shall not be enlarged or reconfigured in any manner.
- (e) **Change in height.** A nonconforming sign shall not hereafter be placed higher even if the height may be permitted in the zoning district in which the sign is located.
- (f) **Change in lighting.** A nonconforming sign that is not illuminated may not hereafter be illuminated even though such lighting may be permitted in the zoning district in which the sign is located. A nonconforming sign that is illuminated may not hereafter be illuminated in any other manner even

<sup>5</sup> Commentary: See *Racine County v. Cape*, 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740

<sup>6</sup> Commentary: See *Town of Delafield v. Sharpley*, 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997, 96-2458)

<sup>7</sup> Commentary: See s. 62.23(7)(h), Wis. Stats.

though such lighting may be permitted in the zoning district in which the sign is located, except to bring the existing lighting into compliance (e.g., removal of exposed light bulbs).

- (g) **Addition of an electronic message display.** A nonconforming sign shall not hereafter incorporate an electronic message display even though it may be permitted in the zoning district in which the sign is located.
- (h) **Temporary signs.** A nonconforming sign that is described in this chapter as being temporary shall be made to conform with all applicable standards or be removed within 90 calendar days of the date the sign became nonconforming or within a lesser time period specified by the building inspector if he or she determines that the sign poses an unacceptable risk to public health or safety.
- (i) **Ongoing maintenance and safety.** A nonconforming sign shall comply with all applicable standards in Article 18, including any requirements related to maintenance and safety.
- (j) **Abandonment.** A nonconforming sign that is abandoned as set forth in s. 18-21 shall thereafter be made to conform with all applicable standards or be removed as set forth in that section.
- (k) **Reconstruction following damage.** A nonconforming sign that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the sign may be larger when necessary to comply with state or federal requirements.<sup>8</sup>
- (l) **Loss of nonconforming status.** If a property owner or the owner of the sign modifies a nonconforming sign in any manner that violates one or more limitations imposed in this chapter, such sign shall thereafter be made to conform with all applicable standards or be removed within 60 calendar days of the date the building inspector makes such determination in writing, or within a lesser time period specified by the building inspector if he or she determines the sign poses an unacceptable risk to public health or safety.

#### **21-8 Special provisions for nonconforming boathouses**

The ordinary maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark shall comply with s. 30.121, Wis. Stats.

#### **21-9 Special provisions related to the shoreland-wetland overlay district**

The shoreland-wetland provisions of this code authorized by s. 62.231, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the shoreland wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

#### **21-10 Special provisions related to the floodplain overlay district**

Special provisions relating to nonconformities in the floodplain overlay district are included in Division 9 of Article 9.

<sup>8</sup> Commentary: See s. 62.23(7)(h), Wis. Stats.

**CITY OF WASHBURN**

PO BOX 638

WASHBURN, WI 54891

**Receipt Nbr:** 33121

**Date:** 7/21/2022

**Check**

**RECEIVED FROM** Jody and Tim Compton

\$150.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	ZONING PERMITS Conditional Use Permit - Compton	150.00

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**TOTAL RECEIVED** 150.00

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**Receipt Memo:** Conditional Use Permit Application

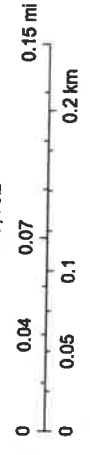
# Bayfield County, WI



7/29/2022, 3:25:05 PM

- Rivers
- Meander Lines
- Approximate Parcel Boundary
- Section Lines
- Municipal Boundary
- All Roads
- County
- Town
- Survey Maps
- UnRecorded Map
- Recorded Map
- Corner Tie Sheets
- Section Corner Monument on File
- Building Footprint 2009-2015
- Changed
- Demolished
- Existing
- New
- Driveways
- Buildings

1:3,132



**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



**715-373-6160**  
**715-373-6161**  
**FAX 715-373-6148**

**To:** Honorable Mayor and City Council Members and Plan Commission Members  
**From:** Scott J. Kluver, Administrator *SK*  
**Re:** Outdoor Alcohol Consumption at Licensed Premises Ordinance Revisions  
**Date:** August 10, 2022

Enclosed you will find a proposed ordinance that reorganizes and makes changes to what is known as our “beer garden” ordinances. A copy of the proposed changes have been provided to all “Class B” and Class “B” (on-site consumption for liquor and beer) license holders and known prospective holders.

This draft ordinance is the culmination of several months of review to seek consistency and request to expand the outdoor alcohol consumption area.

Changes occur in both the alcohol regulation ordinances as well as the zoning ordinances. License holders will need to follow the procedures for having an outdoor food and beverage service area in the zoning code, then they will need to indicate any approved outdoor serving areas on their annual license. The old “beer garden” provisions will be deleted. Outdoor food and beverage service accessory uses will be changed from conditional to permitted in all Commercial zoned areas as well as the Mixed-Use Waterfront district; however, applicants will still need to submit and have a site plan and plan of operation review by the Plan Commission. Please note all of the special conditions that would also need to be complied with in the zoning code (Section 8-541).

Special event requests would still be treated separately as they have been under the alcohol code. These provisions would not impact that process.

If you have any questions regarding the procedures or requirements that would need to be followed, please let me know.

**CITY OF WASHBURN  
NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT**

Public Hearing will be held at the Plan Commission Meeting, Thursday, August 18, 2022, at 5:30 P.M., at City Hall, 119 Washington Avenue, for public comment on the following issue:

Zoning Code Amendment:

For the purpose of amending the City's Zoning Code (Title 13) Chapter 1, Article 8 to update the regulation of licenses for outdoor consumption of alcoholic beverages.

Further details on the proposed amendment may be obtained by visiting City Hall during open office hours, by calling 715-373-6160 ext. 4, or e-mailing [washburnadmin@cityofwashburn.org](mailto:washburnadmin@cityofwashburn.org).

Scott J. Kluver  
Zoning Administrator

Block Ad July 29 and August 5, 2022 – Daily Press

**CITY OF WASHBURN**  
119 Washington Avenue  
P.O. Box 638  
Washburn, WI 54891



715-373-6160  
715-373-6161  
FAX 715-373-6148

July 28, 2022

Dear License Holder:

Please find the enclosed Public Hearing Notice being held by the Plan Commission on Thursday, August 18, 2022, 5:30pm, at Washburn City Hall, 119 Washington Avenue.

The purpose of this public hearing is for amending the Zoning Code to update the regulation of licenses for outdoor consumption of alcoholic beverages (Beer Garden).

You will find the included Ordinance #22-006 identifying these changes.

Also note that City Council may take action on this ordinance that evening.

Sincerely,

A handwritten signature in blue ink that reads 'Tony Janisch'. The signature is written in a cursive style and is positioned below the word 'Sincerely,'.

Tony Janisch  
Assistant City Administrator



**CITY OF WASHBURN**  
**Ordinance No. 22-006**

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of \_\_\_\_\_, 2022, for the purpose of amending Title 7, Chapter 2 and Title 13, Chapter 1, Article 8 of the City's Ordinances to update the regulation of licenses for outdoor consumption of alcoholic beverages. Additions are in *red italics*, deletions are in ~~strikeout~~.

1. *Amend Title 7, Chapter 2, Section 6 as follows:*

**Sec. 7-2-6 Applications for License**

(a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room ~~and~~, storage space, *any permitted outdoor food and beverage service area, and any permitted place of outdoor recreation and entertainment* to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

2. *Replace Title 7, Chapter 2, Section 7(h) to read as follows:*

**Sec. 7-2-7 Qualifications of Applicants and Premises**

\* \* \*

(h) **Licensed Premises.** All sales of intoxicating liquors and fermented malt beverages within the City of Washburn, and any on-premises consumption allowed certain classes of licenses, shall be limited to and shall be made upon the premises described within the license granted by the Common Council. Specifically restricted by this section is the sale and delivery of alcoholic beverages by food delivery services. A licensed premises shall be particularly described on the license subject to the following restrictions:

(1) Except as specifically allowed herein, licenses issued by the City shall be for the enclosed structure itself and shall not confer any license or right to property outside of the licensed structure.

(2) A licensed premises may include any area for which the applicant has obtained a zoning permit for an outdoor food and beverage service area as defined in Article 3, Section 17.21 of the City's zoning code.

(3) For any licensee whose principal land use for the licensed premises is classified as Recreation and Entertainment, as defined in the City of Washburn Zoning Code, Article 3, Section 10, and where the primary activities of such Recreation and Entertainment occur outdoors, the licensed Premises may include any part of the property associated

with such outdoor use. Any licensed Premises under this subsection shall clearly identify the area approved for outdoor consumption.

(4) A temporary extension of premises approved under Ordinance Sec.7-2-20 may define a separate licensed premises for such temporary extension, including areas of outdoor sales and/or consumption.

3. Delete Title 7, Chapter 2, Section 19 in its entirety:

**~~Sec. 7-2-19 — Beer Garden Licenses Required for Outdoor Consumption at Class “B” Premises.~~**

4. Amend Title 7, Chapter 2, Section 20(a) to remove reference to the deleted Sec. 7-2-19

**Sec. 7-2-20 Temporary Extension of Licensed Premises for Special Events**

(a) **Authority.** The granting of a temporary extension of a licensed premises for special events shall authorize the licensee to sell or serve intoxicating liquors or fermented malt beverages, as permitted by the specific license held, during the period of time and in the area described in the application for such temporary extension, as expressly approved by the City Clerk. Such authority, however, shall be contingent upon the licensee also obtaining any and all other special privileges or permits required for the conduct of the special event for which the temporary extension of the licensed premises is sought. ~~Any licenses granted a temporary extension of licensed premises for a special event need not also obtain a license pursuant to Section 7-2-19 for said event.~~

\* \* \*

5. Amend Title 13, Chapter 1 as follows:

**Article 8, Section 8-541 Outdoor food and beverage service**

- (a) **Maximum size of service area.** The size of the outdoor service area shall not be more than ~~50~~ 75 percent of the interior floor area of the brewpub, restaurant, or tavern.
- (b) **Location of service area.** The outdoor service area shall be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area shall not be located in a public right-of-way, a required landscape area, any required off-street parking space, or the required setback of a front yard, side yard, shore yard, or rear yard.
- (c) **Consistency with state liquor license.** No alcohol beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the City, explicitly includes states that consumption is permitted within the outdoor service area as a part of the licensed premises.

**(d) ~~Entrance to service area if alcohol beverages are served.~~** If alcohol beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.

**Conditions to include outdoor area in Licensed Premises for alcohol service and/or consumption.** The following conditions are required for any outdoor service area to be included in the licensed premises for service and/or consumption of alcoholic beverages:

- a. The outdoor service area shall be surrounded by a permanent barrier or fence to prevent entry into the outdoor service area except through designated entrances. The conditions sections 8-530(a) through (c) for the construction of Fences shall apply, however, no separate fence application or zoning permit shall be required. A rope shall not be deemed a sufficient barrier for purposes of this subsection.
- b. The primary entrance to the outdoor service area shall be through the brewpub, restaurant or tavern. Any exterior entrance and/or exit to the outdoor service area shall be by a gate or door capable of being latched from the inside of such outdoor service area, and such exterior entrance shall be visible from the interior bar and/or service area.

**(e) Restroom requirements.** The restroom facilities in the brewpub, restaurant, or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

**Article 8, Exhibit 8-1 Land Use Matrix**

	Special Standards	Secondary Review	R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW	
17.21	Outdoor food and beverage service	8-541	SP, PO, ZP	-	-	-	-	€ P	€ P	€ P	-	-	-	€ P

6. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

Attest:

\_\_\_\_\_  
Mary D. Motiff  
Mayor

\_\_\_\_\_  
Scott J. Kluver  
City Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



**715-373-6160**  
**715-373-6161**  
**FAX 715-373-6148**

**To:** Honorable Mayor and Plan Commission Members  
**From:** Tammy DeMars, Deputy Zoning Administrator  
**Re:** Special Exception/Enlargement of a Non-Conforming Structure  
**Date:** August 8, 2022

Carrie Linder has applied for a permit to add a 12' x 8' lean-to on the back of her existing garage. This property, in R-1 Zoning District located at 905 N. 10<sup>th</sup> Ave. West . The garage is located in the front yard, making it a non-conforming structure, as current code does not allow the garage in the front yard.

Article 21-4 Nonconforming structures (b) Enlargement. "A nonconforming structure that is used for a conforming use may be enlarged provided the Plan Commission authorizes such enlargement pursuant to the requirements in Article 7."

7-154 Outlines the factors that the Plan Commission should consider when making their decision.

- 1) The size of the property in comparison to other properties in the area; *Property is comparable to adjoining properties*
- 2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter; *This exception has been approved by Plan Commission in the past*
- 3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception; *None known*
- 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted; *No known impact*
- 5) The nature and extent of anticipated positive and negative effects on properties in the area; *no negative affects known.*
- 6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception; *Unknown*

- 7) A factor specifically listed under a section of this chapter authorizing the issuance of a special exception;  
*Article 8, Section 8-75* and
- 8) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.



# Expansion of a Nonconforming Building City of Washburn

Version: April 1, 2017

WASHBURN CITY HALL  
119 Washington Avenue  
Washburn, WI 54891

**Overview:** Under the City's zoning regulations, a nonconforming building with a conforming use can be expanded provided the expansion complies with all requirements of the zoning code.

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 7 of the City's zoning code.

**General instructions:** Complete this application and submit one copy to the City Clerk at the mailing address shown above. Before you formally submit your application, you may meet with the City Administrator who can answer any questions you may have. You may also ask the City Administrator to review your application before it is formally submitted to determine if it is complete and provides enough information to describe the circumstances related to this application. If you have any questions, do not hesitate to contact the City Administrator at (715) 373-6160 ext 4 or via e-mail at [washburnadmin@cityofwashburn.org](mailto:washburnadmin@cityofwashburn.org)

1. **Applicant and agent information** include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Applicant	Agent
Name	Carrie Linder	
Street address	905 N 10 <sup>th</sup> Ave W	
City, state, zip code	Washburn	
Daytime telephone	715-413-1302	
E-mail address	Carrie63700@gmail.com	

2. **Subject property information**

Physical address Same as above

Tax key number(s) PIN 04-291-249 04-31-103-000-11000

ID= 36893

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the City Clerk.

Is the subject property currently in violation of the City's zoning code as determined by the zoning administrator?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 6-10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 6-11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

3. **Zoning information.** The subject property is located in the following zoning district(s). (check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> R-1 Rural residential | <input type="checkbox"/> C-1 Cottage commercial  | <input type="checkbox"/> MUW Mixed-use waterfront |
| <input type="checkbox"/> R-2 Suburban residential         | <input type="checkbox"/> C-2 General commercial  | <input type="checkbox"/> L-1 Lakefront            |
| <input type="checkbox"/> R-6 Mixed residential            | <input type="checkbox"/> C-3 Downtown commercial | <input type="checkbox"/> M Marina                 |
| <input type="checkbox"/> R-7 Waterfront residential       |  | <input type="checkbox"/> I Industrial             |

4. Use of the nonconforming building. Describe the current use of the nonconforming building. (e.g., residential, commercial, industrial)

It is used as my garage + storage of bikes, tools, mower, etc.

5. Nonconforming building. Describe why the building is nonconforming.

Does not meet current front yard setback.  
It is an accessory building (garage - single car)

6. Proposed project. Describe the proposed expansion and why it is being requested.

I'd like to add a simple lean-to to the back side of the garage, opposite of the road side.  
Please see attached drawing included w/ the construction permit.

7. Project map. Attach a project map. It can consist of a single page or multiple pages depending on the complexity of the features that need to be depicted.

The following items need to be included as appropriate to the project.

Background Project Information

- Project name
- Applicant name
- Preparation date

Survey Information

- North arrow and graphic scale
- Address of subject property or legal description
- Property boundaries
- Acreage of subject property

Project Development Information

- Easements/rights-of-ways (location, width, purpose, ownership)
- Common areas/conservancy areas (location, purpose, ownership)

Setting

- Property boundaries within 150 feet of the subject property
- Land uses within 150 feet of the subject property
- Zoning district boundaries within 150 feet of the subject property
- Municipal boundaries within 150 feet of the subject property

Site Features (existing and proposed)

- Ground contours when any slope exceeds 10 percent
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.)
- Floodplain boundaries
- Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines

Landscaping Features (existing and proposed)

- Fences, buffers, and berms
- Pervious and impervious surfaces by type
- Existing trees and other prominent vegetation

Transportation Facilities (existing and proposed)

- Streets
- Driveways and road access onto public and private roads
- Sidewalks / trails

Buildings and Outdoor Storage/Activity Areas footprint, use, etc.)

- Existing and proposed
- Existing within 150 feet of subject property

Required Setbacks

- Yard setbacks (front, side, rear and shore)
- On-site septic systems
- On-site wells and off-site wells within 10 feet of the perimeter of the subject property

8. Attachments. List any attachments included with your application.

Permits/constructn applicat- is attached.

9. Other information. You may provide any other information you feel is relevant to the review of your application.

10. Applicant certification

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes city officials, Plan Commission members, Common Council members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner Signature(s):

Carice Funder

Date:

8/8/2022



Reed 7/14

CITY OF WASHBURN WISCONSIN

CONSTRUCTION PERMIT APPLICATION

Permit Request: Remodeling Windows Doors Roofing Siding Plumbing/HVAC

New Construction Deck Flat Work Electrical Leanto other Detached Accessory

Complete the following with name, address, (house # and mailing address) & telephone

Owner Carrie Linder E-Mail carrie63700@gmail.com
Construction Contractor N/A JBD Phone 715-413-1302
Address 905 N 10th Ave W License #
Excavation Contractor N/A Phone: License #

Owner is ultimately responsible for all code compliance related to the work for which this permit is issued.

PROJECT INFORMATION

Site Address 905 N 10th Ave W Pin # 04291249043110300011000
RE Tax ID # 36893 Zoning District R-1 Lot Area NA

Description of work Construction of an open-sided lean-to on the back of the existing garage.

Estimated Project Cost \$2500

Table with columns: NEW CONSTRUCTION, Area Involved (Basement, Living Area, Garage, Total), Water & Sewer (Municipal/Private Well, etc.)

Additional permits that may not be covered by this application: Driveways; Sewer; Water; Demolition; Sidewalks

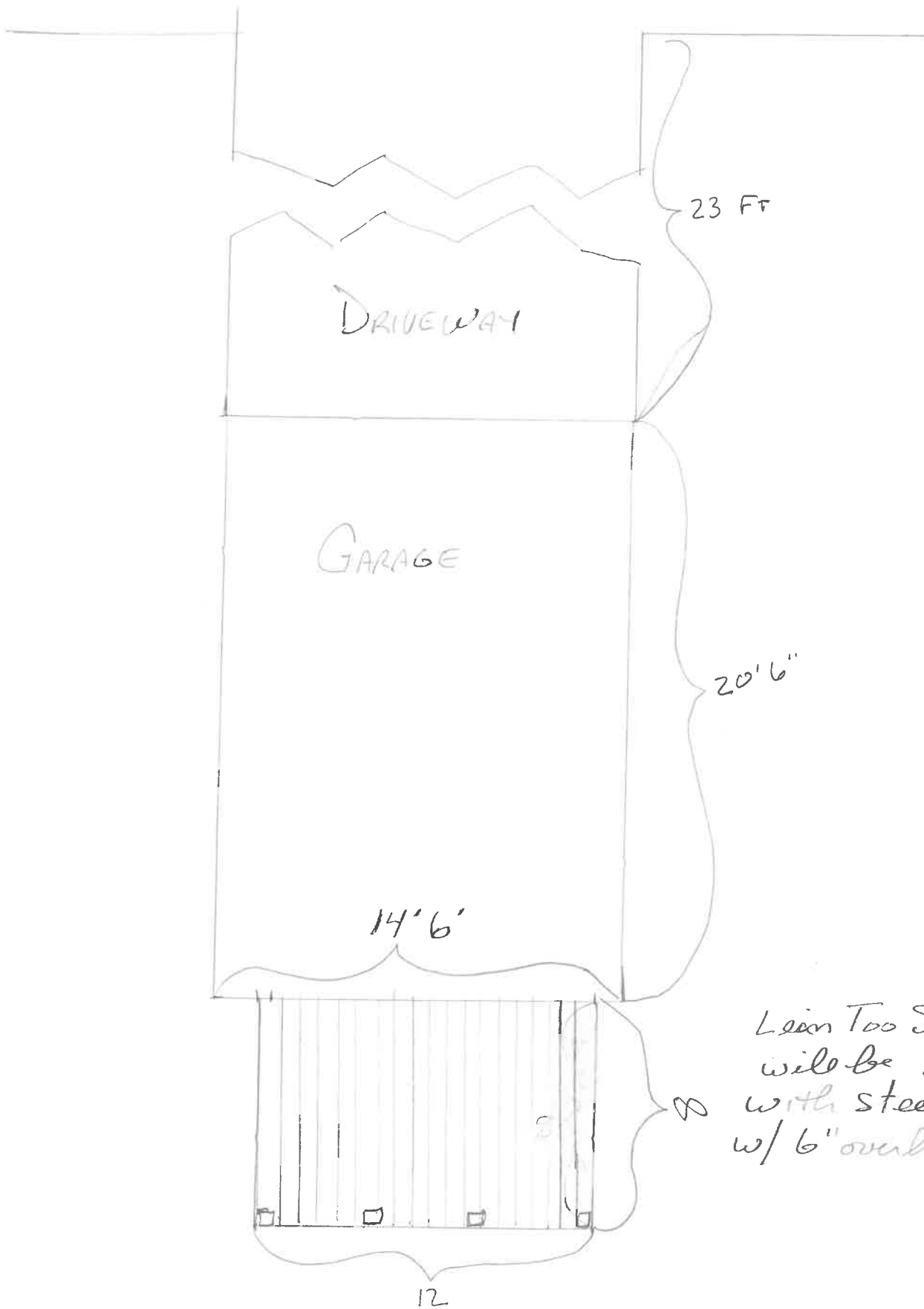
I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the State of Wisconsin or the City of Washburn; and certify that all of the above information is accurate.

Applicant Signature Carrie Linder Date 7/13/22

CONDITIONS OF APPROVAL This permit is issued pursuant to the following conditions. Failure to comply with these conditions may result in suspension or revocation of this permit or other penalty.

See Attached Condition Letter

Table with columns: NOTES, FEES (per Title 15 Municipal Code) (Remodeling, New Construction, Fence, Flat Work, Siding, Roofing, Driveway, Demolition, Deck, Shelter, Early Start), PERMIT ISSUED BY, DATE ISSUED, PERMIT NO.



23 Ft

DRIVEWAY

GARAGE

20'6"

14'6"

8

Lean To STRUCTURE  
will be 8x12  
with steel Roof  
w/ 6" overhang.

12



GARAGE

GRADE

LEAN TOO

GRADE

10

8

8

# Bayfield County, WI



BETTY/LOU SITBON  
Tax ID# 32459

City of Washburn

CARRIE A LINDER  
Tax ID# 36893

905 N 10TH AVE W

Section 31

N 10th Ave W

**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



**715-373-6160**  
**715-373-6161**  
**FAX 715-373-6148**

To: Plan Commission Members  
From: Scott J. Kluver, Administrator  
Re: Off-Premise Sign Ordinance Conceptual Discussion  
Date: August 10, 2022

With the City being part of the Lake Superior Scenic By-way, since 2012, the City has been required to have an ordinance in place to prohibit off-premise signs along STH 13 as a requirement to participate in that program. Recently, the Council voted to remove the C-2, C-3, and Industrial zoned areas from the requirements of that program. Once that would be approved by the WisDOT Secretary, the City would be free to allow off-premise signs in that area.

The question be before you is: what do you want for your regulations? Some Council members have cautioned that opening the door to off-premise signage should be done very carefully and not allow signage to be a visual distraction to the downtown area. I have included the current signage regulations, and the previous off-premise regulations.

I caution you that signage is an extremely time consuming and difficult issue to regulate. Violations spring up every day and we are not adequately staffed to deal with all of them.

My hope is that you have a discussion as to what you are looking for in off-premise regulations so that a formalized ordinance can be drafted for your consideration.

**TITLE 13  
CHAPTER 1 – ZONING CODE**

**ARTICLE 18  
SIGNS AND MURALS**

**Divisions**

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2. Murals .....	269

**DIVISION 1  
SIGNS**

**Sections**

18-1 Legislative findings	18-13 Window signs
18-2 Purpose	18-14 Sidewalk signs
18-3 Applicability	18-15 Signs allowed without a permit
18-4 Prohibited signs	18-16 Signs allowed with a permit in a residential zoning district
18-5 General standards	18-17 Signs allowed with a permit in a commercial, industrial, or special purpose zoning district
18-6 Sign lighting	18-18 Signs in a planned development district
18-7 Electronic message displays	18-19 Maintenance
18-8 Projecting signs	18-20 Removal of illegal signs placed on public property
18-9 Awning signs	18-21 Abandoned signs
18-10 Free-standing signs	18-22 Nonconforming signs
18-11 Hanging signs	
18-12 Wall signs	

**18-1 Legislative findings**

The Common Council makes the following legislative findings relating to signs:

- (1) In addition to signage allowed by this article, individuals, groups of people, and businesses have numerous means to communicate different types of speech, including print media, broadcast media, direct mailings to households, and dissemination of information on the Internet.
- (2) Sign regulations in this article (i) promote the public welfare, health, and safety of people using the public roads and other public travelways; (ii) advance the aesthetic goals of the city, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public; and (iii) reduce the visual clutter caused by advertising signage which is a significant cause of unsafe traffic and visibility conditions.
- (3) Sign regulations in this article are not intended to control the content of a message, except as allowed by law, or to unduly restrict the appearance of a sign.
- (4) The limitations placed on signs by this article are deemed to be the minimum necessary to accomplish the purposes of this article.
- (5) A 70-mile segment of State Highway 13, including Bayfield Street in the City of Washburn, was designated a Wisconsin Scenic Byway in 2013 pursuant to s. 84.106, Wis. Stats., and the requirements in ch. Trans 202, Wis. Admin. Code. Designation as a scenic byway means that off-premise signs that can be seen from the route are not permitted (see s. Trans 201.23, Wis. Admin. Code).

**18-2 Purpose**

This article promotes the public health, safety, and general welfare and is intended to:

- (1) promote the desired community character described in the City's comprehensive plan;
- (2) comply with all requirements related to designation as a Wisconsin scenic byway;
- (3) promote well maintained and attractive signage within the city;
- (4) provide for adequate business identification, advertising, and communication;
- (5) protect the safety and efficiency of the transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to see and recognize pedestrians, obstacles, other vehicles, and official traffic signs, signals, or devices by minimizing a proliferation of visual messages; and
- (6) protect the safety of the public by requiring proper maintenance of signs and establishing minimum design and construction standards.

### 18-3 Applicability

The regulations in this division apply to all signs except for the following, which are exempt:

- (1) A traffic control sign and other similar signage when located on public property along a roadway or other travelway when placed by or authorized by the federal government, the state of Wisconsin, Bayfield County, or a municipal government.
- (2) A sign inside of a building that does not meet the definition of a window sign.
- (3) A legal notice posted on private property as may be required or authorized by municipal, state, or federal law.
- (4) Scoreboards related to outdoor athletic fields, which are reviewed as part of a site plan review as described in Article 7 of this chapter.
- (5) Team support banners that are temporarily affixed to a fence on an outdoor athletic field, which are subject to other regulations as may be adopted by the Common Council.
- (6) Civic event banners that are temporarily placed above a public right-of-way, which are subject to other regulations as may be adopted by the Common Council.

### 18-4 Prohibited signs

(a) **General prohibition.** Any sign not specifically allowed in this article is prohibited.

(b) **Vehicle signs.** Vehicles, including automobiles, trucks, trailers, semi-trailers, campers, and buses that contain a sign for which the apparent purpose is to advertise a product or direct people to a business or an activity shall not be parked on a public right-of-way or on private property so as to be seen from a public right-of-way, except that such a vehicle is used in the daily operation of a business for service calls, deliveries, and the like (Exhibit 18-1).

(c) **Roof signs.** Signs affixed to a roof of a building in any manner, whether directly or indirectly, are prohibited.

(d) **Search lights and beacons.** Search lights and beacons are prohibited.

(e) **Wind signs.** Wind signs, consisting of a string of interconnected banners or pennants (with or without messages) are prohibited.

(f) **Off-premise signs.** Off-premise signs are prohibited, except as specifically allowed in this article.

Exhibit 18-1. Example of a vehicle sign



© Civic Webware

### 18-5 General standards

A sign allowed by this article shall comply with the following general requirements in addition to other standards that may apply:

- (1) A sign shall be constructed of durable, weather-resistant materials.
- (2) A sign shall not resemble, imitate, or approximate the shape, size, form, or color of a railroad or traffic sign, signal, or device.

- (3) A sign shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (4) A sign shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape.
- (5) A sign shall not be attached to a standpipe or fire escape.
- (6) A sign is allowed in a vision triangle if the sign complies with the standards in s. 8-76.
- (7) A sign shall not oscillate or rotate.
- (8) A sign shall not emit an audible sound, odor, or any visible matter (e.g., steam, smoke, confetti).
- (9) A sign shall not be placed on a telecommunication tower, except as required or permitted under Article 8.
- (10) A sign shall be constructed and mounted so as to comply with state and local building codes as applicable.
- (11) A sign containing electrical wiring shall be constructed, installed, and operated so as to comply with state and local electrical codes as applicable.
- (12) A sign shall not be painted on or similarly affixed to a natural object, such as a tree or rock.
- (13) When a sign is authorized to contain electrical power or when a sign is illuminated by one or more external light fixtures, the electric wire providing the electric power to the sign or the light fixture shall be placed underground from the service disconnect.
- (14) Signs shall not be located on public property except as specifically allowed in this article.

#### 18-6 Sign lighting

Lighting of a sign when allowed by this article shall comply with the following standards:

- (1) Internal or external illumination shall not flash or change color.
- (2) Lighting for an externally illuminated sign shall be shaded, shielded, and directed away from surrounding properties and vehicular traffic.
- (3) Neon lighting or lighting having the same appearance of neon lighting may be used.
- (4) For a sign with internal illumination, the background of the sign face shall be made of an opaque material to allow internal light to project only through the lettering and/or logos or a colored translucent material (i.e., not white, cream, off-white, or other light color) with either translucent or opaque lettering and/or logos.
- (5) Lighting shall not oscillate or move or give the appearance of movement.

#### 18-7 Electronic message displays

- (a) **Findings.** The common Council makes the following findings regarding electronic message displays:
  - (1) Electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.
  - (2) Electronic displays that are too bright at night can be offensive and reduce the legibility of the display copy.
  - (3) Technology exists to control lighting levels, with scheduled dimming based on sunset-sunrise tables or with photocells.
  - (4) Appropriate standards are necessary to ensure electronic displays do not become a nuisance to surrounding property owners or pedestrians or a distraction to passing motorists.
- (b) **General standards.** An electronic message display when allowed by this article shall comply with the following standards:
  - (1) An electronic message display must be equipped with technology the sign owner can use to program lighting levels to comply with the lighting standards in this section.
  - (2) Except for time and temperature displays, the message shall remain static at least 2 minutes before the next message appears.



- (3) No part of the message shall give the appearance of movement.
- (4) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).
- (5) Lighting levels shall not exceed 0.3 footcandles over ambient lighting conditions when measured at the specified distance in the table below, based on the size of the display. However, lighting levels shall not exceed 0.1 footcandles over ambient lighting conditions at the property boundary line of a residential property or 0.2 footcandles over ambient lighting conditions at the property boundary line of a commercial, industrial, or institutional property.

Sign Area (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55

Note: The sign areas listed in this table are for illustration only. The Village's sign regulations may not allow the sign areas listed. For signs areas not listed, the measurement distance is calculated with the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

- (6) The background of the message display shall be a solid color.
- (7) The message on an electronic message display shall only relate to the premises on which it is located, except for public service announcements.
- (8) The electronic message display shall be turned off by 11:00 p.m. each day or one hour after the close of the business on the premises whichever is later and shall remain off until 5:00 a.m. the following day.
- (9) An electronic message display shall be located on no more than one sign per road frontage.

### 18-8 Projecting signs

A projecting sign shall comply with each of the following:

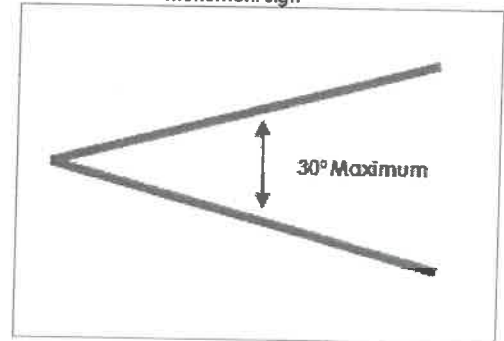
- (1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (2) The sign shall not extend more than 8 feet from the building on which it is attached.
- (3) The top of the sign shall not be higher than the building on which it is located.
- (4) When located above a walkway, the bottom edge of the sign shall be at least 10 feet above the surface of the walkway beneath the sign.
- (5) When located above a driveway or an alley, the bottom edge of the sign shall be at least 15 feet above the surface of such driveway or alley.
- (6) If a projecting sign extends over public property (i.e., above a public sidewalk), the property owner shall provide all assurances as may be specified by the city administrator and/or the city attorney before a sign permit can be issued.

**18-9 Awning signs**

A sign on an awning shall comply with each of the following:

- (1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (2) If a canopy extends over public property (i.e., above a public sidewalk), the property owner shall provide all assurances as may be specified by the city administrator and/or the city attorney before a sign permit can be issued for a canopy sign.
- (3) When located above a walkway, the bottom edge of the canopy shall be at least 8 feet above the surface of the walkway beneath the canopy.
- (4) The sign shall only be placed on the vertical flap of the canopy and may not occupy more than 50 percent of the area of the flap.
- (5) The canopy, whether existing or proposed, shall be made of an opaque material.

**Exhibit 18-2. Maximum angle for a double-faced monument sign**

**18-10 Free-standing signs**

(a) **General standards.** A free-standing sign shall comply with each of the following:

- (1) When a free-standing sign is located in a residential zoning district, landscaping shall be provided and maintained around the base of the sign for a minimum distance of 5 feet. Such landscaping may consist of turf, small shrubs, ground cover, or a combination thereof.
- (2) The base of a monument sign shall be covered with brick, stone, split-face masonry block, wood, stucco, or other material that complements the materials on the principal building.
- (3) The base of a monument sign shall be at least 80 percent of the width of the sign.
- (4) A monument sign may be double-faced, provided the angle between the two sign faces does not exceed 30 degrees (Exhibit 18-2). If the sign faces are more than 30 degrees, both faces are considered single-sided and included in determining the area of the sign.
- (5) A pole or pylon sign may be double-faced provided the two faces are parallel to one another.
- (6) A free-standing sign shall be located at least 5 feet from the front lot line, 5 feet from a side or rear lot line if the adjoining property is non-residential, and 10 feet from a side or rear lot line if the adjoining property is in a residential zoning district.
- (7) A free-standing sign shall be located at least 15 feet from an access drive and 5 feet from a parking lot.
- (8) A free-standing sign shall be self-supporting (i.e., no guy wires or the like).
- (9) A free-standing sign shall be attached to a permanent foundation set in the ground.
- (10) A free-standing sign shall not unreasonably obstruct the view of a conforming sign on another property.

**Exhibit 18-3. Measuring the area of a free-standing sign**

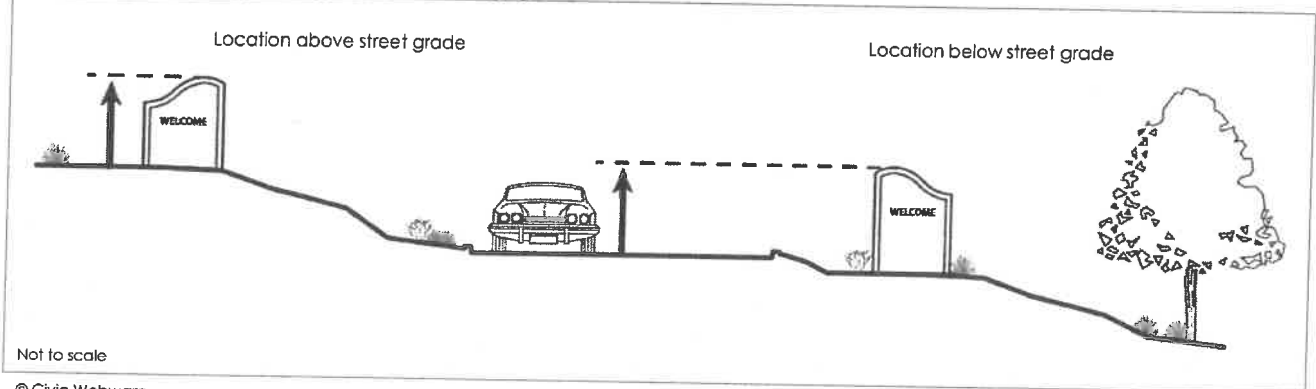


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(b) **Measuring the area of a free-standing sign.** The area of a freestanding sign is the entire surface area on which the message could be placed (Exhibit 18-3). The supporting structure or bracing is not included.

(c) **Measuring the height of a free-standing sign.** If the location of a freestanding sign is above street grade, the height of the sign is measured from the surrounding grade which may not be modified so as to increase the overall height of the sign (Exhibit 18-4). If the location of a monument sign is below street grade, the height of the sign is measured from the centerline of the street immediately in front of the sign (Exhibit 18-4).

Exhibit 18-4. Measuring the height of a free-standing sign



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**18-11 Hanging signs**

(a) **Standards.** A hanging sign shall comply with each of the following:

- (1) The sign shall be constructed of rigid material.
- (2) The sign may be externally illuminated; internal lighting is strictly prohibited.
- (3) The bottom edge of the sign shall be at least 8 feet above the sidewalk beneath the sign.
- (4) The sign shall not have more than two faces.

(b) **Measuring the area of a hanging sign.** The area of a hanging sign is the entire surface area on which the message could be placed.

**18-12 Wall signs**

(a) **Standards.** A wall sign shall comply with each of the following:

- (1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (2) A wall sign shall not project from the wall on which it is attached by more than 12 inches.
- (3) No portion of the sign shall extend above the wall face on which the sign is located.

(b) **Measuring the area of a wall sign.** The area of a wall sign without a distinctive border or background is the smallest rectangle encompassing all words, letters, figures, emblems, and other elements of the sign message. The area of a wall sign with a distinctive border or background is the small rectangle encompassing the border or background (Exhibit 18-5).

Exhibit 18-5. Measuring the area of a wall sign



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**18-13 Window signs**

A window sign shall comply with each of the following:

- (1) The placement of a window sign shall not be placed on a door window or window so as to constitute a hazard for pedestrian or guest traffic and safety.
- (2) Signage shall be placed on the interior of the glass.

**18-14 Sidewalk signs**

A sidewalk sign shall comply with each of the following:

- (1) A sidewalk sign shall have a small, but legible label identifying the business that owns the sign, a contact name, address, and phone number.
- (2) The overall width of a sidewalk sign including all components shall not exceed 36 inches.
- (3) A sidewalk sign must be securely weighted or otherwise designed to not shift, move, or topple over in the wind or present a hazard to the public.
- (4) A sidewalk sign may have two stabilized wheels for moving the sign.
- (5) A sidewalk sign shall only be placed at the location specified on the approved sign permit.
- (6) A sidewalk sign shall be located immediately in front of business, except the zoning administrator may approve an alternate location in the sign permit when necessary to accomplish the intended purpose of the sign.
- (7) A sidewalk sign shall not obstruct vehicular/bus stops, benches, fire hydrants, or other features located legally in the right-of-way or be located closer than 10 feet to another sidewalk sign. A sidewalk sign shall be located near the curb, rather than the building face.
- (8) A sidewalk sign shall not obstruct the use of the sidewalk by pedestrians.
- (9) A sidewalk sign shall not be located closer than 5 feet to an adjacent parcel line.
- (10) A sidewalk sign shall not be located in a vision triangle as specified in s. 8-76.

**18-15 Signs allowed without a sign permit**

(a) Signage for a property zoned for single-family is allowed without a permit as follows:

- (1) **Maximum sign area:** the area of all signs shall not exceed 14 square feet on a single-side sign or 28 feet on a double-sided sign
- (2) **Number permitted:** no limitation except by total sign area
- (3) **Type:** signage may be temporary or permanent
- (4) **Placement:** signage may free-standing or affixed to the house, except no signage shall placed above the roof eaves or on a gable end
- (5) **Time limitation:** none
- (6) **Type of illumination permitted:** none except for indirect ambient lighting
- (7) **Type of display permitted:** static display

Types of signage can include the following:

- (1) Signage for an authorized commercial use of the property (e.g., bed and breakfast)
- (2) Building marker signage (i.e., signage with the name of the building or date of construction or both)
- (3) Construction/maintenance signage (i.e., signage that identifies the architects, engineers, contractors and other individuals or firms involved with construction/maintenance taking place on the premises)
- (4) Free speech signage, including political and religious messages
- (5) Historic marker (i.e., signage marking a historic building, site, landmark, or similar designation by the federal government, the state of Wisconsin, Walworth County, a local government, or a non-profit organization)
- (6) Open house real estate signage (i.e., signage that indicates that a particular residence that is for sale/lease is or will be open to the public for viewing)
- (7) Personal greeting and congratulatory sign (i.e., signage related to a homecoming of a person or group of people or a personal event or accomplishment)
- (8) Private property protection signage (i.e., signage containing wording indicating an intent to deny entry to the general public, such as "no trespassing" or "private property")

- (9) Property address
- (10) Quasi-public event signage (i.e., signage announcing a noncommercial event or celebration in the community that is sponsored by a civic, educational, patriotic, religious, or nonprofit organization)
- (11) Yard sale signage (i.e., signage announcing a yard, rummage, or garage sale as may be authorized by this chapter)
- (b) Window sign(s) for a commercial business not located in a residential zoning district is allowed without a permit as follows:
  - (1) **Zoning district:** Commercial and Industrial zoning districts
  - (2) **Placement / type:** no limitation
  - (3) **Time limitation:** none
  - (4) **Number permitted:** no limitation
  - (5) **Maximum sign area:** 30 percent of glass area located on the ground floor level per road frontage
  - (6) **Type of illumination permitted:** none
  - (7) **Type of display permitted:** static display

**18-16 Signs allowed with a permit in a residential zoning district**

Signage for the specified uses as may be allowed in a residential district is allowed with a sign permit consistent with the standards in Table 18-1.

**Table 18-1. Signs allowed with a permit in a residential zoning district**

Land use / sign type	Number of signs	Maximum sign area	Maximum sign height	Illumination	Type of display permitted	
<b>Identification sign for a residential complex</b>	A. Wall sign	1 per street frontage	16 square feet or 10 percent of the wall area, whichever is less	8 feet	External	Static display
	B. Free-standing sign – monument sign only	1 per premises	16 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
<b>Identification sign for a subdivision</b>	Free-standing sign – monument sign only	1 per vehicular access point	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
<b>Temporary identification sign for an approved subdivision</b>	Free-standing sign – monument sign only	1 per vehicular access point	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
<b>Identification sign for a neighborhood</b>	Free-standing sign – monument sign only	1 per vehicular access point	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
<b>Identification sign for an institutional use</b>	A. Wall sign	1 per street frontage	32 square feet or 10 percent of the wall area, whichever is less	10 feet	External or internal	Static display
	B. Free-standing sign – monument only	1 per premises	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
	C. Parking lot entrance sign	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 300 feet to another free-standing sign	8 square feet when single-sided; 8 square feet per side when double-sided	5 feet	External	Static display

**18-17 Signs allowed with a permit in a commercial, industrial, or special purpose zoning district**

(a) **Maximum area.** The maximum sign area that is permitted on a given parcel is dictated by the floor area of the building on the parcel as set forth in Table 18-2.

(b) **Permitted signs.** The signs listed in Table 18-3 are allowed with a permit as specified.

**Table 18-2. Maximum sign area allowed in a commercial, industrial, or special purpose district**

Floor area of business	Maximum sign area on the premises
5,000 square feet or less	100 square feet
5,000 – 9,999 square feet	150 square feet
10,000 - 19,999 square feet	300 square feet
20,000 square feet and more	450 square feet

**Table 18-3. Signs allowed with a permit in a commercial, industrial, or special purpose district**

Sign type	Number of signs	Maximum sign area by type of sign [1]	Maximum sign height	Illumination	Type of display permitted
Wall sign	1 per street frontage	100 square feet or 10 percent of the wall area, whichever is less	8 feet	External or internal	Static display
Projecting sign in lieu of an awning sign or a canopy sign	1 per frontage	36 square feet per side	NA	External or internal	Static display
Canopy sign in lieu of an awning sign or a projecting sign	Signage on one canopy	50 percent of the gross surface area of the smallest face of the canopy to which the sign is affixed	NA	None	Static display
Awning sign in lieu of a canopy sign or a projecting sign	Signage on one awning	One line of copy no higher than 8 inches on the vertical flap	NA	None	Static display
Free-standing sign – pole or monument	1 per premises [2]	80 square feet when single-sided; 80 square feet per side when double-sided	Monument: 6 feet Pole: 8 feet	External or internal	Static display
Sidewalk sign [3]	1 per distinct business	1,215 square inches with a maximum width of 27 inches (27" x 45")	NA	None	Static display

Notes:

1. See Table 18-2 for maximum sign area on a premises
2. Free-standing signs are not allowed in the C-3 district
3. Sidewalk signs are only allowed in the C-3 district

(c) **Supplemental signage.** In addition to the signage allowed in this section, an owner is granted an additional 24 square feet of signage (48 square feet if double-sided) that can be used for wall signage or free-standing sign. Such signage may be used for any message including non-commercial speech and for indicating the property is for sale, rent, or lease.

**18-18 Signs in a planned development district**

Signs in a planned development district shall comply with the requirements of the underlying zoning district as set forth in this article except as modified by the approved project plan.

**18-19 Maintenance**

The person owning the property on which a sign is located shall maintain such sign in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning, and other acts required for proper maintenance. A dangerous sign shall be made to conform or removed within 5 calendar days of receipt of a written notice from the zoning administrator, unless a shorter compliance period as

specified in the notice is required to protect public safety. If the property owner does not comply, the Common Council may remove such sign pursuant to the authority and subject to the requirements set forth in s. 66.0413, Wis. Stats.

**18-20 Removal of illegal signs placed on public property**

Government personnel may remove a sign placed illegally on public property (e.g., within a street right-of-way or a public park) without notice to the person who installed or authorized the installation of the sign. The official removing such sign may dispose of the sign at his or her discretion.

**18-21 Abandoned signs**

A sign or sign message shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when the lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the City of Washburn, or its legal designee, shall give the owner 60 days' written notice to remove the said sign. Upon failure to comply with this notice, the City of Washburn, or its legal designee, may cause removal to be executed, the expenses of which shall be assessed to the tax roll of the property on which the abandoned sign is located. (s. of the current zoning code)

**18-22 Nonconforming signs**

Nonconforming signs shall comply with the requirements set forth in Article 19.

**18-23 to 18-40 Reserved**

**DIVISION 2  
MURALS**

**Sections**

18-41	Legislative findings	18-43	Review procedure
18-42	Applicability	18-44	Design, installation, and maintenance

**18-41 Legislative findings**

The Common Council makes the following legislative findings relating to murals:

- (1) A mural, by definition, does not communicate a commercial message, and therefore does not constitute a sign.
- (2) A mural can help foster community identity by depicting a scene or event of natural, social, cultural, or historical significance.
- (3) Given the prominence of most murals, standards must be established so that murals become a community asset.

**18-42 Applicability**

The regulations in this division apply to all murals visible from an adjoining property or a public roadway.

**18-43 Review procedures**

A mural must be approved pursuant to the procedures and requirements set forth in Article 7.

**18-44 Design, installation, and maintenance**

- (1) Prior to painting or affixing a mural to the building, the surface of the building must be fully repaired and/or deemed suitable for the proposed mural. The City building inspector shall check the surface of the structure for general suitability. However, the City of Washburn and/or the building inspector shall not be responsible for any potential future failures associated with the structure or the mural.



- (2) A clear sealer shall be applied to the surface of the mural to extend the life of the mural and to make it easier to clean and maintain.
- (3) Exterior lighting may be allowed depending on location and potential off-site impacts on residential properties.
- (4) The property owner is responsible for ongoing maintenance and cleaning of the mural.
- (5) If any work related to the installation, cleaning, or maintenance of the mural occurs on public property, the property owner shall provide evidence of adequate liability insurance in an amount and of a type acceptable to the city administrator and the city may require measures to address parking impacts, if any, and to protect pedestrians and the public infrastructure.

Ordinance No. 12-009

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of \_\_\_\_\_, 2012, for the purpose of improving the City's regulation of outdoor signs, by amending Sections 13-1-100 to 13-1-115, Washburn City Ordinances.

1. Amend Sec. 13-1-100 to read as follows:

**Sec. 13-1-100 Purpose.** ~~(a) Purpose.~~ The purpose of this Article is to regulate, administer, and create the legal framework to regulate, administer, and enforce the location, placement, and size of any outdoor sign, advertising, and display located within the City of Washburn. This Article recognizes the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising, and communication. ~~(b) General Authority. This Article authorizes the use, placement, construction, and maintenance of certain outdoor signs visible from public rights of way and prohibits others provided the following:~~

~~(1) Any sign must be compatible with and consistent with the provisions of this Article and any other applicable ordinances which govern the aesthetic character of the City of Washburn.~~

~~(2) All signs must be designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or interfere with, endanger, or conflict with traffic safety and shall not constitute a public nuisance or attractive nuisance and must be eligible, readable, and visible in circumstances in which they are intended to be used.~~

~~(3) All signs must be respectful of the reasonable rights of other advertisers whose messages are displayed.~~

2. Amend Sec. 13-1-101(a)(4) and (53) as follows:

(4) **Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of ~~non-rigid~~ materials on a supporting framework.

(53) **Sandwich Board Sign.** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed nearby or upon a sidewalk, roadway, or other right-of-way.

3. Insert new Sec. 13-1-101(a)(62) and (63) as follows:

(62) **Subdivision Development Sign.** A temporary sign used for marketing lots or structures in a subdivision.

(63) **Subdivision Identification Sign.** A sign, masonry wall, landscaping or other similar material and feature combined to form a display for a neighborhood or subdivision identification with the sign or display legend consisting only of the neighborhood or subdivision name.

4. Renumber current Sec. 13-1-101(a)(62) through (68) as (64) through (70).

5. Amend the first sentence of Sec. 13-1-102 to read as follows:

Unless a sign complies with the requirements of this ordinance or does not need a permit under Sec. 13-1-112, and subject Subject to Section 13-1-114(a), at the date of original enactment of this Article, each and every sign in existence at the time of said enactment shall be considered a legal nonconforming sign of record and shall be allowed to be maintained, repaired, and used by the sign's owner or lessee for as long as said sign continues to be placed, maintained, repaired, and used in the same manner as executed on the date of the original ordinance enactment.

6. Amend the first sentence of Sec. 13-1-103(c) to read as follows:

(c) **Flashing or moving signs.** No sign shall be erected, placed, maintained or created that has any flashing, travelling, or rotating, or brilliant intermittent parts, lights, or bare reflecting bulbs.

7. Amend Sec. 13-1-103(d) to read as follows:

(d) **Floodlighted signs.** Reflection or illuminated signs any part of whose light source is positioned so that ~~more than twenty five percent (25%)~~ of its direct light is visible from (1) a public right of way unless shielded from the view of vehicular traffic or (2) a residential area,

8. Create new Sec. 13-1-103(e)(1), amend Sec. 13-1-103(e)(4)e to read as follows, and re-number existing 13-1-103(e)(1) – (6) as (2) – (7):

(1) On and after the date on which the Wisconsin Secretary of Transportation designates State Highway 13 within the City limits as a Wisconsin Scenic Byway, no off-premise sign that is not an existing off-premise sign shall be allowed that is visible from the main travelled way of State Highway 13, except for those signs allowed under Trans.201.23, Wis. Admin. Code, or any successor rule. For purposes of this section, an “existing off-premise sign” means an off-premise sign that is in place as of the date of designation of the Scenic Byway, or an off-premise sign for which a permit has been issued and some construction or fabrication has begun as of such date and which is completed by the date of expiration of the permit and which is in compliance with the permit. Any “existing off-premise sign,” as that term is used herein, remains a legal off-premise sign as long as all other provisions of this Chapter are met, and are not non-conforming signs.

e. ~~Any off-premise sign approved by the Planning Commission must be located no more than two thousand (2,000) feet from the business or commercial entity or other enterprise, whether a profit or non-profit activity, public or private that is specifically advertised. No business or commercial entity or any other person, sole proprietor, partnership, corporation, or limited liability company shall be permitted to have more than ~~one~~ two off-premise signs within the City limits of Washburn.~~

9. Delete Sec. 13-1-105(b)(13)a as follows and re-letter (13)b and (13)c as (13)(a) and (13)(b):

~~a. All signs shall be designed by a sign contractor or individual/firm with demonstrated experience designing business signs and working knowledge of building codes, electrical codes, construction standards applicable to sign design and construction. Sandwich board signs require design approval only.~~

10. Amend Sec. 13-1-110(a) and (b), and create 13-1-110(c)(7) to read as follows:

The following provisions apply to signs located within the corporate boundaries of the City of Washburn.

(a) **Durability.** All signs and sign structures requiring a permit must be properly maintained and constructed of ~~sufficiently permanent material~~ so that they will resist weathering. Any existing sign that is rotted, unsafe, deteriorated, defaced or altered must be repaired or replaced. In the event a sign that is rotted, unsafe, deteriorated, defaced or altered that must be replaced hereunder is deemed a legal nonconforming sign and structure, the repair or replacement of said sign must be done in such a manner as to comply with the specifications, requirements and regulations set forth in this Article.

(b) **Prohibited Locations.**

- (1) No signs other than governmental signs may be erected or temporarily placed within, or upon any street right-of-way, public land, easements, or right-of-ways without prior approval of the Common Council for the City of Washburn.
- (2) All free-standing signs, monuments, or ground signs located within the vision triangle required at all street intersections ~~will~~ shall meet the requirements of Section 13-1-90 of this Code of Ordinances. No free-standing, monument or ground sign shall be erected, reconstructed or structurally altered within fifteen (15) feet from an intersection and at least fifteen (15) feet from a driveway (a parking lot shall not be considered a driveway for purposes of this Section), as measured from the point of the intersection with the right-of-way unless a minimum of ten (10) feet of visual clearance is provided as measured from grade to the bottom of the sign face; however, in no circumstance will the pedestal or supports of a ground sign be located within seven (7) feet of a driveway.

- (3) Freestanding signs or monument signs, ground signs, pole or pedestal signs may be placed immediately adjacent to the right-of-way boundary line with no further setback required.
- (4) In the event a sign is proposed to be located in an area that does not comply with this Section, and it is determined that the location of a street, intersection or right-of-way makes compliance with this Section impossible or unreasonable, the applicant may seek relief to from the Board of Appeals.
- (5) There shall be a presumption that the right-of-way boundary along Bayfield Street/Highway 13 shall be immediately adjacent to the inside edge of the sidewalk facing the subject property. If no sidewalk exists, it shall be presumed that the physical centerline of Bayfield Street/Highway 13 shall be accurate and any measurement to determine the edge of the right-of-way shall be taken from said centerline.
- (6) No sign or sign structure may be erected or maintained if it prevents free ingress or egress from any door, window or fire escape. No sign may be attached to a standpipe, pipe or fire escape.

**(c) Construction Specifications/Total Allowable Signage.**

...

(7) The total allowable on-premise signage does not include temporary banners and other promotion devices not requiring a permit under Sec. 13-1-112(x), or for which a permit has been granted under Sec. 13-1-113(c).

11. Delete Sec. 13-1-111(c) as follows, and re-letter (d) and (e) as (c) and (d).

~~(e) **Design Compatibility.** All signs must be compatible with the building and neighborhood where located.~~

12. Amend Sec. 13-1-111(e)(8) to read as follows:

**(8) Sandwich Board Signs.** Sandwich board signs shall not exceed three feet by four feet (3' x 4') and, when placed on a sidewalk, shall allow four feet of unobstructed sidewalk width for pedestrian traffic. Sandwich board signs require a permit.

13. Amend Sec. 13-1-111(e)(10)b and (11) to read as follows:

b. No advertising signs shall be designed and erected so as to be intentionally seen or read readable from any water area, unless authorized by the Planning Commission.

(11) **Recreational Trail Signs.** All signs on motorized recreational trails directing users to downtown businesses shall be of uniform font and no more than three (3) square feet in size. Only ~~one~~ two signs per business shall be permitted.

14. Delete Sec. 13-1-112(j)(1), amend 13-1-112(j)(2) as follows, renumber (j)(2) – (j)(4) as (j)(1) – (j)(3), amend Sec. 13-1-112(o)- (p), and create new 13-112(x) as follows:

(j) **Political and Campaign Signs.** Political and campaign signs on behalf of the candidates for public office or measures on election ballots, provided that said signs are subject to the following requirements:

~~(1) Said signs may be erected during the “election campaign period” generally defined as the first day on which candidates could circulate nomination papers through the day of the election (from June 1<sup>st</sup> through the fall election; and December 1<sup>st</sup> through the spring election) on residential property. “Residential property”, for purposes of this Subsection, is defined as property occupied or suitable to be occupied for residential purposes and property abutting that property for which the owner or renter is responsible for the maintenance or care. If property is utilized for both residential and nonresidential purposes, “residential property” means only the portion of the property occupied or suitable to be occupied for residential purposes.~~

~~(2) (1) Each sign except billboards shall not exceed eleven (11) twelve (12) square feet in a residential area or thirty-two (32) square feet in a non-residential area.~~

~~(o) **Neighborhood identification Signs.** In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of neighborhood or subdivision name.~~

~~(p) **Neighborhood identification Signs.** In any zone, a sign, not requiring a foundation, not placed within a public right of way, and not placed within a vision triangle for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of neighborhood or subdivision name.~~

(o) **Directional Signs.** Directional signs are as defined in Section 13-1-101.

(p) **Window Signs.** Window signs are signs in the display window of a business which relate to services or products offered therein. This display sign exception is only permitted for properties in the commercial or industrial zoning districts or within the waterfront district via the issuance of a conditional use permit. The window sign must relate to the business hours of the business, must direct attention to a business or profession conducted on the premises or to a product, service, or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial or industrial buildings and shall not exceed thirty-five percent (35%) of the glass area of the pane upon which the sign is displayed.

**(x) Banners and Other Promotion Devices.** Temporary signs, including but not limited to banners which are displayed for business or commercial purposes and which:

(1) In total at any single business, commercial, or industrial premise, at any one time, do not exceed thirty (30) square feet in area.

(2) In total at any single business, commercial, or industrial premise, are not displayed for more than thirty (30) days in a calendar year or more than seven (7) consecutive days at any one time, except for temporary window signs not requiring a permit under sub. (p), above.

15. Create new Sec. 13-1-113(b) as follows, amend Sec. 13-1-113(b) to read as follows, and re-letter current (b) – (e) as (c) – (f):

**(b) Subdivision Identification Signs.** A subdivision identification sign is a sign, not requiring a foundation, not placed within a public right-of-way, and not placed within a vision triangle for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of neighborhood or subdivision name. In any zone, a subdivision identification may be combined with a masonry wall, landscaping or other similar material and feature ~~may be combined~~ to form a display for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of neighborhood or subdivision name.

~~(b)~~-(c) Banner and Other Promotional Devices.

(1) Any temporary signs, including but not limited to banners which are displayed for business or commercial purposes and which exceed the size or time standards set forth in Sec. 13-1-112(x).

(2) Unlighted special event banners not exceeding one hundred fifty (150) square feet in area are permissible over a municipal right-of-way by special permit from the Plan Commission.

16. Amend Sec. 13-1-113(d) and (e) to read as follows:

~~(d)~~ **(e) Advertising vehicles.** No person shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertising the entity referred to on said sign. This provision does not apply to the regular parking of a vehicle on the shoulder or right-of-way that is otherwise allowed to be parked, if parked in the normal course of business, residence, or trade, including street vendors. The Sign Administrator may issue special permits for the parking of advertising vehicles for a period not to exceed five (5) days per location.

~~(e)~~ **(f) Sandwich Board Signs.** Sandwich board signs require a permit. Sandwich board signs are permitted provided that their placement does not block the traveled

portion of the sidewalk, does not significantly impede the flow of pedestrian traffic or hinder motorist visibility, and they meet the size and placement requirement set forth in sec. 13-1-111. ~~below~~.

17. Amend Sec. 13-1-114(c)(1)d, and create new and 13-1-114(c)(1)e to read as follows:

(1) A sign loses its legal non-conforming status if one (1) or more of the following occurs:

...

(d) Except as provided in subsection (e), below, more than fifty percent (50%) of the sign face, awning, canopy, fascia, pedestal, foundation, supports, or base, is replaced due to, but not limited to, a change in the name of the business, storm damage, structural fatigue, and dilapidation.

(e) If the sign was damaged or destroyed on or after March 2, 2006, and if the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, then the sign may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without limitation as to the costs of repair, reconstruction, or improvement. The structure may be larger than the size immediately before the damage or destruction, to the extent such increase in size is necessary to comply with applicable state or federal requirements, if any, provided that the Plan Commission shall review and approve any such increase in size so as to minimize the impact of any increase in the nonconforming nature of the structure.

18. Amend Sec. 13-1-115 to read as follows:

### **Sec. 13-1-115 Removal and Disposition of Signs.**

#### **(a) Maintenance and Repair.**

(1) Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except where a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.

(2) The City of Washburn ~~, or its legal designee,~~ shall require compliance with all standards of this Article. If the sign is not modified to comply with safety standards outlined in this Article, the City of Washburn ~~, or its legal designee,~~ shall require its removal in accordance with this Section.

**(b) Abandoned Signs.** All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when the lease payment and rental income are no longer provided. If the owner or lessee fails to



remove the sign, the City of Washburn, ~~or its legal designee,~~ shall give the owner sixty (60) days written notice to remove the said sign. Upon failure to comply with this notice, the City of Washburn, ~~or its legal designee,~~ may cause the removal of the sign, under the provisions of Sec. 66.0413, Wis. Stats., if applicable, with the expenses of removal ~~the expenses of which shall be assessed to the tax roll of the property on which the~~ abandoned sign is located.

~~(c) **Deteriorated or Dilapidated Signs.** The City of Washburn, or its legal designee, shall cause to be removed any deteriorated or dilapidated signs under the provision of Sec. 66.0413, Wis. Stats.~~

19. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

\_\_\_\_\_  
Scott A. Griffiths  
Mayor

Attest:

\_\_\_\_\_  
Vicki E. Swanson  
Clerk-Treasurer

Adopted: \_\_\_\_\_.

Date of publication: \_\_\_\_\_.

**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



**715-373-6160**  
**715-373-6161**  
**FAX 715-373-6148**

To: Plan Commission Members  
From: Scott J. Kluver, <sup>SK</sup> Administrator  
Re: Comprehensive Plan Work  
Date: August 10, 2022

It will be necessary to set some time to continue work on the Comprehensive Plan Re-Write if you ever want to complete this project. We have an extension on the grant to help pay for this project until the end of the year, and it CAN NOT be extended beyond June 30<sup>th</sup> of 2023. Please bring your calendars and let me know when you would like to meet if you want to continue this project.