

Administrator



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/87095116206?pwd=eVVCYWU3THV5c2d3OVRXTkR4RUt5QT09> or by calling 1 (877) 853-5247 (Toll Free) and entering Webinar ID: 870 9511 6206 and entering passcode: 150948 as opposed to being present for the meeting.

NOTICE OF PLAN COMMISSION MEETING

DATE: Thursday, August 17, 2023

TIME: 5:30 PM

PLACE: Washburn City Hall – 119 Washington Ave

AGENDA:

- Call to Order/Roll Call
- Approval of Minutes of July 20, 2023
- Discussion & Action on Downtown Design Review for Addition to Accessory Structure, Washburn Hardware, 110 W. Bayfield St, C-3 District – Nate Swiston, Petitioner.
- Discussion & Action on Plan of Operation and Architectural Review, Adam's Upholstery, 431 W. Bayfield Street, C-2 District – Adam Nisiewicz, Petitioner
- Discussion on Conceptual Ordinance to Allow Off-Premise Signs in Certain Areas of the City
- Adjourn

July 20, 2023

CITY OF WASHBURN PLAN COMMISSION MEETING

5:40PM Washburn City Hall

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

ABSENT: Dave Anderson

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.

Approval of Minutes – June 15, 2023 Minutes – Motion by Suminski to approve the minutes of June 15, 2023, second by Malcheski. Motion carried 6-0.

Discussion & Action on Request for Special Exception to Enlarge a Non-Conforming Structure, 410 E. 6th St., R-6 District – Marcia Kerry Cook-Lovlien, Petitioner – Petitioner present. Ms. Cook- Lovlien would like to add a 12' x 26' addition off the rear of her home. This property is in R-6 Zoning District. The house is approximately 5' from the front lot line and the current code has a 20' front yard setback. All other setback requirements have been met. Per Article 21-4 Nonconforming structures (b) Enlargement. "A non-conforming structure that is used by a conforming use may be enlarged provided the Plan Commission authorizes such enlargement pursuant to the requirements in Article 7". Ketchum-Fish moves to approve the special exception for a 12' x 26' addition to the rear of the house located at 410 E. 6th St., seconded by Malcheski. Review of Article 7 the Plan Commission considered the following factors: 1) The size of the property in comparison to other properties in the area. **The Commission finds that the property is residential property and is of comparable size to other residential properties in the area.** 2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter. **The Commission finds that this exception has been approved in the past, and it will not make the setback violation any worse.** 3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception. **The Commission finds that house is already existing, and the addition is going to be added to the rear of the home so it will not make the setback violation any greater.** 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if a special exception was granted. **The Commission finds that there would be no known negative impacts to the natural environment.** 5) The nature and extent of anticipated positive and negative effects on properties in the area. **The Commission finds that there are no known negative effects. Once the project is completed it should be an improvement.** 6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception. **None, as there are no known negative effects.** 7) A factor specifically listed under a section of this chapter authorizing the issuance of a special exception. **No factors other than listed.** 8) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law. **N/A.** Original motion carried 6 to 0.

Discussion & Action on Plan of Operation, Lakewinds Music, LLC, 409 W. Bayfield Street, C-2 District James Shafstall, Petitioner – Mr. Shafstall is currently operating American Family Insurance in this building, his plan is to move the insurance business to the back of the building and use the front for his new business, Lakewinds Music, LLC, selling, renting and repairing musical instruments along with giving individual and group music lessons. . Malcheski moves to approve the Plan of Operation for Lakewinds Music, LLC at 409 W. Bayfield St., second by Suminski. The Plan Commission then reviewed the applicable standards as follows: 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. There are no known hazardous substances or other uncommon operational characteristics.** 2) The nature and extent of anticipated positive and negative effects on properties in the area – **No known negative effects. Positive effect is additional business in town.** 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use – **No known negative effects.** 4) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **None.** 5) List of Conditions Imposed: **None.** Original Motion carried 6 to 0.

Discussion & Action on Façade Loan Draw, 10 W. Bayfield Street, Chequamegon Bait LLC dba Firehouse Bar – Kelsey Lindsey – Ms. Lindsey in attendance. Her request is for \$29,539.45, the full amount of her approved façade loan. Invoices for the front façade, tuckpointing, and brick repair have been provided. Simoneau moves to approve the payment of \$29,539.45, second by Malcheski. Motion carried 6 to 0.

Discussion & Recommendation on Petition by Irene Blakely, 803 Third Avenue East., Washburn WI 54891, to vacate the unopened 9th Street East from Washington Avenue to 3rd Avenue East – Ms. Blakely is in attendance. She is requesting this vacate to give her enough space to be able to divide her property so that a new residential structure could possibly be constructed. The road is very short and the vacate would not land-lock any property. Malcheski moves to recommend the approval to vacate the unopened 9th Street East from Washington Avenue to 3rd Avenue to 3rd Avenue East, seconded by Kalinowski. Motion carried 6 to 0.

Motiff adjourns the meeting at 5:46pm.

Respectfully Submitted,
Tammy DeMars
City Treasurer/Deputy Clerk

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



715-373-6160
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FAX 715-373-6148

To: Plan Commission Members

From: Scott J. Kluver, Administrator *SK*

Re: Downtown Design Review – Washburn Hardware Accessory Structure

Date: August 4, 2023

Enclosed you will find plans and draft decision document for a proposed addition to an accessory structure at the Washburn Hardware at 110 W. Bayfield Street. I do not see any issues with this proposed addition, except for Standard #7. The question is does the entire shed need to conform as it is being altered? The addition is proposed to be sided with wood, but the existing shed has corrugated steel. If this were a primary structure, the answer would be yes. We have not had an addition to an accessory structure before that I can recall, and accessory structures (sheds) are not subject to regular architectural review, except the Plan Commission has decreed in the past that they would need Downtown Design review when in that district. The Plan Commission will determine policy on this matter with this decision.

Scott Kluver

From: Nate Swiston <washburnhardwarewi@gmail.com>
Sent: Tuesday, August 8, 2023 5:51 AM
To: Scott Kluver
Subject: Re: Building Permit

Thanks - I would not like to postpone the meeting as we are hoping/needed to start construction soon before our weather changes. If I may respectfully submit the following statement, that would be great.

Thank you for your consideration of the addition to our existing rear storage shed. I apologize I cannot personally attend the meeting but we had a pre-arranged camping trip out of town. The purpose of this addition is to be able to park our snow-removal tractor under cover, here at the store. We are simply asking for a cold storage addition to our existing shed at the rear of the building. Although our current shed is metal sided (prior to my purchase 17 years ago) neither the current shed nor the addition are at all visible from mainstreet. The cost of this addition alone is a stretch and if there was a requirement for the existing shed to be re-sided, the project would not be possible this year. We absolutely need to have our tractor parked here for the store's snow removal service this year. If this becomes an absolute requirement to re-side the existing shed in wood, as we are the new addition, I am asking in advance if this is something I could address next year, and still move forward with the wood-sided addition this fall. I appreciate your consideration and thoughts on making this project possible. Thank you...Nate

On Mon, Aug 7, 2023 at 1:57 PM Scott Kluver <washburnadmin@cityofwashburn.org> wrote:

Nate,

If you have comments on the issue, you are welcome to provide them in advance. I anticipate the meeting going ahead as we will likely have a quorum. The only other option is to delay until September if you wanted to be there in person.

Scott J. Kluver

City of Washburn

From: Nate Swiston <washburnhardwarewi@gmail.com>
Sent: Monday, August 7, 2023 12:32 PM
To: Scott Kluver <washburnadmin@cityofwashburn.org>
Subject: Re: Building Permit

I see I am out of town camping for the 8/17 meeting. Suggestions?

City of Washburn Plan Commission

DOWNTOWN DESIGN DECISION

Washburn Hardware

Filing Date: July 27, 2023

Proper notice of hearing provided: Yes

Hearing Date: August 17, 2023

Applicant Name and Address: Washburn Hardware
Nate & Susan Swiston
110 W. Bayfield Street
Washburn, WI 54891
Tax ID 33429

1. **Decision:** The application for downtown design review is ???.

2. **Description of the Proposed Project:** To install an addition to an existing shed on the property.

3. **Reasons for the Decision:** The Plan Commission must determine whether the project complies with all applicable design principles and standards:

Downtown Standards:

- (1) **Building height.** The height of a building shall not be more than one story taller or shorter than the height of the adjoining building. In no event, shall the height of a building exceed the maximum building height established for the base zoning district. **No change to the main structure is occurring.**
- (2) **Special requirements for large buildings.** A building façade fronting on a public street with a frontage of 75 feet or more shall be designed to look like two or more individual building fronts. This may be achieved by using different building materials, facade articulations, or other design approach that gives the appearance of separate, but attached buildings. **N/A.**
- (3) **Horizontal rhythms.** The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building. **Plan Commission finds no issues with this provision.**
- (4) **Vertical rhythms.** The floor heights on main façades shall complement those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices, and sign bands shall be compatible in design and elevation with adjoining buildings in immediate area. **The Plan Commission finds structure is one story, and the vertical design is acceptable.**
- (5) **Roof forms.** Flat or gently sloping roofs which are not visible from the street grade shall generally be used. Mansards or other exotic roof shapes are not characteristic of the district's character and are prohibited. **The roof of the shed is sloping and does not face the street.**
- (6) **Awnings.** The size, color, placement, and design of an awning should be complementing the architectural character of the building on which it is located. Soft, weather-treated canvas or

City of Washburn Plan Commission

vinyl materials which allow for flexible or fixed installation shall be used. Awnings covered with shingles, metal roofing, or the like are prohibited. Backlit awnings are prohibited. N/A – No awning proposed.

- (7) **Building materials.** Selected building materials shall be compatible with those of existing buildings in the immediate area which generally consist of natural materials such as stone, brick, and wood. Concrete masonry units, corrugated metal, half-log siding, and vinyl siding are prohibited. **The siding for the addition will be wood, while the existing shed has corrugated steel siding. Does the existing shed need to be made to conform?**

4. List of Conditions Imposed: ???

5. If one or more conditions of approval are imposed, the property owner must sign this decision document and return it to the Zoning Administrator for his signature and as acceptance of the conditions of this decision.
6. This decision may be appealed to the Common Council of the City of Washburn within 30 days of receipt of this decision by filing a written statement of appeal stating the grounds for such appeal.
7. Any person aggrieved by this decision may also appeal this decision and any work done by the Applicant as authorized by this approval is done at the applicant's own risk.

Dated: August 18, 2023

By: _____

Scott J. Kluver, Zoning Administrator
On behalf of the City of Washburn Plan
Commission

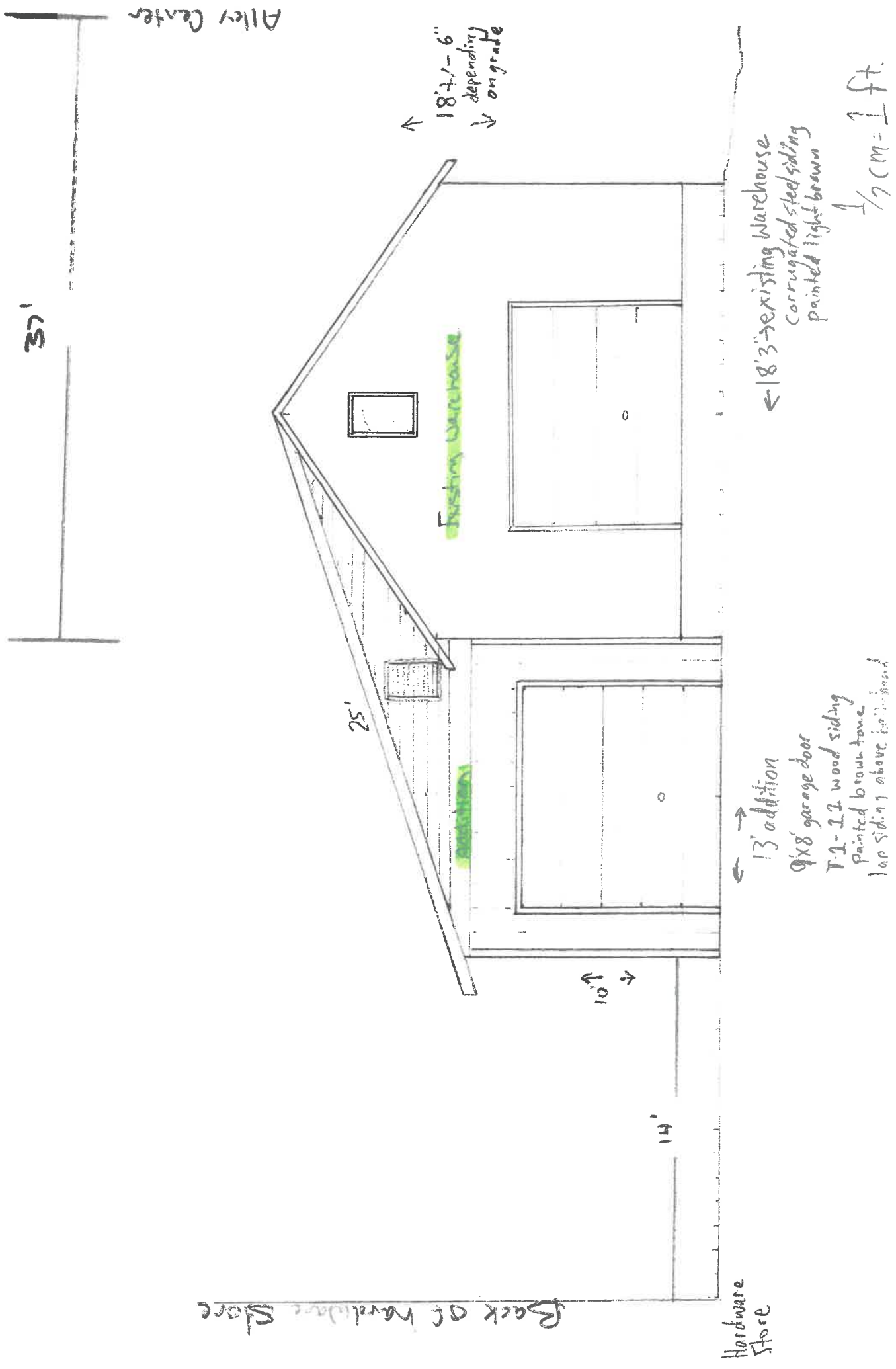
If Conditions Are Imposed:

Dated: _____

By: _____

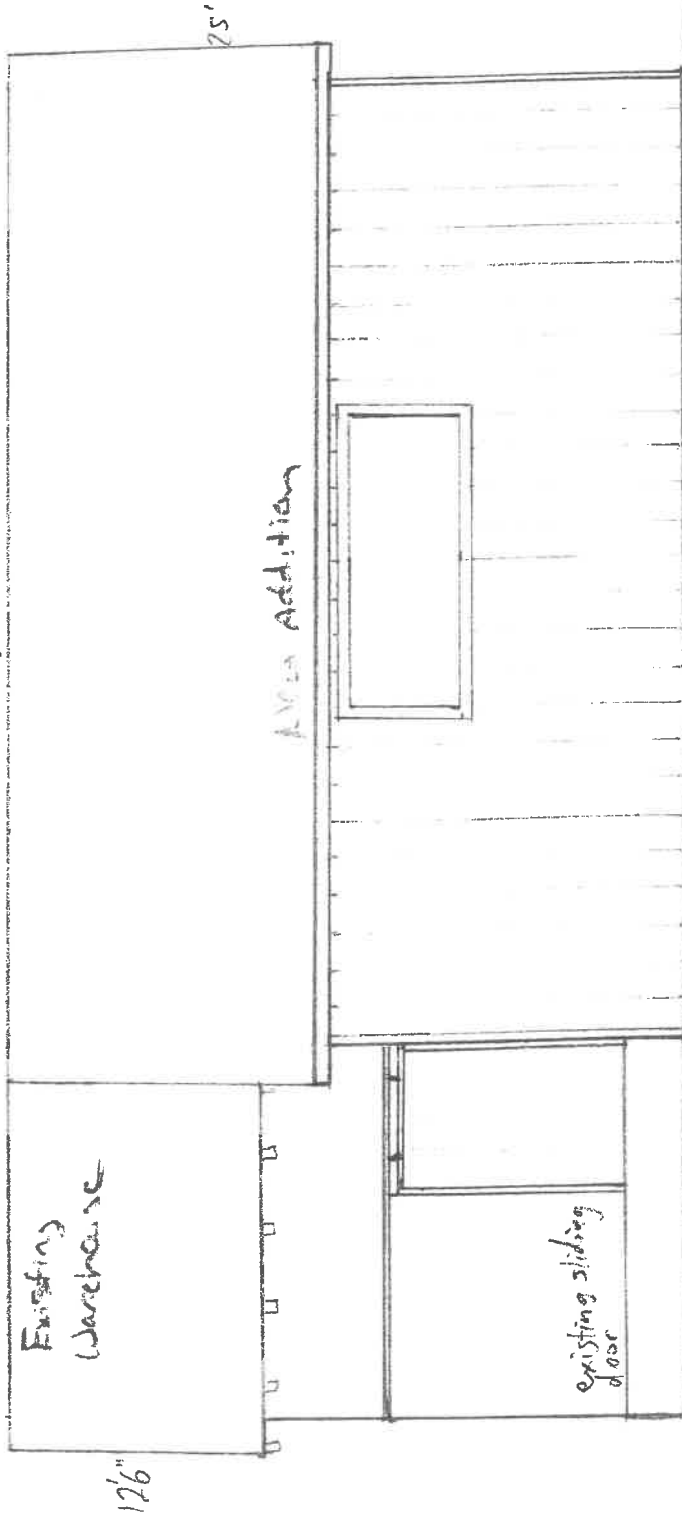
Property Owner

Kevin L. 10/17



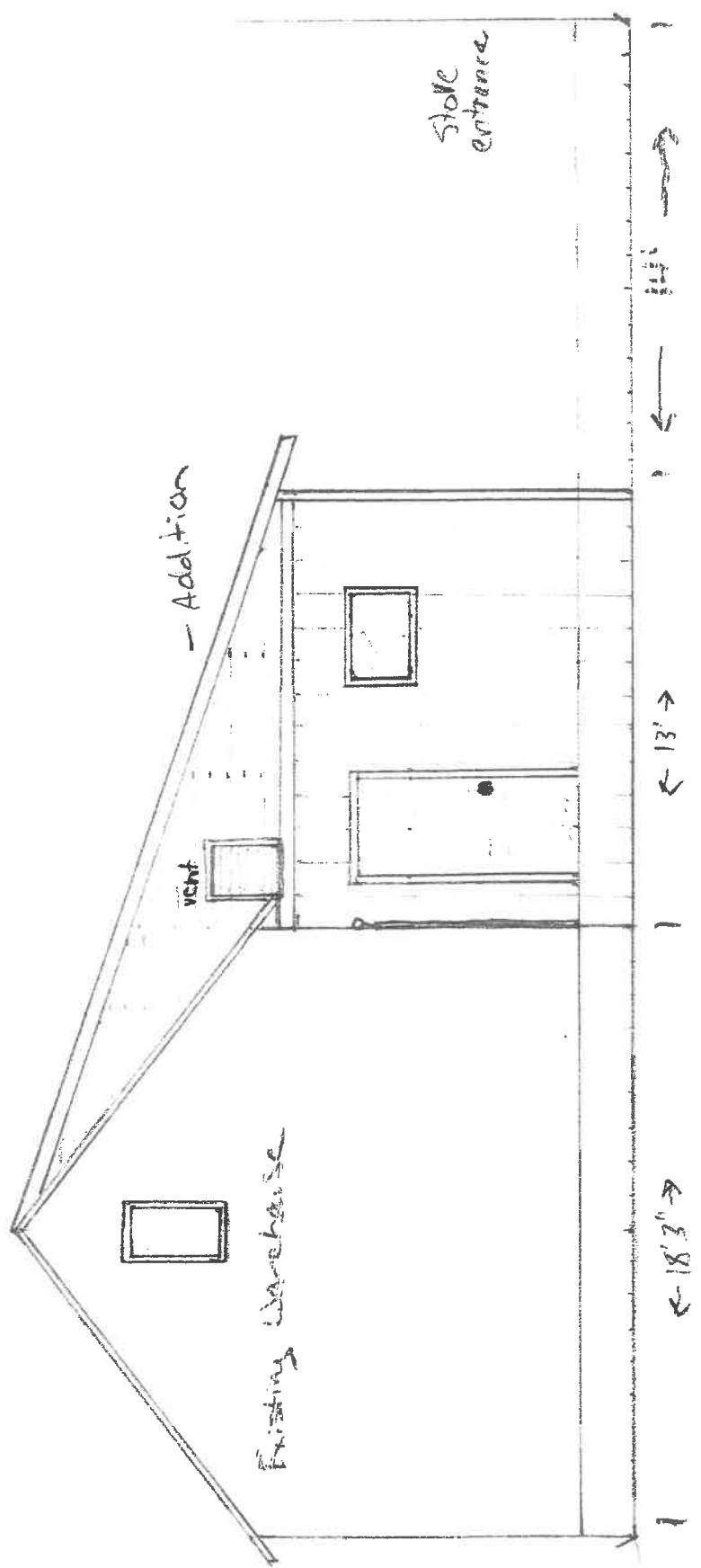
View is facing alley &
existing Warehouse from back
of hardware store

overall
← 38' 3" →
addition
← 28' →



← 26' →
3' x 8' tempered window
18" eave overhang
← 36' 3" →
total

1 1/2 cm = 1 foot



36" door at level of plank walk stairs to grade inside

32" x 20" window

treated plank walk removed for clarity

1/2 cm = 1 foot

CONSTRUCTION PERMIT APPLICATION

Permit Request: ☒ Remodeling ☐ Windows ☐ Doors ☐ Roofing ☐ Siding ☐ Plumbing/HVAC
☐ New Construction ☐ Deck ☐ Flat Work ☐ Electrical ☐ Other

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

Owner Nate Swiston / Washburn Hardware E-Mail Washburnhardwarewi@gmail.com
 Construction Contractor Aaron Trniter (-Sub) Phone 715-373-5401
 Address _____ License # N/A
 Excavation Contractor N/A Phone: _____
 Address _____ License # _____

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

PROJECT INFORMATION

Site Address 110 W. Bayfield ST Pin # 04-291-2-48-04-05-100-312-3330
 RE Tax ID # 33249 Zoning District _____ Lot Area _____

Description of work 13x26 addition to existing rear shed to store tractor

Estimated Project Cost \$15,000

NEW CONSTRUCTION Building Height <u>18'</u> <input checked="" type="checkbox"/> 1-story <input type="checkbox"/> Other _____ <input type="checkbox"/> 2-story <input type="checkbox"/> Basement	Area Involved Basement _____ sq ft Living Area _____ sq ft Garage _____ sq ft Total _____ sq ft	Water & Sewer: <u>N/A</u> Water <input type="checkbox"/> Municipal or <input type="checkbox"/> Private Well Sewer <input type="checkbox"/> Municipal or <input type="checkbox"/> Septic Permit Numbers _____
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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. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side of this application form.

Applicant Signature [Signature] Date 7/25/23

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


NOTES	FEES (per Title 15 Municipal Code)		PERMIT ISSUED BY: _____ DATE ISSUED _____ PERMIT NO. _____
	<input type="checkbox"/> Remodeling <input type="checkbox"/> New Construction <input type="checkbox"/> Fence <input type="checkbox"/> Flat Work <input type="checkbox"/> Siding <input type="checkbox"/> Roofing <input type="checkbox"/> Driveway	<input type="checkbox"/> Demolition <input type="checkbox"/> Deck <input type="checkbox"/> Shelter <input type="checkbox"/> _____ <input type="checkbox"/> Early Start TOTAL _____	

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



715-373-6160
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FAX 715-373-6148

To: Honorable Mayor and City Council Members

From:  Scott J. Kluver, Administrator

Re: Plan of Operation/Architectural Review Adam's Upholstery

Date: August 4, 2023

Enclosed you will find a Plan of Operation statement and draft decision document for Adam's Upholstery at 431 W. Bayfield Street. This is required as there was a change of use from General Retail Sales to General Repair. Please review the draft decision document to see if you agree with my conclusions.

I determined that an Architectural Review would also be needed as a dumpster was placed on the property. I had sent the property owner a violation notice as dumpsters need to be screened, and a new use was taking place without a Plan of Operation. Mr. Nisiewicz was contacted by the property owner and came to speak with me about how to get into compliance. No other changes to the property of primary structure are planned at this time. As such, you will also find the Architectural Review decision document enclosed.

In reviewing this, I believe that the proposed enclosure would be of the appropriate size for the dumpster. The location would be on the east side of the building where the dumpster is currently located. Mr. Nisiewicz is proposing to fabricate a wood enclosure himself.

Please let me know if you have any questions on this matter. I do not see any other items related to this operation that would be subject to Plan Commission review at this time.

City of Washburn Plan Commission

PLAN OF OPERATION REVIEW DECISION

Adam's Upholstery

Filing Date: August 2, 2023

Proper notice of hearing provided: Yes

Hearing Date: August 17, 2023

Applicant Name and Address:

Adam Nisiewicz
431 W. Bayfield St
Washburn, WI 54891
Tax ID 33097

1. **Decision:** The application for Plan of Operation review is ???.

2. **Description of the Proposed Project:** To operate a General Repair service of upholstery restoration and refurbishing.

3. **Reasons for the Decision:** The Plan Commission must determine whether the project complies with all applicable standards:

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. Hours of Operation are Monday through Friday from 10:00 am until 4:00 pm. Varnishes, stains, shellac and glue will be used, but there are no other known hazardous substances or other uncommon operational characteristics.**
- 2) The nature and extent of anticipated positive and negative effects on properties in the area – **No known negative effects. Positive effect is additional business in town.**
- 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use – **Chemicals shall not be disposed of down sanitary or storm drains per ordinance. No other known negative effects.**
- 4) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **None.**

4. List of Conditions Imposed: **None**

5. If one or more conditions of approval are imposed, the property owner must sign this decision document and return it to the Zoning Administrator for his signature and as acceptance of the conditions of this decision.

6. This decision may be appealed to the Common Council.

7. Any person aggrieved by this decision may also appeal this decision and any work done by the Applicant as authorized by this approval is done at the applicant's own risk.

Dated: August 18, 2023

By: _____
Scott J. Kluver, Zoning Administrator
On behalf of the City of Washburn Plan
Commission

If Conditions Are Imposed:

Dated: _____

By: _____
Property Owner

City of Washburn Plan Commission

ARCHITECTURAL REVIEW DECISION

ADAM'S UPHOLSTRY

Filing Date: August 2, 2023

Proper notice of hearing provided: Yes

Hearing Date: August 17, 2023

Applicant Name and Address: Adam Nisiewicz
431 W. Bayfield Street
Washburn, WI 54891
Tax ID 33097

1. **Decision:** The application for architectural review is ???.
2. **Description of the Proposed Project:** The proposed project is the placement of a dumpster enclosure on the east side of the building.
3. **Reasons for the Decision:** The Plan Commission must determine whether the project complies with all applicable design principles and standards:

General Architectural Standards:

- (1) Excluding residential buildings and Industrial Zoning Districts, all building exteriors facing a street, not including an alleyway, shall have at least 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure that do not face a street or at least 25 percent of the that side wall distance, whichever is greater. **No changes to primary structure.**
- (2) Outside of Industrial Zoning Districts, the appearance of any buildings with a front elevation or any building elevation facing Bayfield Street of more than 750 square feet in area shall be divided into distinct planes of 500 square feet or less. The following design features can be used to meet this provision (1) canopies or awnings; (2) arcades; (3) porches; (4) vertical wall offsets having a minimum depth of 8 inches and a minimum width of 10 feet; (5) horizontal offsets having a minimum depth of 2 feet; (6) pilasters having a minimum depth of 8 inches, a minimum width of 12 inches, and a minimum height of 80 percent of the wall height; (7) recessed areas for entryways and the like having a minimum depth of 8 inches; and (8) other suitable multidimensional design features. **No changes to primary structure.**
- (3) On any building on Bayfield Street, the front entrance of a building shall be encouraged to face Bayfield Street. When that does not occur, the Bayfield Street Elevation shall have the same, or similar, materials and designs as the front entrance of the building. Except for one or two-family residential buildings, when a building rake elevation faces Bayfield Street the roof line must be hidden behind the façade facing Bayfield Street. **No changes to primary structure.**

City of Washburn Plan Commission

- (4) Oversized fenestration elements which tend to create a monumental scale shall not be used unless specifically required by the type of building or relationship to its surroundings. N/A
 - (5) Building entrances must be clearly recognizable from parking lots and pedestrian circulation routes. **No changes proposed.**
 - (6) Rooftop mechanical equipment shall be positioned so it is not readily visible from a public street or an abutting property in a residential zoning district or in a planned development district that allows residential uses. Rooftop mechanical equipment may be placed in an enclosure or screened from view provided such enclosure or screening is used as an element of the building's architecture. **N/A as no rooftop equipment changes are planned.**
 - (7) Fencing shall complement the appearance of buildings onsite. **Fencing of the dumpster enclosure would be seven feet wide, five feet deep, and five feet tall, and be made of wood from pallets and recycled lumber.**
 - (8) The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building. N/A
 - (9) Overhead doors shall not face a public street. The Plan Commission may permit overhead doors to face a public street, but only when it has made a finding that there is no feasible alternative location for such doors. Consistent with the requirements in Article 7, the Plan Commission may approve a special exception to allow an overhead door to face a public street when there is no feasible alternative. **No changes to primary structure.**
 - (10) HVAC (heating, ventilating, air conditioning) equipment shall be screened from view. No HVAC shall create a noise level of more than 50 decibels as measured on a dB(A) scale at the nearest existing adjacent residence. N/A
 - (11) When trash, garbage and recyclable materials are stored out-of-doors, such materials shall be concealed or suitably screened from public view. A brick or stone wall, wood fence, chain-link fence with slats, and/or landscaping shall be used to totally obstruct vision into the storage areas. Any wall, fence and gate, and/or vegetative screening shall be installed or erected to a height at least 1'- 6" above the highest point of the dumpster as generally depicted below. **Commission finds that the dumpster will be placed on the east side of the building, in line with the front edge of the building. The enclosure will be 1 ½ feet taller than the dumpster. The structure will be made of wood from pallets and recycled lumber.**
4. List of Conditions Imposed: No other conditions are imposed.
5. If one or more conditions of approval are imposed, the property owner must sign this decision document and return it to the Zoning Administrator for his signature and as acceptance of the conditions of this decision.
6. This decision may be appealed to the Common Council of the City of Washburn within 30 days of receipt of this decision by filing a written statement of appeal stating the grounds for such appeal.
7. Any person aggrieved by this decision may also appeal this decision and any work done by the Applicant as authorized by this approval is done at the applicant's own risk.

City of Washburn Plan Commission

Dated: August 18, 2023

By: _____
Scott J. Kluver, Zoning Administrator
On behalf of the City of Washburn Plan
Commission

If Conditions Are Imposed:

Dated: _____

By: _____
Property Owner

431 W. Bayfield St.
Washburn, WI 54891
(715) 418-1447

Adam's Upholstery Shop Adam Nisiewicz

Here at Adam's Upholstery Shop we specialize in restoring & refurbish old pieces of furniture, Car & Boat seats. Here's a few responsibilities of an upholsterer.

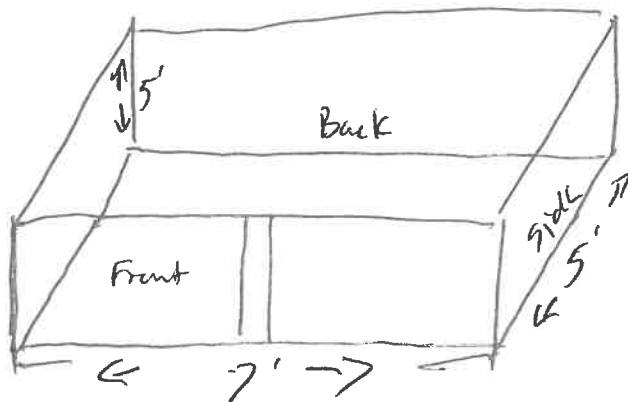
- Meeting with Clients & Design agents to discuss upholstery ideas
- Interpreting design ideas/orders
- Dismantling furniture, Boat seats, Car & Motorcycle Seats
- Installing & Repairing Furniture foam, webbing, springs & Sometimes Frame Work
- Pattern Making, Cutting out Materials & Spraying of Glue.
- Sanding & Smoothing of old Furniture along with Applying Finishing Lubricants Such as varnish, stains or Shellac
- Restaurant upholstery Such as Booth Cushion, Bar & Dining chairs.

Our Goal is to help the Community Restore hand me down furniture & Vehicles. Try & prolong the life of these items with new materials so that they can be used & enjoyed for years to come.

At times ~~we~~^{we} will have Vehicles
outside our shop, sometimes for a few days
or more.

Garbage Can Enclosure

I will be building a wooden Platform with doors that will measure 7' wide by 5' deep & 5' tall.



Doors will open in the front so that the Dumpster can be pulled out, emptied & placed back inside the enclosure. The enclosure will be built using pallets & recycled lumber.



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715-373-6160
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FAX 715-373-6148

To: Plan Commission Members

From: Scott J. Kluver, ^{SK}Administrator

Re: Off-Premise Sign Ordinance Conceptual Discussion

Date: August 4, 2023

Enclosed you will find the material that was provided a year ago on off-premise signage. I am looking for direction as to what the Plan Commission would like to see related to this topic.

August 18, 2022

CITY OF WASHBURN JOINT PLAN COMMISSION AND CITY COUNCIL MEETING

5:30PM Washburn City Hall & Remote Video Conferencing

COMMISSION MEMBERS: Dave Anderson, Felix Kalinowski, Leo Ketchum-Fish, Michael Malcheski, Mary Motiff, Nicolas Suminski

COUNCIL MEMBERS: Karen Novachek, Dave Anderson, Jennifer Maziasz, Tom Neimes, Mary McGrath, Carl Broberg

ABSENT: Council-Laura Tulowitzky, Plan Commission -Matt Simoneau

MUNICIPAL PERSONNEL: Scott Kluver, City Administrator, Tammy DeMars, Treasurer/Deputy Clerk, City Attorney Max Lindsey,

Meeting called to order at 5:32 pm by Motiff, attendance as recorded above.

Approval of Minutes – July 21, 2022, Minutes – Motion by Ketchum-Fish to approve the minutes of July 21, 2022, second by Anderson. Motion carried 6-0.

Public Hearing, Discussion & Plan Commission Recommendation and Council Action on Conditional Use Permit 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 –Tim & Jody Compton present. Anderson moves to open floor for public hearing, second by Malcheski. Motion carried 6-0. No Public Comment. Malcheski moves to close floor, second by Anderson. Motion carried 6-0. City Attorney Max Lindsey gave brief explanation of this type of conditional use, also noting there are three factors that need to be met to approve. Motion by Ketchum-Fish to recommend approval of the Condition Use Permit to continue as a legal non-conforming use without non-conforming restrictions, second by Suminski. The factors outlined in Section 7-55(b) were reviewed; 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 of this chapter. 3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties. The Commission discussed and found these factors have been meet. Vote on original motion. Motion carried 6-0.

Motion by Neimes to approve the Conditional Use Permit for non-conforming residential use of the property located at 1500 CTY C (Tax ID 32467) to continue as a legal non-conforming use without non-conforming restrictions as recommended by Plan Commission, seconded by Novachek. Discussion. Motion carries 6 to 0.

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 – Anderson moves to open floor for public hearing, seconded by Suminski. Motion carries 6 to 0. Bo Belanger, South Shore Brewery, 532 W. Bayfield St., unhappy with the purposed amendment as it is too restrictive and costly for businesses owners to put up a permanent fence. City Attorney Lindsey responded that this is less restrictive than what is in place now, this allows for a larger outdoor service area and would eliminate the beer garden provisions that required the enclosed space. Jeremy Clapero, Assistant Police Chief, Washburn Police Department stated they have requested the city to require a fenced in area or permanent barrier to prevent people coming in the service area without the bartender seeing them or leaving the service area with open containers. This would be beneficial to both the patrons and the police to have the area defined to know where they should or should not be. Badger Colish, Lost Apostle Brewing, also feels the fencing requirements and limitations on outdoor service area is unreasonable. A fence is not inviting and are very costly, a natural barrier would be more appealing, he also questions why he should not be able to use all his property for outdoor service and the requirement that bathrooms would need to be of sufficient capacity to service both the indoor and outdoor patrons. City Attorney Lindsey, feels that the restroom requirement, is just stating the outdoor patrons will have access to the restrooms and no porta potties would be allowed. Council member Broberg leaves meeting for an Ambulance call. Moved by Anderson to close floor of public hearing, second by Ketchum-Fish. Motion carried 6 to 0. Suminski moves to recommend approval of amended Ordinance 22-006 as presented, second by Malcheski. Discussion. Motion fails 0 to 6 all members opposed. Ketchum-Fish moves to eliminate Article 8, Section 8-541, seconded by Anderson. Motion fails 1-5 with Anderson in favor. Moved by Suminski to recommend approval of amendment to Ordinance #22-006 with the following changes to Article 8, Section 8-541 remove (a) entirely, (b) add “unless special exception approved by Plan Commission”, (d) a - change to “The outdoor service area shall be visually demarcated” Traffic Control and construction barriers are not allowed, b – change to “Outdoor exterior shall be visible from interior bar and/or service area”, (e) change to restroom facilities shall be available to the outdoor service area. Temporary toilet facilities are not permitted, second by Anderson. Motion carried 6-0.

Anderson moves to approve Ordinance Amendment 22-006 with changes as recommended by Plan Commission, seconded by Neimes.

Maziasz ask if we could open floor. Motion by Anderson to open floor, seconded Novachek. Motion carried 5-0. Bo Belanger, stated all of them want their business to look good, so there was really no need for this. Badger Colish thanked the Commission and Council for listening to their concerns. Novachek moved to close floor, second by Anderson. Motion carried 5 to 0. Novachek ask that this be evaluated in one year to see how it is working for the city and the business. Original motion carried 5-0.

8:05pm Council Adjourns. 8:10pm Plan Commission reconvene.

Discussion and Action on Special exception Request to Enlarge a Non-Conforming Structure, 905 N. 10th Avenue West, Carrie Linder Petitioner – Moved by Suminski to approve the special exception request to enlarge a non-conforming garage at 905 N. 10th Avenue West, second by Malcheski. Section 7-154 reviewed: 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; *No different than others that have been approved in the past.* 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception were 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, *No negative effects.* 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. *None Known.* Motion carried 6 to 0.

Discussion on Conceptual Ordinance for Off-Premises Signs in certain Areas of the City- Discussion on number of signs allowed distance from the premise, size, location and banning billboards was discussed. Further discussion will occur at future meeting.

Continued Discussion and Action Comprehensive Plan Re-Write Project – Review of Land Use Maps and Policies – Special meeting scheduled for August 31, 2022.

Meeting adjourned at 9:02pm.

Respectfully Submitted,
Tammy DeMars
City Treasurer/Deputy Clerk

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



715-373-6160
715-373-6161
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To: Plan Commission Members

From: Scott J. Kluver, ^{SK}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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**DIVISION 1
SIGNS**

Sections

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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



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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:

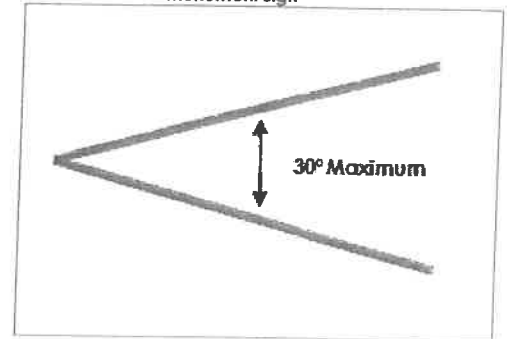
- (1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (2) The sign shall not extend more than 8 feet from the building on which it is attached.
- (3) The top of the sign shall not be higher than the building on which it is located.
- (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.

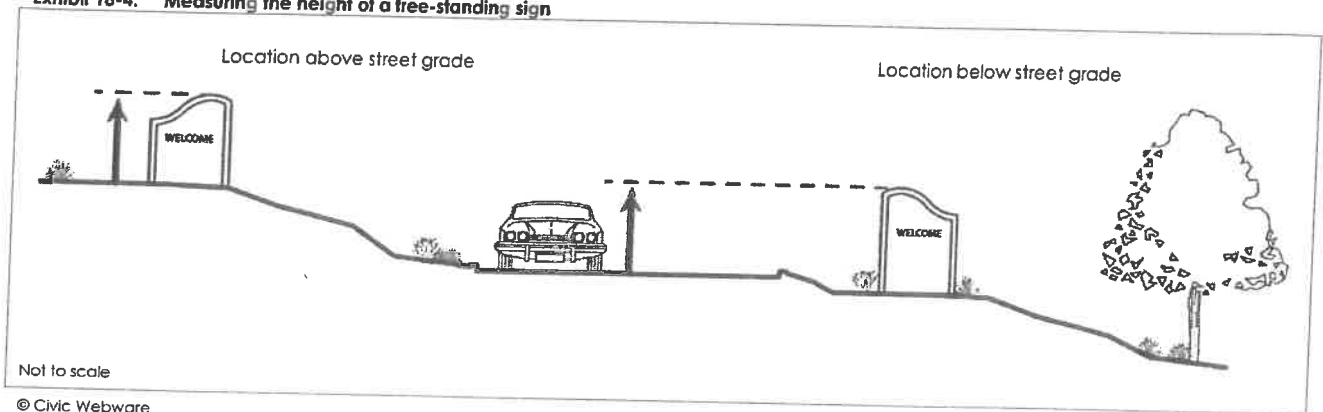
Exhibit 18-3. Measuring the area of a free-standing sign



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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**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 be 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	
Identification sign for a residential complex	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
Identification sign for a subdivision	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
Temporary identification sign for an approved subdivision	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
Identification sign for a neighborhood	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
Identification sign for an institutional use	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~~ 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 1st through the fall election; and December 1st 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: _____.