



**VILLAGE OF WAUNAKEE / TOWN OF WESTPORT
JOINT PLAN COMMISSION
Town of Westport Community Room
5387 Mary Lake Road
July 9, 2019 6:00 PM**

Agendas may change prior to the commencement of the meeting.
Please check the posting board at the Village Hall, 500 W. Main Street,
Waunakee, Wisconsin for the current agenda.

AGENDA

CALL TO ORDER

**ROLL CALL: Ken Sipsma, Dean Grosskopf, Eileen Bruskevitz, Brad Zeman, Brian Malich,
Brian Wallace**

MINUTES

1 June 11, 2019

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

NEW BUSINESS

- 1 Public Hearing and Discussion/Action on a Rezone Request, Schutz, 5540 Gerend Road, Town of Westport**
- 2 Public Hearing and Discussion/Action on a Request for Conditional Use Permit to Allow Outdoor Patio Service, Boston's Pizza, 1370 Water Wheel Drive, Village of Waunakee**
- 3 Discuss and Take Action on Proposed Signage Plan, Festival Foods, Corner of Woodland Drive and CTH Q**
- 4 Discussion/Recommendation on Proposed Changes to the Village Zoning Code of Ordinances Related to Signs**

ADJOURN

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the municipal clerk at (608) 850-8500, 500 West Main Street, Waunakee, Wisconsin, at least twenty-four hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

**VILLAGE OF WAUNAKEE BOARD AND PLAN COMMISSION MEETING
TOWN OF WESTPORT BOARD AND PLAN COMMISSION MEETING**

Notice is hereby given that the Village or Town Board or Village or Town Plan Commission may attend this meeting. No action will be taken by the Village or Town Board or Village or Town Plan Commission at this meeting.



Next scheduled meeting is 8/13/2019 6:00:00 PM.

**VILLAGE OF WAUNAKEE/TOWN OF WESTPORT
JOINT PLAN COMMISSION MEETING
Town of Westport Community Room
5387 Mary Lake Road, Town of Westport
June 11, 2019 6:00 PM**

Meeting Minutes

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: Ken Sipsma, Dean Grosskopf, Eileen Bruskevitz, Brian Malich, Brian Wallace

Absent: Brad Zeman

Also Present: Tom Wilson, Kevin Even, Tracy Meinholz, Ed Freer, Bryan Kleinmaier, Lauren Lofton, Brian Bauman, Jerry Tierney, Mike Lawton, Don Tierney, Jim Welsh, Dave O'Malley,

MINUTES

1 May 14, 2019

Motion Grosskopf, second by Malich, to approve the minutes from the May 14, 2019 Joint Plan Commission meeting as presented. Motion carried 5-0.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA: None

NEW BUSINESS

1 Initial Consultation, Schutz Extraterritorial Rezone, 5540 Gerend Road, Town of Westport

Mr. Wilson gave an update on the consultation at the Town Plan Commission meeting the previous night. The property owner would like to add on to the garage and extend it to the front line of the house which is currently too close to the lot line under County R-1 zoning. By rezoning to Village R-1 the setbacks would be met. The Town Plan Commission had no objections to the applicant moving forward. The Joint Plan Commission had no immediate concerns either.

2 Public Hearing and Discussion/Action on Festival Foods Conditional Use Permit to Exceed the Maximum Allowable Building Square Footage in the Kilkenny West Commercial Development

Chairperson Sipsma opened the public hearing at 6:06 p.m. Attorney Kleinmaier went over the final CUP document and answered questions from the members. No one from the public wished to speak. The public hearing was closed at 6:08 p.m. Motion Grosskopf, second by Malich, to approve the conditional use permit with all conditions recommended by the Village Plan Commission. Motion carried.

- 3 **Discuss and Take Action on the Specific Implementation Plan for Festival Foods in the Kilkenny Commons West Commercial Development**
Staff gave an update on the project and answered questions. Motion Grosskopf, second by Wallace, to approve the SIP as recommended by the Village Plan Commission. Motion carried.

- 4 **Public Hearing & Discussion/Action on a Request by Groundswell Conservancy to Divide and Rezone 3 Parcels Located Along STH 19 and Hellenbrand Road (AKA: O'Malley Property) into Town Parcels. The Larger Parcel to be Rezoned from A-1 to Conservancy**
Mr. Wilson gave an overview of the process leading up to this point. Mr. O'Malley and Jim Welsh were present to answer questions. Motion Bruskewitz, second by Grosskopf, to recommend approval of the certified survey map and rezone of the 84 acre parcel to Village Conservancy to the Village Board as recommended by the Town of Westport Plan Commission. Motion carried.

ADJOURN

Motion Bruskewitz, second Malich, to adjourn the meeting at 6:26 p.m. Motion carried.

Respectfully Submitted:

Tracy Meinholz, Joint Plan Commission Secretary



WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET

MEETING DATE: 07/09/2019

ITEM: PUBLIC HEARING

PRESENTER: Tom Wilson

TITLE: Public Hearing and Discussion/Action on a Rezone Request, Schutz, 5540 Gerend Road, Town of Westport

ISSUE SUMMARY: The applicant would like to rezone from County R-1 to Village R-1 to allow less restrictive setbacks. The existing garage is too close to the ROW and this would correct that issue and allow them to to make a new garage addition line up with the house.

STAFF RECOMMENDATION: Staff recommends approval.

RECOMMENDED MOTION: Motion to recommend the rezone to the Village Board as presented with all standard Town conditions, as recommended by the Village Plan Commission.

ATTACHMENT(S): Proposed garage exhibit.

6/13/19

Addition to 5540 Gerend Rd Waunake WI 53597

Village of Waunakee,

We would like to build a two car garage addition to our home in Westport, we are applying for a rezone of this lot. The addition would be connected to the north side of house, Gerend Rd which has a set back of 30ft, present house is currently sitting at 28.1ft from Gerend Rd. the addition far corner would be built 25ft from Gerend Rd. and 25ft from Rivers Edge RD. The garage will have one double garage door and a back entry door. The front of garage will look as close as possible to present house, side will be sided with same siding as currently on the house, shingles to match current ones. No trees would be removed for this addition and after built landscaping will be done. Driveway will stay the same at entrance on Gerend Rd and apron would be cement to the addition. The garage will be about of 700sq ft. single story. Appx: 25ft X 25ft

Giles Construction will be the builder – 608-220-9841

Thanks, Jerry Schutz and Diane Ritchie

608-516-4734, jschutz01@tds.net

608-212-1983, dianemarieritchie@gmail.com

To: Town of Wausau, WI 53597

Diane Ritchie and I (Gerald Schutz) purchased the home at 5540 Grand Rd Wausau WI 53597 on November 30th 2019 - We planned on building a addition (2 car attached garage) in side lot. After we had had surveyed, we found out that the house built in 1977 was built 28'1" from Grand Rd. which has a zoning set back of 30 feet. We would like you to consider a zoning change to village R-1 (20 or 25 ft) so we could build addition ~~to the back~~ ~~of the house~~ without the worry of a building violation - we wouldn't have a problem building back further - but our well is back there, so we can't push garage back any further. our space is limited. Thanks for your Time.

Jerry Schutz - 608-516-4734
Diane Ritchie - 608-212-1983

Builder - Jerome Giles 608-220-9841

Jerry Schutz 5-28-19
Diane Ritchie 5/28/19



Town of Westport GIS

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



SCALE: 1 = 94'

Town of Westport
5387 Mary Lake Road
Wauwaukee, WI 53597
(608) 849-4372

Print Date: 5/28/2019









WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET

MEETING DATE: 07/09/2019

ITEM: PUBLIC HEARING

PRESENTER: Kevin Even

TITLE: Public Hearing and Discussion/Action on a Request for Conditional Use Permit to Allow Outdoor Patio Service, Boston's Pizza, 1370 Water Wheel Drive, Village of Waunakee

ISSUE SUMMARY: The original site plan that was approved in 2018 showed the concept of an outdoor patio. The applicants are now finalizing the plans and applying for the liquor license which requires a CUP for outdoor seating.

STAFF RECOMMENDATION: Staff recommends approval subject to all staff concerns with regards to parking stalls and questions on the removal of a retaining wall and fence.

RECOMMENDED MOTION: Motion to approve the attached CUP with all outstanding staff concerns addressed to the satisfaction of the Village Engineer.

CONDITIONAL USE PERMIT

Pursuant to Chapter 133, Article 5 of the Village of Waunakee Zoning Code, including Section 133-945, the Village of Waunakee / Town of Westport Joint Plan Commission (the “Joint Plan Commission”) hereby issues the conditional use permit, as set forth herein, to the Applicant, Boston’s Restaurant and Sports Bar.

Recitals

- A. The Applicant has acquired, or has a right to acquire, Lot 1 of Certified Survey Map No. 15048, which has an address of 1370 Water Wheel Drive in the Village of Waunakee, Dane County, Wisconsin (the “Property”).
- B. The Applicant has submitted an application for a conditional use permit to the Joint Plan Commission to allow the Applicant to serve food and drinks, including alcohol, on an outdoor patio on the Property pursuant to plans submitted by the Applicant.
- C. The Joint Plan Commission held a public hearing on the Applicant’s conditional use permit application on July 9, 2019, which public hearing was properly noticed.

Issuance of Conditional Use Permit with Conditions

1. The Joint Plan Commission finds that the standards set forth in Section 133-936 of the Village of Waunakee Zoning Code are satisfied by granting the Applicant a conditional use permit to allow the Applicant to serve food and drinks, including alcohol, on an outdoor patio on the Property pursuant to plans submitted by the Applicant.
2. The Joint Plan Commission finds that the following conditions shall apply to the conditional use permit granted herein:
 - a. To the extent required by the Village Engineer, the Applicant shall provide more detailed plans for the outdoor service of food and drinks, including alcohol, on the outdoor patio, which plans shall include, but not be limited to, identifying the location of table and chairs, the gas fire pit, and any games to be provided to customers. The more detailed plans shall be administratively approved by the Village Engineer, and all necessary requirements identified by the Village Engineer shall be satisfied.
 - b. Fencing for the outdoor patio area is required and shall be subject to approval by the Village of Waunakee Chief of Police and Village Engineer.

- c. Additional conditions include:
- (1) Limitation of outdoor service and amplified music to 9:00 p.m. Sunday to Thursday and 10:00 p.m. Friday and Saturday, with the condition that if there are noise or other nuisance complaints from neighboring residents or property owners, the Joint Plan Commission may review the conditional use. The Waunakee Chief of Police may grant a waiver to this restriction for special events.
 - (2) Fire pit(s) must be approved by the Waunakee Fire Department.
 - (3) Any capacity controls shall be established by the Waunakee Fire Department and/or Wisconsin state statute / administrative code requirements.
 - (4) If parking becomes an issue, the Joint Plan Commission has the right to reevaluate the conditional use permit.
3. The Joint Plan Commission reserves the right to revoke this conditional use permit if the Applicant fails to satisfy any of the conditions identified in Section 2 and maintains all of its powers and authority over the conditional use permit as set forth in the Village Zoning Code.

The Conditional Use Permit set forth herein was issued by the Village of Waunakee / Town of Westport Joint Plan Commission on June 9, 2019.

APPROVED:

Ken Sipsma, Joint Plan Commission Chair

Tracy Meinholz, Joint Plan Commission Clerk



Strand Associates, Inc.®

910 West Wingra Drive

Madison, WI 53715

(P) 608-251-4843

(F) 608-251-8655

June 27, 2019

Mr. Kevin Even, P.E.
 Village of Waunakee
 500 West Main Street
 P.O. Box 100
 Waunakee, WI 53597

Re: Boston Pizza Patio
 Conditional Use Permit (CUP)

Dear Kevin,

We received drawings related to a proposed outdoor patio for the Boston Pizza, a restaurant approved for construction in 2018 in the Kilkenny Farms neighborhood. The site plan at that time included provisions for the patio, and the applicant is now applying for the CUP, with desired conditions stated in its application. We have the following comments on the parking and layout aspects of the CUP.

When considering the parking stalls provided versus the number required by ordinance in our 2018 review, we noted that the 79 stalls provided was in excess capacity of the required capacity by five stalls. Our calculations did not include provisions for seasonal patio patrons. The formula for parking stalls for restaurants is one stall per three patrons, thus the five surplus stalls would allow for 15 patrons on the patio. The CUP shows a table layout with seating for approximately 45 persons.

However, it is not clear how many tables or seats will be displaced by the proposed garage-type door to make way for accessing the outdoor space, which would free up some parking capacity. The applicant should provide comment on how any overflow parking will be managed in the event the available capacity is exceeded.

The site plan for the patio is missing the retaining wall and the retaining wall fence features that were a part of the 2018 site plan approval. These features may take away some of the space shown as seating and patio area of the plan presented for this review. These items should be added back on to the plan in order to consider the actual available space for patrons.

We assume others will be providing comment on the other items in the applicant's CUP request.

Sincerely,

STRAND ASSOCIATES, INC.®

R. Kent Straus, P.E.

c: Todd Schmidt, Administrator, Village of Waunakee
 Bryan Kleinmeier, Stafford Rosenbaum
 Tim Herlitzka, Village of Waunakee Utilities
 Ed Freer, Graef
 Jason Valerius, MSA



Project Narrative
Boston's Restaurant and Sports Bar Patio Addition
1370 Water Wheel Drive

Operators:

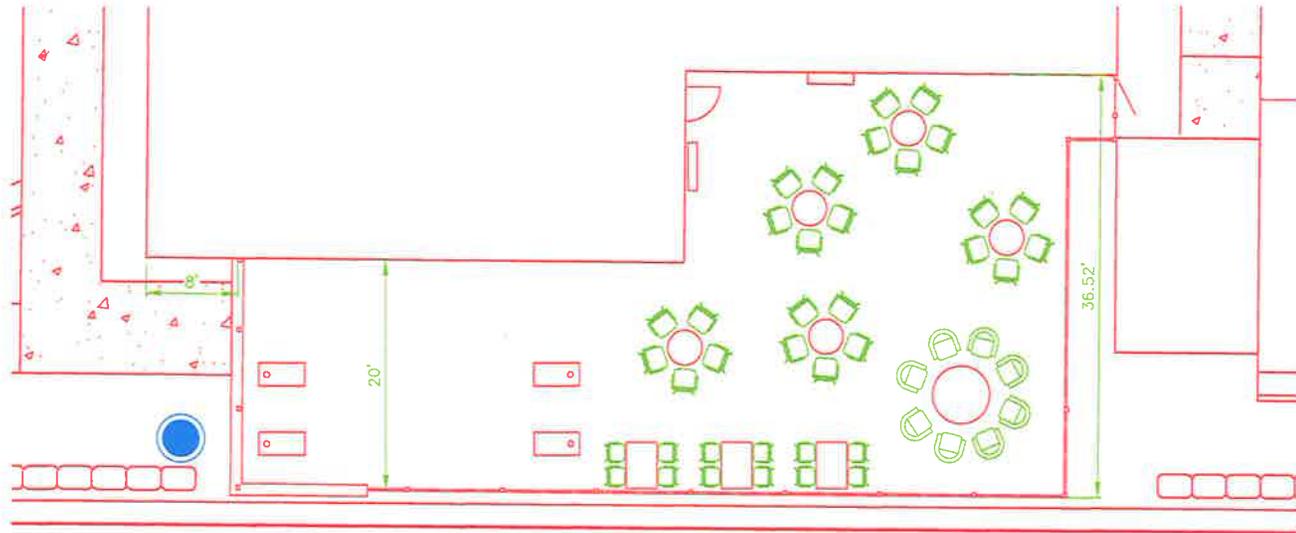
Derrek and Kelcey Kinzel
1425 Cottontail Drive
Waunakee, WI 53597
608.852.7801

Owner/Developer:

Don Tierney
3564 Egge Road
Deforest, WI
608.575.6538

Boston's Restaurant and Sports Bar outdoor patio project consists of approximately 2000 square feet of outdoor dining and entertainment space. The area is adjacent to the four-seasons portion of the bar area on the south side of the site. The full menu and bar offerings will be served on the patio during normal operating hours of the restaurant (weather permitting) from 11:00 am until 1:00 am. Details also include:

- Table and chair dining (see diagram).
- Patio to be fully enclosed by a four-foot high fence which includes an emergency egress gate.
- Lighting to include exterior wall mounted lights and over-head string lights.
- Gas firepit surrounded with eight seats.
- Two outdoor speakers to broadcast restaurant music and / or live sporting events from the TV.
- No parking changes from original site plan.
- Entertainment to include live music.
- Family friendly games including Bag Toss, Giant Jenga, and Giant Connect – Four.
- One large 75-inch television secured to the side of the building.
- A glass garage door as well as an entry / exit door from patio to four-seasons portion of the restaurant.





WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET

MEETING DATE: 07/09/2019

ITEM: NEW BUSINESS

PRESENTER: Kevin Even

TITLE: Discuss and Take Action on Proposed Signage Plan, Festival Foods, Corner of Woodland Drive and CTH Q

ISSUE SUMMARY: Attached is the signage plan for the Festival Foods site. Staff has worked with the applicant to reduce the size of the overall signs to now total 149.4 s.f. which meets code. The Plan Commission and Joint Plan Commission should provide direction on the requested retaining wall signage.

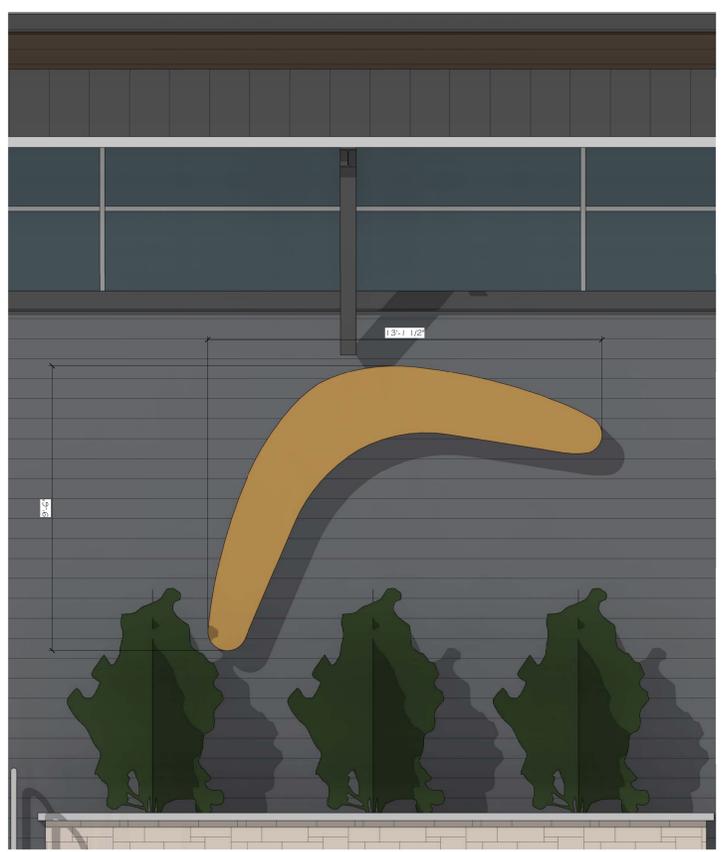
STAFF RECOMMENDATION: Approve the building signage as presented, except for the retaining wall sign.

RECOMMENDED MOTION: Approve the building signage as presented, except for the retaining wall sign.

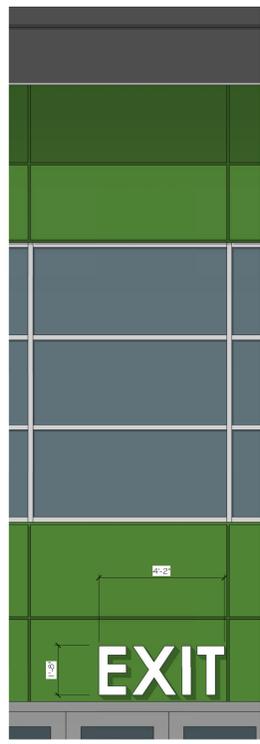
ATTACHMENT(S): Festival Signage, Staff Comments



4 SIGN ELEVATION - WINE & SPIRITS ENTRANCE
(APPROXIMATELY 22.7 SF)
1/2" = 1'-0"



3 SIGN ELEVATION - BOOMERANG LOGO
(APPROXIMATELY 35 SF)
1/2" = 1'-0"



2 SIGN ELEVATION - EXIT
(APPROXIMATELY 3.3 SF)
1/2" = 1'-0"



1 SIGN ELEVATION - PRIMARY, ENTRANCE
(APPROXIMATELY 126.7 SF)
1/2" = 1'-0"

Revisions

Description	Date

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email: thomas@somervilleinc.com



proposed retaining wall signage



WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET

MEETING DATE: 07/09/2019

ITEM: NEW BUSINESS

PRESENTER: Kevin Even

TITLE: Discussion/Recommendation on Proposed Changes to the Village Zoning Code of Ordinances Related to Signs

ISSUE SUMMARY: The Village is amending the sign code to address the content-based issues resulting from the Reed vs. Gilbert decision. Attached is the document identifying proposed changes to the Village sign code. At this time we are only focusing on these changes. We will address other changes at a later date.

The draft document is not in the form of an ordinance amendment. Rather, it is our entire sign code with the redlined changes identified.

STAFF RECOMMENDATION: None at this time.

RECOMMENDED MOTION: Provide direction to staff to finalize the ordinance amendments

ATTACHMENT(S): Draft Changes

ARTICLE VIII. - SIGNS AND BILLBOARDS

Sec. 133-1029. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment complex sign means an on-premises sign that provides identification for an apartment complex.

Awning means a temporary hood or cover that projects from the wall of the building that can be retracted, folded, or collapsed against the face of a supporting structure.

Banner means a suspended sign made of a flexible material such as canvas, cloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. Banners shall not exceed 20 feet in height, including, without limitation, the appurtenance on which the banner is displayed. Such a sign shall be firmly attached on all four corners.

Billboard means a sign that advertises goods, products or facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

Blanketing means the unreasonable obstruction of view of a sign caused by the placement of another sign.

Digital billboard means a billboard capable of displaying multiple static images controlled by electronic means or communications.

Directional routing sign means any sign displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale, or other similar event.

Directly illuminated sign means any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

Directory sign means any sign on which the names and locations of occupants or the use of a building is given. This includes office and church or other place of religious assembly directories.

[Election Campaign Sign means a temporary noncommercial sign displayed during an "election campaign period" as defined in Wis. Stat. § 12.04.](#)

[Election Campaign Period means as defined in Wis. Stat. § 12.04.](#)

Electronic message unit sign means any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

Flashing sign means any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

Ground sign or pole sign means any sign that is supported by structures or supports in or upon the ground and independent of support from any building (also referred to as "freestanding sign").

Identification sign means any sign that carries only the name of the firm, major enterprise, institution, or principal products offered for sale on the premises or combination of these.

Indirectly illuminated sign means a sign that is illuminated from a source outside of the actual sign.

Marquee sign means any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

Nonconforming sign means any sign that does not conform to the regulations of this article.

~~*Political sign* means any sign containing a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.~~

Portable sign means any sign not permanently attached to the ground that is designed to be easily moved from one location to another, excluding a sail sign.

Projecting sign means any sign extending more than 18 inches, but less than five feet, from the face of a wall or building.

~~*Real estate sign* means any sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.~~

Roof sign means any sign erected upon or over the roof or parapet of any building.

Sail sign means a wind device that is made of cloth or a cloth-like material, varying in size and shape and that is attached to a staff that is driven into the ground for support or that is mounted to a pole on a weighted base. Sail signs are generally used in connection with a promotional event or as an advertising tool.

Sign includes anything that promotes, calls attention to or invites patronage, or anything similar, to a business, location, or product.

~~*Temporary sign* means any sign intended to be displayed for a short-certain period of time. If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. Excludes Election Campaign Signs and Sail Signs, including real estate or construction site signs, and banners, decorative type displays, or anything similar to such, but not including political signs and sail signs.~~

Wall sign means any sign attached to, erected on, or painted on the wall of a building or structure and projecting not more than 18 inches from such wall.

Window sign means any sign located completely within an enclosed building and visible from a public way.

~~*Yard sign* means any freestanding sign that is designed to be temporarily mounted to the ground by means of one or more stakes or posts which do not have permanent footings. Yard signs exclude Sail Signs.~~

(Code 1998, § 106-957; Ord. No. 97-11, § 13-1-101, 11-3-1997; Ord. No. 00-2, §§ 1, 2, 2-7-2000; Ord. No. 01-01, § 1, 2-5-2001; Ord. No. 16-4, § 1(106-957), 4-4-2016)

Sec. 133-1030. - Purpose.

The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location, and maintenance of all signs and billboards.

(Code 1998, § 106-956; Ord. No. 97-11, § 13-1-100, 11-3-1997)

Sec. 133-1031. - Sign permit.

- (a) *Required.* Except those signs specified in section 133-1032, no sign shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit.
- (b) *Issuance of permit.*
 - (1) Permits shall be issued by the zoning administrator. Applicants for a sign permit must provide the zoning administrator with a site plan indicating where the proposed sign would be located and a drawing showing the design and the dimensions of the sign.

- (2) The zoning administrator may issue permits only if all of the requirements of the Code are met. Permits may be revoked at any time if the requirements of the Code are violated.
- (c) *Appeal.* Appeal of the denial of a sign permit shall be to the plan commission. A written notice of appeal shall be filed with the zoning administrator within seven days of the issuance of the written denial of the permit application. The zoning administrator shall provide the notice of appeal to the plan commission, which shall hear the appeal as soon as reasonably practical.

(Code 1998, § 106-958; Ord. No. 97-11, § 13-1-102, 11-3-1997; Ord. No. 00-2, § 3, 2-7-2000)

Sec. 133-1032. - Sign permit exceptions.

All signs must have a building permit, except the following, provided that the following exempt signs may not be located over a public road right-of-way or in, on, or over public water, and may not be located on village property without prior village plan commission approval:

- (1) Traffic or Other Official Government Signs placed, authorized or required by the Village or other authorized governmental agency, including but not limited to official traffic control devices defined in Wis. Stat. § 340.01(38) (2005-06), official traffic signs and signals, other municipal signs, legal notices, railroad crossing signs, warning and temporary emergency signs, mandatory motor fuel price signs as regulated by Wis. Stat. § 100.18 and 168.11(2005-06) or by other law, or warning signs on utility poles, fixtures or structures. The requirements for gross area, height, setback, other size, materials or physical specifications (including illumination) shall be as required by law or the authorizing agency.
- (2) Yard Signs not to exceed eleven (11) square feet in area or eight (8) feet in height and limited to two (2) per parcel, ~~except~~ during an Election Campaign Period, during which duration the maximum number of signs shall not exceed the number of candidates or causes on the ballot in the voting district where the sign is located.
- ~~(2) Real estate signs not to exceed eight square feet in area that advertise the sale, rental, or lease of the premises upon which such signs are temporarily located.~~
- (3) Name, occupation, and warning signs not to exceed four square feet located on the premises.
- (4) Bulletin boards ~~for public, charitable, or religious institutions~~ not to exceed eight square feet in area located on the premises of public, non-profit, or religious institutions.
- (5) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
- ~~(6) Official signs, such as traffic control, parking restriction, information, and notices.~~
- (7) Temporary signs not exceeding 11 square feet in area, when authorized by the building inspector, for a period not to exceed 30 days.
- ~~(8) A sign identifying a planned shopping center grouping may be permitted with the approval of the zoning administrator, and the zoning administrator may, in such case, modify the regulations applicable to the height, size and location of such sign consistent with the spirit and intent of this Code.~~
- (9) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event, or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the zoning administrator and subject to the following:

- a. Drawings showing the specific design, appearance, and location of the sign shall be submitted to the zoning administrator for approval;
 - b. The permitted size and location of any such sign shall be at the discretion of the zoning administrator based upon the character of the area, the type and purpose of the sign, and the length of time permitted;
 - c. Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total;
 - d. Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine months.
- (10) Signs designating entrances, exits, service areas, parking areas, restrooms, and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
 - (11) Signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, or names of occupants of premises.
 - (12) ~~Flags and insignia of any government, except when displayed in connection with commercial promotion which do not contain a commercial message, logo, or colors.~~
 - (13) ~~Legal notices, identification information, or directional signs as~~ erected by authorized governmental bodies/agencies.
 - (14) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (15) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - (16) ~~Political signs not exceeding 11 square feet in area and not having an electrical, mechanical or audio component, during an election campaign period as provided in Wis. Stats. § 12.04.~~

(Code 1998, § 106-959; Ord. No. 97-11, § 13-1-103, 11-3-1997; Ord. No. 00-2, §§ 4—9, 2-7-2000; Ord. No. 01-01, §§ 2—4, 2-5-2001)

Sec. 133-1033. - Signs permitted.

- (a) *Commercial and industrial districts* . Signs are permitted in the commercial districts and the industrial districts and commercial PUDs subject to the following restrictions:
 - (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches out from a building's wall surface, shall not exceed 150 square feet in area or 15 percent of the wall surface, whichever is smaller, for any one premises and shall not extend above the wall on which they are placed.
 - (2) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend into any public right-of-way, shall not be less than ten feet from all side lot lines, shall not exceed a height of 20 feet above the mean centerline street grade, and shall not be less than ten feet above a driveway or an alley.
 - (3) Ground signs for buildings under 40,000 square feet of gross floor area shall not exceed ten feet in height above the mean centerline street grade, shall meet all requirements for the district in which they are located, shall be considered part of the structure in meeting all height requirements for the district in which they are located, and shall not exceed 64 square feet on each individual sign face. Ground signs for buildings 40,000 square feet or more of gross floor area shall not exceed 20 feet in height and shall not exceed 100 square feet on each individual sign face. Any portion of the base or foundation of a ground sign containing any information

shall be considered part of the sign face. There shall be no more than one ground sign per 500 linear feet of street frontage with no more than a total of three ground signs per premises.

- (4) Roof signs shall not be permitted.
 - (5) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which a window sign is displayed.
 - (6) *Sail signs* . One free standing sail sign shall be permitted per legal business if the person wishing to display such sign applies therefore and obtains a permit. For a multi-tenant commercial property, no more than two sail signs may be permitted at any given time. Sail signs are not to exceed 12 feet in height as measured from ground level to the tip of the pole or staff to which it is affixed and three feet in width. A sail sign may be displayed for a maximum period of 14 consecutive days, two times per year, per legal business and which shall not occur in the same or consecutive months. Sail signs shall not be located within any public right-of-way, driveway or alley.
 - (7) *Banners* . One banner not to exceed 11 square feet shall be permitted per legal business, and in conformity with section 133-1038. Banners in excess of 11 square feet may be permitted if the person wishing to display such sign applies therefore and obtains a permit. Banners may be displayed for a maximum period of 30 consecutive days at the same location. Banners permitted under this exception shall not exceed 20 feet in height, including, without limitation, the appurtenance on which the banner is displayed. Such a sign shall be firmly attached on all four corners and shall not be located within any public right-of-way, driveway or alley.
 - (8) Any sign qualifying as more than one of the types listed in subsections (a)(1) through (7) of this section shall meet the requirements for each type.
 - (9) Bills and posters shall not be posted on the exterior of buildings or windows.
- (b) *Residential, conservancy and agricultural districts* . All signs are prohibited in the R-1, R-2, R-3, residential PUD, A-1, A-1E and CON districts, except the following:
- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four square feet.
 - (2) Real estate signs not to exceed four square feet in area that advertise the sale, rental, or lease of the premises upon which such signs are temporarily located.
 - (3) Name, occupation, and warning signs not to exceed two square feet located on the premises.
 - (4) Bulletin boards for public, charitable, or religious institutions not to exceed eight square feet in area located on the premises.
 - (5) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Official signs, such as traffic control parking restrictions, information, and notices.
 - (7) Temporary signs or banners not to exceed 11 square feet, and in conformity with section 133-1038.
 - ~~(8) Political signs not exceeding 11 square feet in area and not having an electrical, mechanical or audio component during an election campaign period as defined in Wis. Stats. § 12.04.~~
- (c) *Multiple-family residential districts* . All signs are prohibited in the R-4 and R-5 districts except the following:
- (1) Apartment complex signs may be installed on the premises for identification of an apartment building or apartment complex. The sign may be either a ground or wall sign. Apartment complex signs shall have a maximum size of 32 square feet and shall be erected to a height not to exceed eight feet. Such signs shall be located on the site advertised on the sign. Not more than one such sign is permitted for an apartment complex.

- (2) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four square feet.
- (3) Real estate signs not to exceed four square feet in area that advertise the sale, rental, or lease of the premises upon which such signs are temporarily located.
- (4) Name, occupation, and warning signs not to exceed two square feet located on the premises.
- (5) Bulletin boards for public, charitable, or religious institutions not to exceed eight square feet in area located on the premises.
- (6) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official signs, such as traffic control, parking restrictions, information, and notices.
- (8) Temporary signs or banners not exceeding 11 square feet in area, and in conformity with section 133-1038.

~~(9) Political signs not exceeding 11 square feet in area and not having an electrical, mechanical or audio component, during an election campaign period as provided in Wis. Stats. § 12.04.~~

- (10) *Sail signs* . One free standing sail sign shall be permitted per legal business if the person wishing to display such sign applies therefore and obtains a permit. For a multi-tenant commercial property, no more than two sail signs may be permitted at any given time. Sail signs are not to exceed 12 feet in height as measured from ground level to the tip of the pole or staff to which it is affixed and three feet in width. A sail sign may be displayed for a maximum period of 14 consecutive days, two times per year, per legal business and which shall not occur in the same or consecutive months. Sail signs shall not be located within any public right-of-way, driveway or alley.

(d) *C-1D downtown business district* . In addition to the requirements in subsection (a) above, in the C-1D downtown commercial district, the area of each sign shall be limited by the length of the facade of that portion of the building or structure occupied by the applicant which is nearest to and parallel to any public street or to any public parking area in a shopping center or group of commercial buildings. Sail signs shall not contribute to the overall sign area permitted per legal business. The maximum sign area for any individual sign in the C-1D downtown commercial district shall be as follows:

Length of Building Façade	Maximum Size
20 feet or less	16 square feet
30 feet or less, but more than 20 feet	20 square feet
40 feet or less, but more than 30 feet	24 square feet
50 feet or less, but more than 40 feet	36 square feet
More than 50 feet	48 square feet

(Code 1998, § 106-960; Ord. No. 97-11, § 13-1-104, 11-3-1997; Ord. No. 00-2, §§ 10, 11, 2-7-2000; Ord. No. 01-01, §§ 5—8, 2-5-2001; Ord. No. 05-05, § 1, 6-20-2005; Ord. No. 07-02, § 16, 4-2-2007; Ord. No. 09-06, § 8, 7-20-2009; Ord. No. 16-4, § 1(106-960), 4-4-2016)

Sec. 133-1034. - Prohibited signs.

- (a) *Facing*. No sign, except those permitted in section 133-1032, shall be permitted to face a residential district within 100 feet of such district boundary.

- (b) *Traffic interference/safety hazard.* The village may remove any sign located on village property without approval, or any sign which poses a traffic hazard emergency or other emergency threat to public safety as determined by the police chief or building inspector.
- (c) *Moving or flashing signs.* No sign shall be erected that has any flashing, rotating, or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather, or similar information or where allowed by conditional use permit.
- (d) *Off-premises signs.* Any sign owned or leased by a person other than the owner or occupant of the principal structure on the lot on which the sign is located is prohibited, unless approved as a conditional use as provided in section 133-930 through 133-943. The following off-premises signs are exempted from this requirement:
 - (1) Directional routing signs.
 - (2) Temporary signs.

(Code 1998, § 106-961; Ord. No. 97-11, § 13-1-105, 11-3-1997; Ord. No. 01-01, § 9, 2-5-2001; Ord. No. 07-02, § 17, 4-2-2007)

Sec. 133-1035. - Dangerous and abandoned signs.

- (a) *Removal.* All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business that it advertises has not been conducted for a period of six months or when, in the judgment of the building inspector, such sign is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the village board may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the village board's decision to the board of appeals.
- (b) *Alterations.* Any sign that was erected before November 3, 1997, shall not be rebuilt or relocated without conforming to all of the requirements of this article.
- (c) *Violations.* All signs constructed or maintained in violation of any of the sections of this article are declared public nuisances within the meaning of this Code. In addition to the penalty for violation of this chapter, the village board may bring an action to abate the nuisance in the manner set forth in state law.

(Code 1998, § 106-962; Ord. No. 97-11, § 13-1-106, 11-3-1997)

Sec. 133-1036. - Special exceptions.

Where the regulations in this article are unduly restrictive due to special conditions, the plan commission may grant a special exception as a conditional use under article V of this chapter. In addition to the factors specified in article V of this chapter, the plan commission shall consider the signage guidelines in the central business district master plan and the village comprehensive plan when exceptions are requested in the C-1D Downtown Commercial District.

(Code 1998, § 106-963; Ord. No. 97-11, § 13-1-107, 11-3-1997; Ord. No. 05-05, § 2, 6-20-2005)

Sec. 133-1037. - Construction and maintenance standards.

- (a) *Installation.* All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well-painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the building inspector.
- (b) *General requirements.*

- (1) *Awnings.* The lowest part of any awning shall be seven feet above the sidewalk. Signs are allowed directly on the awning or hanging on the frame, but not below seven feet.
 - (2) *Roof signs.* No sign shall be located so as to project above the parapet line, unless approved by the plan commission.
 - (3) *Illuminated signs.* Any illuminated signs shall not interfere with surrounding properties or traffic.
 - (4) *Projection signs.* Projection signs including supports shall not project beyond five feet from the face of the wall to which the sign is attached.
 - (5) *Blanketing.* Blanketing of signs shall not be allowed.
 - (6) *Maintenance.* All signs, including supports and attachments, shall be properly maintained and shall have an appearance that is neat and clean.
 - (7) *Sidewalk setback.* Signs adjacent to public sidewalks shall be set back so that the sign base or any portion of the signage area under ten feet in height is not within three feet of the sidewalk.
- (c) *Searchlights.* The village board may permit the temporary use of a searchlight for advertising purposes in any district, provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five days in any six-month period.
- (d) *Signs on public rights-of-way.* Signs shall not be permitted on public rights-of-way except for traffic control, parking, and directional signs and as otherwise specified in this chapter.

(Code 1998, § 106-964; Ord. No. 97-11, § 13-1-108, 11-3-1997; Ord. No. 07-02, §§ 18, 19, 4-2-2007)

Sec. 133-1038. - Specific requirements.

Specific requirements for signs shall be as follows:

(1) *Temporary sign limitations.*

- a. All temporary signs ~~such as real estate and construction site signs~~ may be erected for 30 days and shall be removed within ten days after their use has discontinued.
- b. Temporary signs may be placed on a property, but shall not be located on a right-of-way terrace, and shall not interfere with driveway vision clearance.

(2) *Electronic message unit signs.*

- a. Such signs may be used only to advertise activities conducted on the premises or to present public service information pursuant to subsection 133-1034(c).
- b. Electronic message units shall not exceed 40 square feet and shall be included in the maximum aggregate sign surface area for the premises.
- c. For electronic message units with variable messages, the total length of the information cycle shall not be shorter than six seconds.
- d. Electronic message unit signs may not display continuously traveling messages or similar actions that convey motion.

(3) *Portable signs.* The zoning administrator may grant permits for portable signs, including sandwich boards and reader boards that are not attached to the ground, for not more than three years, subject to the following requirements:

- a. A permit shall be issued in accordance with section 133-1031 prior to displaying a portable sign.

- b. The maximum size of a portable sign in commercial and industrial districts shall be 25 square feet, and 11 square feet in residential, conservancy, agricultural and multiple family districts, on each face, back to back.
 - c. Portable signs may not be larger than three feet by four feet or 12 square feet on a single face. Double-sided signs may have 12 square feet of sign on each side.
 - d. Portable signs must be removed and stored inside the premises during times when the business is not open to the public, except that signs too heavy to move may be permitted to remain in place, if the sign is maintained in the position approved in the site plan, and is stabilized to comply with section 133-1037.
 - e. No more than one portable sign may be permitted for any single establishment.
 - f. Portable signs shall not be located in a manner that obstructs vision from intersecting streets, alleys, or driveways, obstructs passage on a sidewalk or walkway, or otherwise create an unsafe condition.
 - g. No portable sign may be located closer than 15 feet to another portable sign.
 - h. Portable signs must be maintained in good repair. Maintenance refers to quality of paint, condition of the sign surface, and durability of the sign board supports. Permits for portable signs that are not well maintained may be revoked, and the signs may be removed by the village. The cost of sign removal may be charged to the person or entity responsible for placing the sign, or specially assessed against the property on which the sign is placed.
- (4) *Directional routing sign limitations.*
- a. Directional routing signs shall be no larger than two feet by three feet.
 - b. No more than four signs may be placed within the village at any one time for any one event.
 - c. No directional routing sign may be placed on private property without the permission of the property owner.
 - d. Directional routing signs may not be in place for more than two consecutive days and on each day, may not be in place longer than two hours before the opening and two hours after the close of the scheduled event to which the sign refers.
 - e. The purpose and content of the directional routing signs shall be to provide directions to an event being held in the village. Directional routing signs may only be placed where a change of direction is required.
 - f. Directional routing signs must not obscure visibility or impede public safety.
 - g. Directional routing signs that create a safety hazard or are otherwise not in compliance with this Code may be removed by the village. The cost of sign removal may be specially assessed to the person who placed the sign or the owner of the property, as appropriate.

(Code 1998, § 106-965; Ord. No. 97-11, § 13-1-109, 11-3-1997; Ord. No. 00-2, §§ 12, 13, 2-7-2000; Ord. No. 01-01, § 10, 11, 2-5-2001; Ord. No. 09-06, § 9, 7-20-2009)

Sec. 133-1039. - Nonconforming signs.

- (a) *Signs eligible for characterization as legal nonconforming.* Any sign located within the village limits on November 3, 1997, or located in an area annexed to the village that does not conform with this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
- (1) The sign was covered by a proper sign permit prior to November 3, 1997;
 - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on November 3, 1997.

- (b) *Loss of legal nonconforming status.* A sign loses its nonconforming status if one or more of the following occurs:
- (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this article than it was before alteration;
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the village requirements regarding maintenance and repair, abandonment, or dangerous or defective signs;
 - (4) On the date of occurrence of any of the situations in subsections (b)(1) through (3) of this section, the sign shall be immediately brought in compliance with this article with a new permit secured therefor or the sign shall be removed.
- (c) *Legal nonconforming sign maintenance and repair.* Nothing in this article shall relieve the owner or use of a legal nonconforming sign or the owner of the property on which the sign is located from the sections of this article regarding safety, maintenance, and repair of signs.

(Code 1998, § 106-966; Ord. No. 97-11, § 13-1-110, 11-3-1997)

Sec. 133-1040. - Sign illumination.

All illuminated signs shall be subject to the following requirements:

- (1) *Electrical permit.* All signs in which electrical wiring and connections are to be used shall comply with all applicable provisions of the state electrical code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
- (2) *Voltage displayed.* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus.
- (3) *External illumination.* A building or structure, along with signs, awnings and canopies attached to the building or structure, may be illuminated externally, provided that the light source is designed, located, shielded, and maintained in such a manner that it is fixed and not directly visible from any adjacent public rights-of-way or surrounding premises.
- (4) *Internal illumination.* Internally illuminated signs shall permit light to shine fully through the lettering and graphic element of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one inch in width may be placed around said lettering or graphic elements.
- (5) *Brightness limitation.* In no instance shall lighting intensity of any illuminated sign exceed:
 - a. Three footcandles at the front lot line and one footcandle at all other lot lines, measured three feet above the surface of the ground;
 - b. Seventy-five footcandles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign. When the sign is located on a lot adjoining a property used exclusively for residential purposes, this limit is reduced to 50 footcandles.
- (6) *Glare.* All artificial illumination shall be designed, located, shielded, and directed so as to prevent the casting of glare or direct light upon adjacent public rights-of-way or surrounding property.
- (7) *Reflectors and lights.* Gooseneck and similar reflectors and lights shall be permitted on freestanding and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or surrounding property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by

floodlights or spotlights, unless such lights are completely concealed from view from the public rights-of-way.

(Code 1998, § 106-969; Ord. No. 09-06, § 10, 7-20-2009)

Sec. 133-1041. - Billboard replacement program.

An owner of a legally nonconforming billboard existing upon the effective date of this chapter may apply for a conditional use permit to replace an existing billboard with a digital billboard. The digital billboard shall comply with the following criteria, and any conditions identified in the conditional use permit:

- (1) The digital billboard shall comply with Wis. Stat. § 84.30(4) and any other applicable Wisconsin Statutes.
- (2) The area of the digital billboard shall be equal to or less than the billboard being replaced.
- (3) No portion of the digital billboard shall be located closer to the public road right-of-way than the billboard it is replacing, nor shall it be located within 15 feet of any public road right-of-way as calculated by the shortest measurable distance between the nearest point of the digital billboard to the edge of the right-of-way.
- (4) The illumination of a digital billboard shall not exceed a brightness level of 0.3 footcandles above ambient light, as measured using a footcandle meter at the following pre-set distances from the base of the digital billboard:

300—375 square feet digital billboard face	150 feet
376—475 square feet digital billboard face	200 feet
476—672 square feet digital billboard face	250 feet

The measurement of the brightness level shall be taken with the meter aimed directly at the digital billboard sign face from the applicable pre-set distance.

- (5) No embellishments or cutouts may be utilized on digital billboards.
- (6) All of the standards and procedures applicable to conditional use permits contained in article V, chapter 133 shall apply, and, in addition, the conditional use permit shall contain conditions addressing the provision of public service announcements and other emergency alerts on the digital billboard.
- (7) No digital billboard may be located within 1,000 feet of another digital billboard.

(Ord. No. 16-10, § 2(106-970), 11-7-2016)

Editor's note— Ord. No. 16-10, adopted May 18, 2015, set out provisions intended for use as § 106-970. Inasmuch as provisions for ch. 106 have been recodified at ch. 133, said provisions have been redesignated as § 133-1041, at the editor's discretion.

Secs. 133-1042—133-1065. - Reserved.