

CITY OF WASHBURN
119 Washington Avenue
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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/81885120484?pwd=eUJPTGkrY3ZsOEtYb1hzSlpzMjgyZz09> or by calling 1 (877) 853-5247 (Toll Free) and entering Webinar ID: **818 8512 0484** and entering passcode: **259726** as opposed to being present for the meeting.

NOTICE OF PLAN COMMISSION MEETING

DATE: Thursday, November 16, 2023
TIME: 5:30 PM
PLACE: Washburn City Hall – 119 Washington Ave

AGENDA:

- Call to Order/Roll Call
- Approval of Minutes of October 19, 2023
- Public Hearing
 - Discussion & Recommendation on Zoning Ordinance Amendment to City Zoning Code (Title13), Chapter 1, Articles 14, 19, and 21 Regarding Signs & Outdoor Lighting.
- Review Plan Commission Roles and Responsibilities Regarding Development on City Land
- Adjourn

September 21, 2023

CITY OF WASHBURN PLAN COMMISSION MEETING

5:30PM Washburn City Hall

COMMISSION MEMBERS: David Anderson, Felix Kalinowski, Leo Ketchum- Fish, Michael Malcheski, Mary Motiff (via Zoom), Matt Simoneau (via Zoom), Nicolas Suminski

ABSENT:

MUNICIPAL PERSONNEL: Scott Kluver-City Administrator

Meeting called to order at 5:30 pm by Motiff, attendance as recorded above.

Approval of Minutes – September 21, 2023 Minutes – Motion by Suminski to approve the minutes of September 21, 2023, second by Malcheski. Motion carried 7-0.

Public Hearing, Discussion & Recommendation on Conditional Use Permit Application for Chequamegon Bay Boat LLC for Heavy Vehicle Sales and Service at 706 W. Bayfield Street – Robert B. Hartzell II, Petitioner – Petitioner present. Motion by Kalinowski, second by Anderson to open the public hearing. Motion carried 7-0. No one was present in person. Comments received via e-mail from Paula and Daniel Collins which were distributed in advance of the meeting. Anderson moved and Ketchum-Fish seconded to close the public hearing. Motion carried 7-0. Plan Commission reviewed the evaluation criteria: 1) The size of the parcel on which the proposed use will occur – **Commission finds the size of the site adequate/appropriate for use described.** Kalinowski asked about aesthetics of site. Motiff asked about use definition and determination. Paula Collins stated she would like to make a comment because she was having technical difficulties during public comment. Mr. Hartzell stated he would like to hear what she has to say. Motiff stated the request will be considered after the criteria review. 2) The presence of and compatibility with other uses on the subject property, if any – **Commission finds it appropriate.** 3) The location of the proposed use on the subject property – **Commission finds it appropriate.** 4) Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site – **Commission has no concerns.** 5) The suitability of the subject property for the proposed use – **Commission finds it reasonable.** 6) Effects of the proposed use on the natural environment – **Commission finds no concerns.** 7) Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances – **Commission finds no concerns with what is proposed.** 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- **Commission finds no concerns.** 9) Any other factor not listed above, but which relates to the public health, safety, or welfare – **Commission finds no other factors.** Motiff asks for unanimous consent to allow Ms. Collins to make a statement. No objections. Ms. Collins stated she is concerned about increased traffic, particularly on 8th Ave., traffic routes, asked if speed bumps could be added in the alley and was concerned about frequent washout of the alley approach on 8th Ave., and asked about proposed snow storage in relation to the alley. Ketchum-Fish moved and Suminski seconded to approve the Conditional Use Permit as drafted. Motion carried 7-0.

Motiff was having internet connections issues. Vice-Chair Malcheski took over the meeting at 6:15

Discussion & Action on Plan of Operation and Site Plan Review for Chequamegon Bay Boat LLC, 706 W. Bayfield Street, C-2 District – Robert B. Hartzell II, Petitioner – The proposed project is to operate a boat rental business. Subordinate uses will potentially include outdoor sales of inner tubes, floating toys, kayaks, SUPs, and other water toys. The Plan Commission reviewed whether the project complies with all applicable design principles and standards as follows: **Site Plan Standards:** 1) Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site - **Entrance area is off of 7th Ave W, with on and off-street parking in that area. On-street parking is also allowed in front of the building.** 2) Effects of the project on the natural environment – **No known detrimental effects. Stormwater detention will not be required as long as gravels areas do not exceed 10,000 square feet.** 3) Effects of the project on surrounding properties – **Anticipate an increase in parking/traffic, but nothing out of ordinary. This will be a seasonal business.** 4) Compliance with the site design principles enumerated in s. 8-163 – **Project does not appear to be in conflict.** 5) Compliance with the design principles for parking lots enumerated in s. 17-3 – **Per the ordinance, one space for each 300 feet of gross floor area must be provided. Estimated square footage of the building is 1,175 square feet (47x25) so four spaces are required. Parking area is not required to be hard surface. Spaces need to be delineated.** 6) Compliance with other applicable requirements contained in this chapter – **Boats and other items can not be stored within 30 feet of the rear property line per section 8-311. No outdoor lighting indicated, but if used would need to be provided for review. Landscaping is not required as this is not new construction, except expansion of the parking lot may require some pro-rated points in that area once delineated.** 7) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **No other known factors.** Commission added conditions of delineating the parking spaces and compliance with landscaping if necessary. Ketchum-Fish moved, and Anderson seconded, to approve the site plan for Chequamegon Bay Boat LLC, 706 W. Bayfield Street with the conditions as noted. Simoneau asked about the maximum number of boats. The code does not limit the number. Motion carried 7-0. **Plan of Operation Standards:** 1) The nature of the land use with regard to the number of employees, nature, and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics – **The Plan Commission determines that there are no known issues. It is anticipated that Mr. Hartzell will operate the business himself and he may have a couple seasonal helpers. Hours of Operation are expected to be 9:00 am to 5:00 pm. Deliveries would be provided off of 7th Avenue West. The business would have lubricants and fuels typical in the repair of boat engines.** 2) The nature and extent of anticipated positive and negative effects on properties in the area – **Positive effect is additional business in town. It will generate additional parking congestion in the area, but off-street parking will need**

to be provided. Some boat engine noise may occur, but not anticipated to exceed noise limits. 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use – **Engine noise would be minimal and occur during daytime hours.** 4) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **The operator will need to comply with boat launch facility regulations, this includes boat launch passes as a condition.** 5) List of Conditions Imposed: **All trailers launching at either Thompson’s West End Park or the Washburn Marina would need to have a daily or seasonal boat launch pass.**
Ketchum-Fish moved, and Anderson seconded to approve Plan of Operation for Chequamegon Bay Boat LLC, 706 W. Bayfield Street, with the condition as listed. Motion carried 7 to 0.

Discussion on Draft Ordinance to Allow Off-Premise Signs in Certain Areas of the City and Adjustments to Outdoor Lighting Provisions

– An updated version of the ordinance was provided that adds proposed provisions related to festoon lighting, and provisions were related to the distance a business needs to be from its off-premise sign. The Commission did review the draft changes, and an adjustment was made to the festoon lighting to eliminate the provision that the lights must be turned off when the business is not open. No word has been received from WisDOT if the off-premise signage language will be acceptable. The ordinance will be advanced to begin the approval process.

Anderson requested that options related to eliminating the 50-foot rule in the special standards for Heavy Vehicle Sales and Service uses be discussed.

Malcheski adjourned the meeting at 6:47pm.

Respectfully Submitted,
Scott J. Kluver
Zoning Administrator/Clerk

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

Public Hearing will be held at the Plan Commission Meeting, Thursday, November 16, 2023, 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, Articles 14, 19, and 21 regarding signs and outdoor lighting.

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 .

Scott J. Kluver
Zoning Administrator

Block Ad October 31 and November 7, 2023 – Daily Press

CITY OF WASHBURN
Ordinance No. 23-007

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of December 11, 2023, for the purpose of amending Title 13, Chapter 1, Articles 14, 19 and 21 regarding signs and outdoor lighting.

Additions are in red. Deletions are in ~~strikeouts~~.

1. Amend Title 13, Chapter 1, Articles 14, 19 and 21 as follows:

Article 14, Section 14-5 Project Review Procedures

(a) Minor work without prior approval. The following work may proceed without prior approval, provided a building **or sign** permit is issued if required:

- (1) residing with appropriate materials;
- (2) repair or replacement of windows, trim, and doors if new materials match existing;
- (3) installation or removal of door and window openings not visible from Bayfield Street;
- (4) chimney reconstruction if completed with similar materials;
- (5) exterior cleaning, refinishing, and tuck-pointing; ~~and~~
- (6) any other similar work as determined by the zoning administrator; **and**
- (7) erection of new signs or modification of existing signs consistent with City ordinances.**

Prior to the commencement of any work, a property owner may ask the zoning administrator to review the proposed work to determine if it is classified as minor work and/or otherwise complies with the standards in this article.

(b) Major work. Any work not classified as minor work in this section shall be reviewed using the procedures specified below.

- (1) buildings - architectural review
- (2) site work - site plan
- ~~(3) signs—sign permit~~

Examples of major work includes relocation of an existing building, construction of a new building, addition to an existing building, alteration of a building elevation, alterations to windows, siding, entries, and trim, ~~erection of new signs or modification of existing signs~~, changes to the site including parking, pedestrian circulation, and the like.

Article 19, Section 19-3 Exemptions

The following types of outdoor lighting are exempt from this Article:

- (1) Emergency lighting when used by police, firefighters, medical personnel, public works, and other responders for the duration of the emergency situation.
- (2) The lighting of flags of the United States, State of Wisconsin, City of Washburn, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such lighting does not trespass onto another property.
- (3) Holiday lighting.
- (4) Lighting on towers when required by a regulating authority.
- (5) Airport lighting when required by a regulating authority.
- (6) Underwater lighting used for the illumination of swimming pools and fountains.
- (7) Festoon lighting. Festoon lighting is defined as lighting by festoons of electric lamps wired to a flexible cable for decorative purposes only. Each bulb shall not produce more than 200 lumens and shall not exceed light trespass levels onto other properties as established by this chapter.

Article 21, Section 21-7 Special Provisions for Nonconforming Signs

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 **except as stated in this subsection. Existing off premises signs located in the General Commercial, Downtown Commercial, and Light Industrial Districts along Highway 13 (area designated in the City's Resolution #2022-044) may be reconfigured up to the same area of the existing off premises sign's area.**

(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 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 lights 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 **except as stated in this subsection. Existing off premises signs located in the General Commercial, Downtown Commercial, and Light Industrial Districts along Highway 13 (area designated in the City's Resolution #2022-044) may incorporate an electronic message display.**

(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.⁸

(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.

(m) **Off-Premises Sign Limitations.** An off-premises sign shall be located within 7,500 feet of the business. A business may have up to two existing off-premises signs.

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

Mary D. Motiff

Mayor

Attest:

Scott J. Kluver

City Clerk

Adopted:

Date of publication:

**TITLE 13
CHAPTER 1 – ZONING CODE**

**ARTICLE 4
ADMINISTRATIVE BODIES**

Divisions

	<u>Page</u>
1. Plan Commission	43
2. Zoning Board of Appeals	46
3. Zoning administrator	48

**DIVISION 1
PLAN COMMISSION**

Sections

4-1 Establishment	4-7 Meeting minutes
4-2 Authority	4-8 Schedule of meetings
4-3 Composition and appointment of members	4-9 Voting and quorum
4-4 Officers	4-10 Compensation of members
4-5 Commission procedures	4-11 Official oath
4-6 Meetings	

4-1 Establishment

Pursuant to s. 62.23(1), Wis. Stats., a plan commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

4-2 Authority

(a) **Generally.** The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote the proper planning and development for the City of Washburn, whether enumerated in this section or not.¹

(b) **Right to enter property.** The Plan Commission, its individual members, and employees, and authorized agents, may enter upon land which is the subject of a pending application if it has authority to act on as set forth in s. 6-9.² The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

(c) **Staff.** The Plan Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Common Council for such purpose.³

(d) **Official map.** The Plan Commission may recommend the adoption of or amendment to an official map.⁴

(e) **Comprehensive plan.** The Plan Commission may by resolution recommend to the Common Council the adoption of or amendment to a comprehensive plan.⁵

(f) **Code amendments.** The Plan Commission shall review and submit recommendations to the Common Council regarding the amendment of this chapter.

¹ Commentary: See s. 62.23(4), Wis. Stats.

² Commentary: See s. 62.23(4), Wis. Stats.

³ Commentary: See s. 62.23(1)(e), Wis. Stats.

⁴ Commentary: See s. 62.23(6), Wis. Stats.

⁵ Commentary: See s. 62.23(2), Wis. Stats.

(g) **Development review.** The Plan Commission shall render decisions and recommendations relating to development applications required by this chapter.

(h) **Miscellaneous reports.** The Plan Commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens. It may recommend to the Mayor or Common Council, programs for public improvements and the financing thereof.

(i) **Mandatory referral.** Pursuant to state statute, the following shall be referred to the Plan Commission for report:

- (1) the location and architectural design of any public building;
- (2) the location of any statue or other memorial;
- (3) the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds;
- (4) the location, extension, abandonment or authorization for any public utility whether publicly or privately owned;
- (5) all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236, Wis. Stats.;
- (6) the location, character and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children;
- (7) the amendment or repeal of any ordinance adopted pursuant to this section, and
- (8) any other matter provided by statute.

Unless such report is made within 30 days, or such longer period as may be stipulated by the Common Council, the council or other public body or officer, may take final action without it.

(j) **Floodplain management.** With respect to floodplain management, the Plan Commission shall oversee the zoning administrator and the general administration of the floodplain regulations in this chapter, and review and make recommendations to the Common Council on all proposed amendments to this chapter.

(k) **Right to request information.** All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

4-3 Composition and appointment of members

(a) **Number and appointment.** The Plan Commission shall consist of 7 members as follows: the Mayor, one Alderperson, and 5 citizens. The Common Council shall, by a two-thirds vote of its members, elect one of its number to serve. The Mayor shall make citizen appointments during the month of April for terms that expire in April or at any other time of the year if a vacancy occurs during the middle of a term.⁶

(b) **Terms.** The term of the Mayor shall coincide with his or her elected term. The elected alderperson shall serve on the commission for a period of one year from and after the first day of May next ensuing. Each citizen member shall be appointed to a 3-year term.⁷

(c) **Considerations in making citizen appointments.** Citizen members shall be persons of recognized experience and qualifications and shall be residents of the City of Washburn.⁸

(d) **Conditions for removal.** A citizen member shall be removed from the Plan Commission and the member's office declared vacant when the member moves outside of the City. The Mayor may remove any citizen member in his or her discretion. If the Mayor or a Common Council member serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

(e) **Vacancies.** Vacancies shall be filled in the same manner as an appointment for a full term.

⁶ Commentary: See s. 62.23(1)(a), Wis. Stats.

⁷ Commentary: See s. 62.23(1)(a), Wis. Stats.

⁸ Commentary: See s. 62.23(1)(a), Wis. Stats.; also see s. 2-4-4 of the municipal code

4-4 Officers

The Mayor shall serve as the chairperson of the Plan Commission. The Plan Commission shall fill the following offices by election of its members: vice-chairperson and other officers in their judgment may be necessary.

4-5 Commission procedures

The Plan Commission may adopt rules of procedure to carry out its purposes. All such rules shall conform to this chapter, other city regulations, and state law and shall be filed in the office of the City Clerk.⁹

4-6 Meetings

Meetings of the Plan Commission shall be open to the public unless conducted in closed session as authorized by state law. All meetings except site visits shall be conducted in the City Hall or in such other public place as may be selected by the commission.

4-7 Meeting minutes

The Plan Commission shall keep minutes of its proceedings. The commission may amend previously adopted minutes provided such revision is based on substantive evidence.

4-8 Schedule of meetings

Meetings of the Plan Commission shall be held at the call of the chairperson of the commission and at such other times as the commission may determine.

4-9 Voting and quorum

(a) **Requirements for quorum.** A quorum of the Plan Commission shall consist of 5 voting members.

(b) **Requirements for voting.** Unless otherwise specifically stated, a decision of the Plan Commission shall be approved by a majority vote of the members of the commission.

(c) **Disqualification or voluntary abstention.** A member of the Plan Commission shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (4) another law precludes participation.

4-10 Compensation of members

Members of the Plan Commission may be compensated as determined by the Common Council.

4-11 Official oath

Citizen members of the Plan Commission shall take the official oath as required by s. 19.01, Wis. Stats. The City Clerk shall keep a copy of such oaths.

4-12 to 4-20 Reserved

⁹ Commentary: See s. 62.23(2), Wis. Stats.