

REGULAR MEETING
CITY OF BOSCOBEL PLAN COMMISSION
MONDAY, MAY 9, 2022 AT 6:00 PM

Mayor Brenda L. Kalish Mike Reynolds Ald. Krissy Schneider Kelly Randall-Dempsey
Dean Beinborn Karl Krogen Pat Roseliep Jeanette Nauert (Alt.)

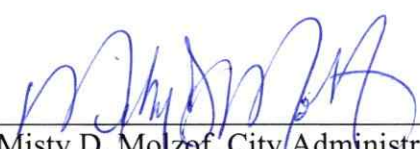
(COMMISSION MEMBERS – please call prior to the meeting if you are unable to attend)

PUBLIC NOTICE is hereby given to the public and to the news media pursuant to § 19.84, Wisc. Stats., that a Regular Meeting of the Plan Commission of the City of Boscobel, Grant County, Wisconsin, will be held **at 6:00 P.M. on Monday, May 9, 2022**, in the Council Chambers of City Hall, 1006 Wisconsin Avenue, Boscobel, WI. The final agenda for said meeting is consideration of the following matters.

AGENDA FOR SAID MEETING IS AS FOLLOWS:

(Any additions to this agenda may be posted in the window at City Hall, 1006 Wisconsin Ave, Boscobel, WI at least 24 hours before the meeting.)

1. Call to order.
2. Certificate of Proof of Posting and Agenda.
3. Roll Call.
4. Approve minutes of previous meeting (April 4, 2022).
5. Pre-Registered Citizens comments and concerns.
6. **PUBLIC HEARING - 6:00 PM** –Petition of Shimpach Enterprise LLC to Amend the Zoning Code to Re-Zone Property from R-1 to R-2 to allow multi-family on Lots 1 through 7, Block 1, Pine Shore Estates, Parcels 206-1029-0000, 206-1029-0010, 206-1029-0020, 206-1029-0030, 206-1029-0040, 206-1029-0050 and 206-1029-0060, City of Boscobel, Grant County, Wisconsin.
7. Close Public Hearing for Agenda Item #6.
8. Discussion and possible recommendation on Amendment to the Zoning Code Rezoning Property from R-1 to R-2 to allow multi-family housing on lots in Pine Shore Estate as described in Item 6.
9. **PUBLIC HEARING – 6:00 PM** –Conditional Use Application of Robert C. Keeney, Grant County Board Chair, on behalf of David S. Flitcroft, property owner, and Grant County, WI, Buyer, to allow construction of a 255' communication tower, shelter space, drive and fencing for a Phase 3 Communications System and Fiber Optic Loop Project, on Parcel 206-01336-0090, B-2 Highway Commercial Zoning District.
10. Close Public Hearing for Agenda Item #9.
11. Discussion and possible recommendation on Conditional Use Application to allow government use under 17.27 (2)(a) for construction of Phase 3 Communications System and Fiber Optic Loop Project described in Item #9.
12. Discussion and possible recommendation regarding sale of land in Industrial Park.
13. Discussion and possible action on Conditional Use Permit Application of Doug/Cindy Knoble for 11' x 16' addition on rear of principal structure, Parcel 206-00570-0000, 106 Adams Street, R-1 Single Family Zoning District.
14. Discussion and possible recommendation on hiring General Engineering for Zoning and updating zoning code.
15. Review, Discuss and possible recommendation of updates/changes to Chapter 17, City of Boscobel Municipal Code.
16. Discussion on Memorandum: Zoning Vs. Conditional Use.
17. Discussion and possible recommendation on Comprehensive Plan Steering Committee.
18. DPW Update.
19. Building & Zoning - Construction Report.
20. Mayor Comments.
21. Adjourn.


Misty D. Molzof, City Administrator

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services.

For additional information or to request this service, contact Misty Molzof, City Administrator at 1006 Wisconsin Avenue, Boscobel, WI or by phoning (608) 375-5001 ext. 100 or by email at cityadmin@boscobelwi.us.

PROOF OF POSTING AFFIDAVIT: This agenda was posted more than 24 hours prior to the start of this meeting: **City Hall- 1006 Wisconsin Avenue; Boscobel Post Office-105 Superior Street; Boscobel Library- 1033 Wisconsin Avenue and www.boscobelwisconsin.com**
Electronically: The Boscobel Dial, Plan Commission Members, City Attorney and other requestors

Date: May 6, 2022 Time: 11:00 a.m.

Subscribed and sworn to before me, this 6th day of May 2022.


Victoria L. Grimesey, Notary Public, State of Wisconsin


Misty D. Molzof, City Administrator

05/29/2022
My Commission Expires

PLAN COMMISSION

April 4, 2022 at 6:00 P.M.

A regular meeting of the Plan Commission was called to order by Mayor Steve Wetter at 6:00 P.M.

Members Present: Mayor Steve Wetter, Mike Reynolds, Kelly Randall-Dempsey, Brenda Kalish, Pat Roseliep, Karl Krogen, Dean Beinborn and Krissy Schneider (Alt.)

Members Absent: None

Others Present: Zoning Administrator Misty Molzof, Secretary-Plan Commission Vicky Grimesey, Bobbi Stoltz, Dr. Mike Mecikalski, Diane Mecikalski, Dr. Thomas Pelz, Kurt Hoepfer and Robin Baumeister

Agenda: Proof in the form of a certificate of public notice given as required by § 19.84, Wis. Stats., as to the holding of this meeting, was presented by the Secretary.

Minutes 3/1/2022: Motion by Brenda Kalish, second by Karl Krogen to approve minutes of the March 1, 2022 Plan Commission meeting as presented. Motion carried.

Comments and Concerns: None

Public Hearing/ Conditional Use Application: Mayor Wetter opened the Public Hearing at 6:01 p.m. on an application to allow Bobbi Stoltz, on behalf of Ruth's House, LLC, to operate a residential group home with four residents and four employees on the first floor and the existing residential rental in the basement located at

307 Parker Street ... Lot 9, Block 3, Parker Addition, City of Boscobel, Grant County, Wisconsin. Tax Parcel #206-00847-0000 located in the R-1 Single Family Residential Zoning District.

Bobbi Stoltz, on behalf of Ruth's House, LLC, introduced herself and explained her group home operation at 307 Parker Street. Her current license from the State of Wisconsin is for developmentally disabled, physically disabled and elderly. The existing rental apartment in the basement is presently used by employees. Dr. Mike Mecikalski expressed concern regarding traffic of residents and visitors. Ms. Stoltz stated that the current residents work at the HODAN Center and are transported by bus for work, none of the current residents drive and there are a limited number of visitors. He also expressed concern as to whether the facility could be used as a halfway house. Misty Molzof explained that conditions could be placed on a conditional use permit. Pat Roseliep recalled a previous adult group home and felt restrictions on the permit should be similar to that conditional use permit. There were no other comments from the general public.

Motion by Kelly Randall-Dempsey to close the Public Hearing at 6:22 p.m. Motion seconded by Karl Krogen. Motion carried.

Motion was made by Kelly Randall-Dempsey, second by Pat Roseliep to approve Conditional Use Permit Application to allow Bobbi Stoltz of Ruth's House, LLC, to operate a residential group home with four residents and four employees on the first floor as currently licensed by the State of Wisconsin for the current property owner as long as said residential group home is operated by Bobbi Stoltz on behalf of Ruth's House, LLC, along with the existing residential rental in the basement located at 307 Parker Street ... Lot 9, Block 3, Parker Addition, City of

Boscobel, Grant County, Wisconsin, Tax Parcel #206-00847-0000, located in the R-1 Single Family Residential Zoning District. Upon roll call vote, all members present voted aye. Motion carried.

Public Hearing / Rezone Application: Rezone Application of Terry and Brenda Kalish, 301 E. Grey Street, was discussed. Property owners would like to construct a 12' x 17' three season room on the north side (back) of the house on said parcel in accordance with the amended site plan provided with the application. The parcel is zoned Planned Unit Development. DPW, Mike Reynolds, explained that the houses across the street from the Kalish parcel are all zoned M-1 Light Industrial. Mr. and Mrs. Kalish's parcel was rezoned from M-1 to PUD (Planned Unit Development) in 2011 to allow them to construct their home on Parcel #206-01055-0000 and was done to avoid spot zoning. Brenda Kalish explained her proposed project. There were no comments from the general public.

Motion by Karl Krogen to close the Public Hearing at 6:25 p.m. Motion seconded by Kelly Randall-Dempsey. Motion carried.

Motion by Kelly Randall-Dempsey, second by Krissy Schneider to recommend Common Council approval to approve the Amendment to the PUD, Terry and Brenda Kalish, 301 E. Grey Street, Parcel #206-01055-0000. Upon roll call vote, all members voted aye. Motion carried.

Review Chapter 17 of City of Boscobel Municipal Code: Misty Molzof reported to members that issues have arisen with various permit applications (signs, fences, etc.) and would like to review other area community's zoning codes and have the Plan Commission review and possibly update the City's present zoning code. No official action was taken; Misty will compile information and e-mail it to members for review prior to scheduling a meeting for discussion on the matter.

DPW Update: Mike Reynolds reported that the 2022 Streets Improvement Project has been bid out and approved. G-Pro out of Montfort will be starting the project in a couple of weeks. WeEnergies and the Grant County fiber optic project for the proposed new tower on the southwest side of the City have resulted in a lot of diggers hotline tickets. He reported that the City submitted a sealed bid on a parcel for housing; four parcels totaling approximately 50 acres, but was unsuccessful. The property was adjacent to Wildwood Subdivision. He also reported that the City has submitted an Offer to Purchase on lots within the City; Common Council will act at the meeting tonight. The City is working with the Boscobel Housing Authority to promote housing. The proposed project will be funded from dollars that were carried over from TID 4 and will not be for low income housing development. Misty Molzof stated that it will be for workforce housing at an income level for employees that work in the local Industrial Park. Mike also reported that the City received a lead service grant. There are three known properties that did not replace lead services at the time of various street projects. The City can now go to them and let them know funds are available to replace those lead services with the grant funds. He indicated there may be other properties and, if identified; will have the funds to do four more lead service replacements.

Building & Zoning - Construction Report: None

Mayor's Comments: None.

Adjourn: Motion was made by Karl Krogen, second by Brenda Kalish to adjourn the meeting. Motion carried.

Vicky Grimesey, Secretary
City of Boscobel Plan Commission

CITY OF BOSCOBEL

PETITION TO AMEND THE ZONING CODE
TO RE-ZONE PROPERTY

Instructions: Applications are to be filed with the Zoning Administrator. Applications which are incomplete or illegible will be refused.

Names and Addresses (complete all that apply):

Property Owner Shimpach Enterprise LLC

Owner's Representative John Shimpach

Architect/Engineer/Contractor N/A

Description of Subject Site:

- 1) Address 137 Pine Circle Drive
Parcel No. 206-1029-0000 Lot No. 1 Block No. 1 Subdivision Pine Shore Estates
- 2) Address 135 Pine Circle Drive
Parcel No. 206-1029-0010 Lot No. 2 Block No. 1 Subdivision Pine Shore Estates
- 3) Address 133 Pine Circle Drive
Parcel No. 206-1029-0020 Lot No. 3 Block No. 1 Subdivision Pine Shore Estates
- 4) Address 131 Pine Circle Drive
Parcel No. 206-1029-0030 Lot No. 4 Block No. 1 Subdivision Pine Shore Estates
- 5) Address 129 Pine Circle Drive
Parcel No. 206-1029-0040 Lot No. 5 Block No. 1 Subdivision Pine Shore Estates
- 6) Address 127 Pine Circle Drive
Parcel No. 206-1029-0050 Lot No. 6 Block No. 1 Subdivision Pine Shore Estates
- 7) Address 125 Pine Circle Drive
Parcel No. 206-1029-0060 Lot No. 7 Block No. 1 Subdivision Pine Shore Estates

Zoning District R-1 Type of Structure vacant lots

Description of existing operation or use vacant lots

Reason for proposed re-zoning to allow multi-family on lots - Zone to R-2

Certificate: I hereby certify that all of the above statements and any attachments submitted hereto are true and correct to the best of my knowledge and belief.

John Shimpach 38850 Hwy 131 4-4-2022
(APPLICANT SIGNATURE) (ADDRESS) (DATE)
Wauzeka, WI 53826

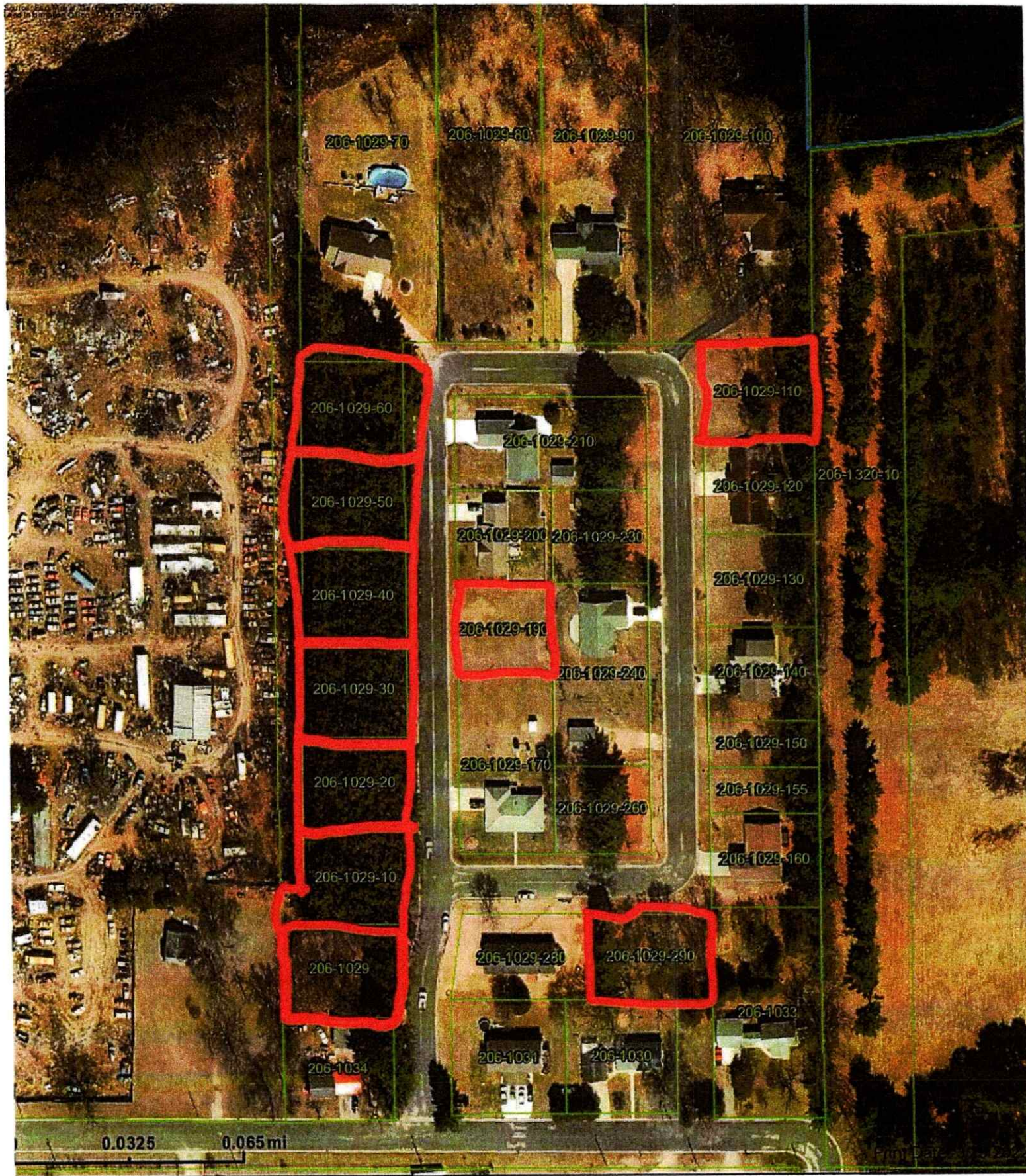
Received by: [Signature] City Administrator 4-4-2022 \$150.00
(SIGNATURE) (TITLE) (DATE) (FEE REC'D)

Results:

by Plan Commission on - 22
(APPROVED/DENIED) (GOVERNING BODY) (DATE) (SIGNATURE)

Attachments: Additional information as may be required by the Plan Commission, City Engineer, Zoning Administrator, or any Building or Health Inspector. Fee receipt from the City Treasurer in the amount established by the Common Council.

Notes: Permit may be revoked without notice if misrepresentation of any of the above information or attachments is found to exist. Permit shall expire within 12 months unless substantial work has commenced. Permit is null and void if issued in error. It is understood that any permit issued on the application will not grant any right or privilege to erect any structure or to use any premises for any purpose that is prohibited by the Zoning Code or any other State or local laws. Changes in any submitted plans or specifications shall not be made without prior written approval of the Zoning Administrator.



General Reference Map
Grant County, WI



1:2,257



Tax Parcel Boundaries

*Parcel
#s*

The data provided in this document is for informational purposes only and Grant County assumes no legal responsibility for the information contained in this data. The burden for determining fitness for use rests entirely upon the user. Grant County assumes no liability for the accuracy of the data responsibility for direct, indirect, special, consequential, exemplary or other damages. This document is not a legal survey nor is it intended to be used as such.

NOTICE OF PUBLIC HEARING

PLAN COMMISSION

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Boscobel will hold a Public Hearing on **Monday, May 9, 2022 at 6:00 P.M.** in the Council Chambers, 1006 Wisconsin Avenue, Boscobel, Wisconsin.

The purpose of the Public Hearing is to consider whether the Official Zoning Map of the City of Boscobel shall be amended to rezone the following property from R-1 Single Family Residential District to R-2 Multi-Family Residential District:

137 Pine Circle Drive – Lot 1, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0000

135 Pine Circle Drive – Lot 2, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0010

133 Pine Circle Drive – Lot 3, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0020

131 Pine Circle Drive – Lot 4, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0030

129 Pine Circle Drive – Lot 5, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0040

127 Pine Circle Drive – Lot 6, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0050

125 Pine Circle Drive – Lot 7, Block 1, Pine Shores Subdivision
Parcel no. 206-01029-0060

All located in Section 26, T8N, R3W, NE ¼ of NW ¼, Pine Shores Estates,
City of Boscobel, Grant County, Wisconsin.

The R-2, Mutli-Family Zoning District is to provide for medium density attached or detached single family housing and apartment housing within the City. Permitted uses in the R-2 Zoning district are multiple family dwellings with 8 or less units or detached single family dwellings.

The Plan Commission shall review the above rezoning request and public comments will be heard thereon, and its recommendation concerning said change shall be communicated to the Common Council for final action.

Vicky Grimesey, Secretary
City of Boscobel Plan Commission

PUBLISHED: April 21, 2022 and April 28, 2022

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)

SS

COUNTY OF GRANT)

Vicky Grimesey, being first duly sworn, states that she is the Secretary of the City of Boscobel Plan Commission and that on April 20, 2022 she properly enclosed in a postpaid envelope, Notice of Public Hearing to be held on May 9, 2022 at 6:00 P.M. to consider a Petition to Amend the Zoning Code to Re-Zone Property for Shimpach Enterprise, LLC (John Shimpach), for certain land described as follows:

137 Pine Circle Drive – Lot 1, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0000

135 Pine Circle Drive – Lot 2, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0010

133 Pine Circle Drive – Lot 3, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0020

131 Pine Circle Drive – Lot 4, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0030

129 Pine Circle Drive – Lot 5, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0040

127 Pine Circle Drive – Lot 6, Block 1, Pine Shores Subdivision
Parcel No. 206-01029-0050

125 Pine Circle Drive – Lot 7, Block 1, Pine Shores Subdivision
Parcel no. 206-01029-0060

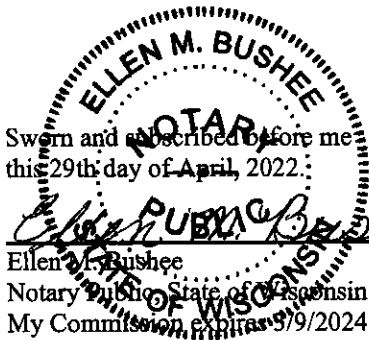
All located in Section 26, T8N, R3W, NE ¼ of NW ¼, Pine Shores Estates,
City of Boscobel, Grant County, Wisconsin.

The action requested is to allow John Shimpach, on behalf of Shimpach Enterprise, LLC, to rezone the above parcels to R-2, Multi-Family Zoning District, to provide for medium density attached or detached single family housing and apartment housing within the City. This property is zoned R-1 Single Family Residential Zoning District.

Notice of meeting was sent to each of the following named persons at his/her post office address, set after his/her respective name:

Parcel	Name	Property Address	Mailing Address	City, State Zip
206-01023-0000	Napp Brothers LLC	505 Airport Rd.	501 Airport Rd.	Boscobel, WI 53805
206-01049-0010	Boscobel Antique Club Inc.	506 Airport Rd.	c/o Duane Gebhard, 1107 East Ave.	Boscobel, WI 53805
206-01034-0000	William H. Becker	601 Airport Rd.	601 Airport Rd.	Boscobel, WI 53805
206-01031-0000	Larry D. Parrish & Diane M. Parrish	603 Airport Rd.	29185 Pleasant Mound Rd.	Boscobel, WI 53805
206-01030-0000	Robert E. Vale & Shan M. Vale	607 Airport Rd.	4925 Old C	Boscobel, WI 53805
206-01029-0280	Michael J. & Carrie M. Gotto	101 Pine Circle Dr.	101 Pine Circle Dr.	Boscobel, WI 53805
206-01029-0170	Michael D. & Whitney L. Stitzer	100 Pine Circle Dr.	100 Pine Circle Dr.	Boscobel, WI 53805

206-01029-0200	Todd M. & Bonnie J. Stenner	120 Pine Circle Dr.	120 Pine Circle Dr.	Boscobel, WI 53805
206-01029-0210	Peter C. & Lisa K. Esser	118 Pine Circle Dr.	118 Pine Circle Dr.	Boscobel, WI 53805
206-01029-0230	Peter C. & Lisa K. Esser	110 Pine Circle Dr.	118 Pine Circle Dr.	Boscobel, WI 53805
206-01029-0240	Jaden L. & Allison R. McCullick	108 Pine Circle Dr.	108 Pine Circle Drive	Boscobel, WI 53805
206-01029-0070	Timothy A. Beinborn	123 Pine Circle Dr.	123 Pine Circle Dr.	Boscobel, WI 53805
206-01029-0080	Beck Living Trust	121 Pine Circle Dr.	119 Pine Circle Dr.	Boscobel, WI 53806
206-01029-0090	Beck Living Trust	119 Pine Circle Dr.	119 Pine Circle Dr.	Boscobel, WI 53807
206-01036-0010	Wayne C. & Karen A. Thompson	100 Cedar Rd. owner & Lots in Pine Shores	1001 Chitwood St.	Blue River, WI 53518
	Shimpach Enterprise LLC		28850 State Hwy 131	Wauzeka, WI 53826
	City of Boscobel, Attn: Misty Molzof, Clerk		1006 Wisconsin Avenue	Boscobel, WI 53810
	Boscobel Township, Attn: Courtney Rounds, Clerk		5931 W. Bluff Street	Boscobel, WI 53811
	Marion Township, Attn: Judith Boughton, Clerk		16481 O'Shadow Lane	Boscobel, WI 53812
	Watterstown Township, Attn: Darlene Larson, Clerk		16997 Larson Rd.	Boscobel, WI 53813



Sworn and subscribed before me
this 29th day of April, 2022.
Ellen M. Bushee
 Ellen M. Bushee
 Notary Public, State of Wisconsin
 My Commission expires 9/9/2024

Vicky Grimesey
 Vicky Grimesey, Secretary
 City of Boscobel Plan Commission

17.24 R-2 MULTIFAMILY RESIDENTIAL DISTRICT.

The multiple family residential district is to provide for medium density attached or detached single family housing and apartment housing within the City.

- (1) **PERMITTED USES.** Multiple family dwellings with 8 or less units or detached single family dwellings.
- (2) **CONDITIONAL USES.** Home occupations; professional home offices; utilities; government uses; funeral homes; charitable or nonprofit institutions and facilities; day care, nursing home and community based residential facilities; multiple family housing with more than 8 units; and zero lot line attached units.
- (3) **MINIMUM LOT AREA AND WIDTH.**
 - (a) Single Unit Housing6,000 sq. ft. lot area
60' lot width
 - (b) Two Unit Housing4,000 sq. ft. per unit lot area
60' lot width
 - (c) Three-Four Unit Housing3,000 sq. ft. per unit lot area
70' lot width
 - (d) Five or More Unit Housing.....2,500 sq. ft. per unit lot area
70' lot width
 - (e) All apartments and living quarters in multiple family housing shall have a minimum floor area of at least 800 square feet; all detached single family dwellings shall have a minimum floor area of at least 1000 square feet.
 - (I) One bedroom or efficiency560 sq. ft.
 - (II) Two bedroom apartment.....800 sq. ft.
 - (III) Three or more bedrooms.....1000 sq. ft.All detached single family dwellings shall have a minimum floor area of 1,000 square feet, excluding garage.
- (4) **MINIMUM YARDS.** Front 25'; side 10' or 1/2 the building height, whichever is greater; rear 25'.
- (5) **MAXIMUM BUILDING HEIGHT:** 40'.

- (6) **SIZE AND PLACEMENT OF ACCESSORY BUILDINGS.** Accessory buildings which are not part of the principal building shall not occupy more than 30% of the area of the required rear yard; shall not be more than 15' high and shall not be nearer than 3' to any lot line.
- (7) **MANDATORY CONDITIONS FOR ZERO LOT LINE ATTACHED UNITS.**
- (1) **Definition.** A zero lot line attached unit is two unit housing consisting of two single family row house units in a single structure that are attached by and share a common wall, and which structure is contained entirely within a single lot. The common wall must be perpendicular to the street right of way abutting the front yard of the lot and must be exactly in the center of the lot so as to bisect it into two equal parcels (on a straight line running from the front yard lot line through the common wall and continuing to the back yard lot line).
- (2) **Exemption.** The structure of a zero lot line attached unit shall be exempt from the side yard setback requirements of this section with respect to the common wall separating the two units (this being the zero lot line), but must meet all other side yard, rear yard and front yard setback requirements. All accessory structures shall meet all setback requirements and shall not enjoy the exemption granted by this subsection.
- (3) **Lot Areas.** Lots on which a zero lot line attached unit structure are constructed must meet the minimum lot area and width requirements of sub. (3)(b). Each half of the lot may be sold as an individual unit to unrelated parties but only after construction of the principal structure has been completed and certificates of occupancy for both units have been issued by the Building Inspector under Section 14.04(1)(e) of the Municipal Code.
- (4) **Other Requirements.** Each single family row house unit within a zero lot line attached unit shall have its own water and sewer laterals and electrical service hookup.
- (5) **Additional Discretionary Requirements.** The Plan Commission may grant conditional use permits for zero lot line attached units with conditions in addition to those stated in this section. Such conditions may include, among other things, requirements for hour rated fire walls for the common walls or other walls, installation of smoke detectors, automatic fire suppression systems, minimum parking requirements, or use of other construction techniques and materials applicable to multiple family units of more than two units.

- (6) Issuance of Permit Discretionary. Nothing in this section shall be construed to require the Plan Commission to issue a conditional use permit for a zero lot line attached unit, if, in the Commission's discretion, it is not desirable to do so.

**MEMORANDUM OF UNDERSTANDING
Between Boscobel Housing Authority
And The City of Boscobel, Wisconsin**

The City of Boscobel; hereinafter referred to as "City" is proposing to purchase vacant lots within ½ mile of Tax Increment District #4; hereinafter referred to as TID#4 using the \$200,000 as funded through TID#4 to help stimulate the creation of workforce housing units within the City. Once the lots are purchased, improvements are made, the City of Boscobel plans to gift them to the Boscobel Housing Authority; hereinafter referred to as "BHA" for future workforce housing. This Memorandum of Understanding is intended to summarize the commitments of the City of Boscobel (City) and Boscobel Housing Authority (BHA). These commitments will be formalized in a Development Agreement which will be executed by City and BHA.

WITNESSETH:

Whereas, the City is proposing to purchase lots and improve them using TID#4 funds within ½ mile of the TID#4 in the City of Boscobel; and

Whereas, the City is proposing to improve said lots making them more attractive for workforce housing; and

Whereas, the City is proposing to give the lots to the BHA as the Housing Authority for the City of Boscobel pursuant to Wis. Stats. 66.1201 effective with Resolutions No.1 & 2, 1971; and

Whereas, it has been determined to be in the City's best interest to invest TID #4 funds to spur development of workforce housing in the City; and

Whereas, it has been determined to be in the City's best interest to invest TID #5 funds to create additional housing in the City; and

Whereas, both the City and BHA recognize it is mutually beneficial to both parties to implement the proposed residential development with a partnership.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

I. City Agreement

1. Using TID #4 Funds, purchase vacant lots within ½ mile of the TID #4, and develop them in a way to make them more attractive to spur development on the lots.
2. Once lots are ready, gift them to BHA with covenants in place for control over the development of the properties.
3. City Administrator and City Engineer or Director of Public Works to sit on the Committee as representatives of the City overseeing the development of the lots.
4. Any money expended exclusively by the City for this project will not be reimbursed by BHA.

II. Boscobel Housing Authority Agreement

1. BHA agrees to market and sell the lots at a reasonable rate to spur development and encourage workforce housing in the City of Boscobel.
2. BHA will require the following as stipulations for the sale of each property:
 - 1) None of the lots will be sold for the purpose of income based-housing pursuant to poverty limit guidelines, HUD, etc.

- 2) Each property shall comply with the current zoning code of the City of Boscobel as it pertains to the zoning of each property.
 - 3) Each residential property shall require a principal structure with a completed valuation of no less than \$140,000.00 (one hundred forty thousand dollars) per residential dwelling.
 - 4) Each residential property shall require at least a one-car garage.
 - 5) Mowing: All lot areas not used for structure or under cultivation as a family garden shall be kept clear of noxious weeds and shall be mowed at least four times annually. All lots shall at all times be maintained in a neat and clean manner.
 - 6) Nuisances: No noxious or offensive trade shall be carried on upon any lot nor shall any act be done or permitted that may be or become an annoyance or a nuisance to the neighborhood. Family gardens shall be permitted. No animals, livestock or poultry of any kind shall be raised, bred or maintained on any lot with the exception of dogs, cats or other household pets provided that these pets are not kept, bred or maintained for any commercial purpose. No more than three pets shall be permitted, however, per household.
 - 7) Garbage: No lot shall be used or maintained as a dumping ground for rubbish, trash, or garbage. All rubbish, trash, and garbage must be kept in sanitary containers and kept in an enclosed and inconspicuous area except on days when it is placed on the curb for that days pickup.
 - 8) Temporary Residence: No trailer, mobile home, basement, tent, shack, garage, barn or outbuilding of any kind, or any part of any such structure, shall at anytime be used as a residence, either temporarily or permanently.
 - 9) Antennas and Satellite Dishes: No exterior antennas or satellite dishes shall be erected on any lot except for satellite dishes having a diameter of not more than 18 inches.
 - 10) Fences: Shall comply with City Zoning Code.
 - 11) Utilities: All utilities shall be properly installed underground.
 - 12) Completion Date: The exteriors of every structure, whether a dwelling, garage, or other outbuilding, and all seeding, sodding, grading and general landscaping shall be completed within two years after closing on the property, or the property must be returned to BHA at the original cost less any fees associated with the sale of the property. Property must be complete, and an occupancy permit must be issued by the City Building Inspector within three years of purchase of the property. An extension may be granted upon application and approval by the Board.
- a) Buy Back / Sale Provisions: Developer/purchaser of lot(s) shall promptly begin, diligently pursue, and ultimately complete a new residential structure on the development site, all pursuant plans which to be approved by the City Building and Zoning Administrator, and the Board of the BHA, and including the State of Wisconsin Department of Safety and Professional Services, prior to construction, and in accordance with City Ordinances.
 - i) In the event that construction of the approved residential development pursuant to agreement between BHA and Developer hasn't started within 6 months of issuance of local building permit(s) or completed within 3 years of date of issuance of local building permit(s), then the BHA shall have the option of repurchasing the vacant lot in the development from the developer. To exercise a repurchase option, BHA shall provide written notice of exercise of the option to developer, which notice shall include the date of repurchase closing. At the repurchase closing, the developer shall tender a Warranty Deed free and clear of all liens and encumbrances, except the permitted encumbrances in exchange for the sum of an amount equal to the proportionate share of the upfront land and infrastructure cost based on area. The title insurance, any unpaid real estate taxes, and the proration of the then current year's real estate taxes, shall be paid by the Developer at the time of repurchase closing.
 - ii) If, after commencing construction work on the structure and construction ceases for a period of ninety (90) consecutive days at any time before the completion of the structure, the BHA shall have the option of repurchasing the unfinished building from DEVELOPER. To exercise this repurchase option the BHA shall provide DEVELOPER written notice of this repurchase option, which notice shall include the date of repurchase closing. At the repurchase closing DEVELOPER shall tender a Warranty Deed free and clear of all liens and encumbrances, except the Permitted Encumbrances in exchange for the sum of One and No/100 Dollars (\$1.00) and the fair market value (as determined by the average value determination of two independent property appraisal firms one each selected by the DEVELOPER and the CITY) of the partially completed building. The title insurance, any unpaid real estate taxes, and the proration of the then current year's real estate taxes, shall be paid by DEVELOPER at the time of the repurchase closing.
 - iii) In the event of repurchase as provided herein, DEVELOPER shall also be liable to the BHA for all reasonable costs and expenses incurred in retaking the Development Site. DEVELOPER shall be deemed to consent to enforcement of the options described herein on the above terms by specific performance.
 - iv) In addition to any other limitation on assignment or sale of the Development Site or any portion thereof and prior to termination of this Agreement, DEVELOPER shall not be allowed to sell, transfer, or convey

the Development Site to any person or entity in any manner or in any manner which would render the Development Site exempt from property taxation.

- 13) Harmonious Structures: No building shall be erected on any lot unless the design and location is in harmony with the existing structures on the lot.
- 14) Solar or Wind Generators: No Solar or Wind Generators of electricity shall be permitted on any lot.
- 15) Earth Type Home: No Earth Type Home shall be permitted on any lot.
- 16) Exterior Finish: All structures, including single and multi-family dwellings, shall be finished with wood, brick or vinyl siding. Aluminum Siding shall not be permitted.
- 17) Firewood: Not more than one-half cord of firewood shall be stored outside at any time. Storage shall at all times be confined to the rear yard and wood shall be stacked and ranked in an orderly manner and shall remain at least four feet back from any lot line.
- 18) Manufactured Homes. No person shall place on any lot any mobile home or any manufactured home that is designed to be transported on the highway in one or more parts and placed together on a lot, commonly know as a "double-wide" or as a mobile home. Other pre-manufactured homes shall be permitted as long as they comply with all of the other restrictions of the covenant.

3. Any costs expended by the Developer will be exclusive to the Developer and will not be a cost of the City.

III. Acknowledgements & Contingencies

The parties to this Memorandum of Understanding (MOU) acknowledge the commitments included in this document are preliminary and are subject to change as the project scope is finalized. The parties also acknowledge the following contingencies:

1. The City and BHA approve and execute the Development Agreement.

With the approval of this MOU, the City of Boscobel Common Council is granting authority to the Mayor, City Clerk and City Attorney to prepare and execute a Development Agreement and other documents necessary for the implementation of the project, provided they are consistent with the terms of the MOU.

The term of the Development Agreement is until TID No. 5 is terminated, which is estimated to be 2041.

Both parties mutually understand the City and BHA will execute a Development Agreement. This MOU will expire once both parties sign a Development Agreement. The terms stated herein constitute the entire agreement between the BHA and City. The City and the BHA must agree to any amendment to this agreement in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on:

_____, 2022.

For the City of Boscobel

Brenda Kalish, Mayor

Date

Misty Molzof, City Clerk

Date

Boscobel Housing Authority

Kelly Trumm, Director

Date

Reed Brown, President of BHA

Date

CITY OF BOSCOBEL

CONDITIONAL USE PERMIT APPLICATION

Instructions: Applications are to be filed with the Zoning Administrator. Applications which are incomplete or illegible will be refused.

Names and Addresses (complete all that apply):

Applicant/Owner Grant County
Contractor RACOM Corporation

Description of Subject Site:

Address STATE ROAD 133
Parcel No. 206-01330-0090 Lot No. 10/24 Block No. _____ Subdivision _____
Zoning District Commercial - Highway Type of Structure Communication Tower - Shelter
Description of existing operation or use Vacant - Possible Ag or Commercial VS

Description of proposed new operation or use, including number of employees _____
Communication Compound to Include 255' Tower, Shelter, Drive, and Fencing

Certificate: I hereby certify that all of the above statements and any attachments submitted hereto are true and correct to the best of my knowledge and belief.

Robert C. Keeney 111 S Jefferson St Lancaster, WI 4/15/22
(APPLICANT SIGNATURE) (ADDRESS) 53813 (DATE)
County Board Chair

Received by: [Signature] City Administrator 4-2022 \$100.00
(SIGNATURE) (TITLE) (DATE) (FEE REC'D)

Results:

_____ by Plan Commission on 5/9/22 _____
(APPROVED/DENIED) (GOVERNING BODY) (DATE) (SIGNATURE)

Attachments: Additional information as may be required by the Plan Commission, City Engineer, Zoning Administrator, or any Building or Health Inspector. Fee receipt from the City Treasurer in the amount established by the Common Council.

Notes: Permit may be revoked without notice if misrepresentation of any of the above information or attachments is found to exist. Permit shall expire within 12 months unless substantial work has commenced. Permit is null and void if issued in error. It is understood that any permit issued on the application will not grant any right or privilege to erect any structure or to use any premises for any purpose that is prohibited by the Zoning Code or any other State or local laws. Changes in any submitted plans or specifications shall not be made without prior written approval of the Zoning Administrator.

- A 205 WELLS SUPPLEMENT TOWER
- B 75 x 75 FENCED COMPOUND
- C 12 WIDE ACCESS DRIVE
- D 90' TOWER SETBACK RADUS PERIM TOWER CENTER

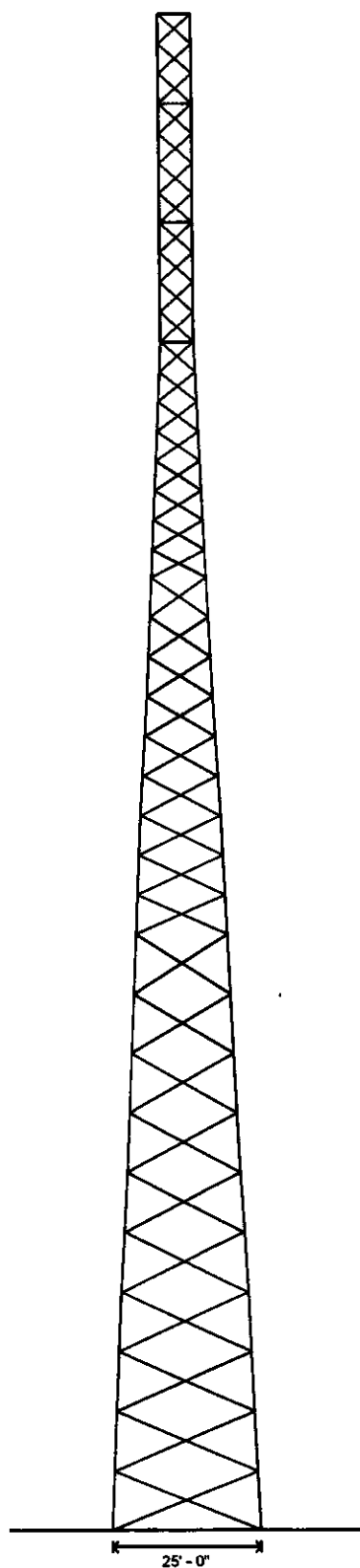
- 1 NORTH ABBOTT, SHOWN AS APPROXIMATE.
- 2 AERIAL MAPS/REPER DATA
- 3 GRANT COUNTY GIS MAPPING DATA
- PROPERTY LINES SHOWN PER QUINCY COMPLETED BY
- MEADOW SURVEYING, LLC



 **Edge**
Consulting Engineers, Inc.
404 WESTER STREET
PO BOX 1000
GOSPORT, NH 03042
www.edgeinc.com

DATE	TIME	SOLICITATION NO.
07/16/2022	09:00 AM	C-101

SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN												
Legs	8.625 OD X .500	8.625 OD X .322	5.563 OD X .375			A	3.500 OD X .300			B	C	
Diagonals	L 4 X 4 1/4	L 3 1/2 X 3 1/2 X 1/4	L 3 X 3 1/4	L 3 X 3 3/16	L 2 1/2 X 2 1/2 X 3/16	L 2 X 2 1/8						
Horizontals	NONE											
Brace Bolts	(2) 5/8"	(1) 3/4"			(1) 5/8"							
Top Face Width	23'	19'	17'	15'	13'	11'	7'	5'				
Panel Count/Height	10 @ 10'		9 @ 6.6667'									
Section Weight	5250	5013	3730	3597	3274	2740	2196	1583	1212	1111	780	553



- 1) All legs are A500 (50 ksi Min. Yield).
- 2) All braces are A572 Grade 50.
- 3) All brace bolts are A325-X.
- 4) The tower model is S3TL Series HD1.
- 5) Transmission lines are to be attached to standard 12 hole waveguide ladders with stackable hangers.
- 6) Azimuths are relative (not based on true north).
- 7) Foundation loads shown are maximums.
- 8) (6) 1 1/4" dia. x 63"-long F1554 grade 105 anchor bolts per leg.
- 9) All unequal angles are oriented with the short leg vertical.
- 10) Weights shown are estimates. Final weights may vary.
- 11) This tower design and, if applicable, the foundation design(s) shown on the following page(s) also meet or exceed the requirements of the 2015 International Building Code.
- 12) This structure has been designed with a 50% increase in antenna and line loading.

OFFICE OF
ROBERT C. KEENEY
COUNTY BOARD CHAIR



STATE OF WISCONSIN
GRANT COUNTY

111 S. JEFFERSON ST.
PO BOX 529
LANCASTER, WI 53813
PHONE 608-723-2711

November 12, 2021

Re: Letter of Intent to Sell Land to Grant County, a municipal corporation

Dear Landowner:

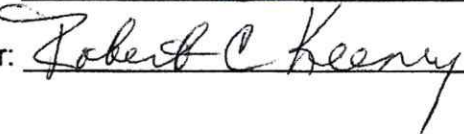
This letter is to establish that the seller(s), Dave Flitcroft, agrees to sell up to 1 acres of land indicated on the attached map to Grant County, a municipal corporation for an amount yet to be determined, with buyer being responsible for all costs involved in the purchase and all terms of the purchase to be agreed to by the buyer, seller, and their attorneys.

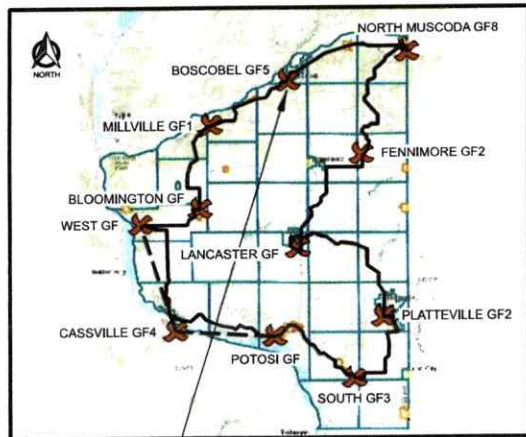
The Land is purchases with the intent to be used for construction of a Tower and Shelter space for the Phase 3 Communications System and Fiber Optic Loop project. This sale to take place following verification that the area is suitable for construction purposes as defined in the Communications Project. Conditions to be verified include, but not limited to;

- PUBLIC ACCES
- ELECTRICITY
- PROPER ZONING
- FIELD INSPECTION, DATA COLLECTION & SURVEYING
- NEPA COMPLIANCE DOCUMENTATION (DNR /TRIBAL/PUBLIC NOTICE)
- ARCHEOLOGICAL SURVEY
- GEOTECHNICAL INVESTIGATION
- FAA DETERMINATION & FCC ASR REGISTRATION

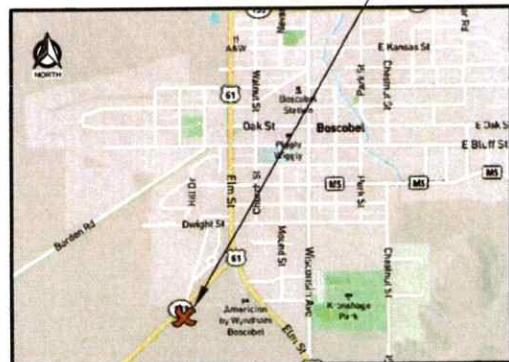
By signing below all parties agree to this letter of intent.

Seller:  Date: Nov 28, 2021

Buyer:  Date: Nov 12, 2021



SITE LOCATION



BOSCobel GF5 (31985) BOSCobel, WISCONSIN 255' SELF-SUPPORT TOWER

PROJECT DIRECTORY

ENGINEER:
EDGE CONSULTING ENGINEERS, INC.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
CONTACT: ARLEN OSTRENG, PE
PHONE: (608) 644-1448

OWNER:
GRANT COUNTY
111 S. JEFFERSON ST.
LANCASTER, WI 53813-0529
CONTACT: SHERIFF NATE DRECKMAN
PHONE: (608) 723-2157

RADIO SYSTEM VENDOR:
RACOM CORPORATION
3190 CEDAR CROSS COURT
DUBUQUE, IA 52003
CONTACT: TANNER METZ
PHONE: (563) 583-2245

ELECTRICAL SERVICE PROVIDER:
BOSCobel MUNICIPAL UTILITIES
1006 WISCONSIN AVENUE
BOSCobel, WI 53805
PHONE: (608) 375-5030

PROJECT INFO

SITE ADDRESS:
NO 011 ADDRESS
S.T.H. "133"
BOSCobel, WI 53805

PROPERTY OWNER:
DAVID FLITCROFT
W6365 PIERCE ROAD
ELKHORN, WI 53121

TOWER OWNER:
GRANT COUNTY
111 S. JEFFERSON ST.
LANCASTER, WI 53813-0529

TOWER COORDINATES (PRELIMINARY):
LAT (NAD83/2011): 43°07'32.38" N (43.125661)
LONG (NAD83/2011): 90°42'50.21" W (-90.713947)
GROUND ELEVATION (NAVD 88): 685.5'
ASR NUMBER: TBD

PLSS INFORMATION
PART OF NW 1/4 OF THE SE 1/4
SECTION 34, T8N, R3W
CITY OF BOSCobel
GRANT COUNTY
WISCONSIN

PARCEL ID: 206-01336-0090

ZONING CLASSIFICATION: COMMERCIAL - HIGHWAY

SHEET INDEX

NO.	SHEET TITLE
G-001	TITLE SHEET
1-2	* SITE SURVEY
C-101	OVERALL SITE PLAN
C-102	ENLARGED SITE PLAN
C-103	COMPOUND PLAN
T-201	TOWER LOADING / ELEVATION
	* BY OTHERS

CONSULTANT:
Edge
Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1448 VOICE
608.644.1448 FAX
www.edgecons.com

CLIENT:
RACOM
RACOM CORPORATION

TITLE SHEET
BOSCobel GF5 (31985)
BOSCobel, WISCONSIN

INT.	DATE	DESCRIPTION

CHECKED BY	AJO
PLOT DATE	2/16/2022
PROJECT NUMBER	31985
SET TYPE	PR1
SHEET NUMBER	G-001



TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN, CALL DIGGERS HOTLINE

TOLL FREE: 1-800-242-8511
FAX A LOCATE: 1-800-242-5811

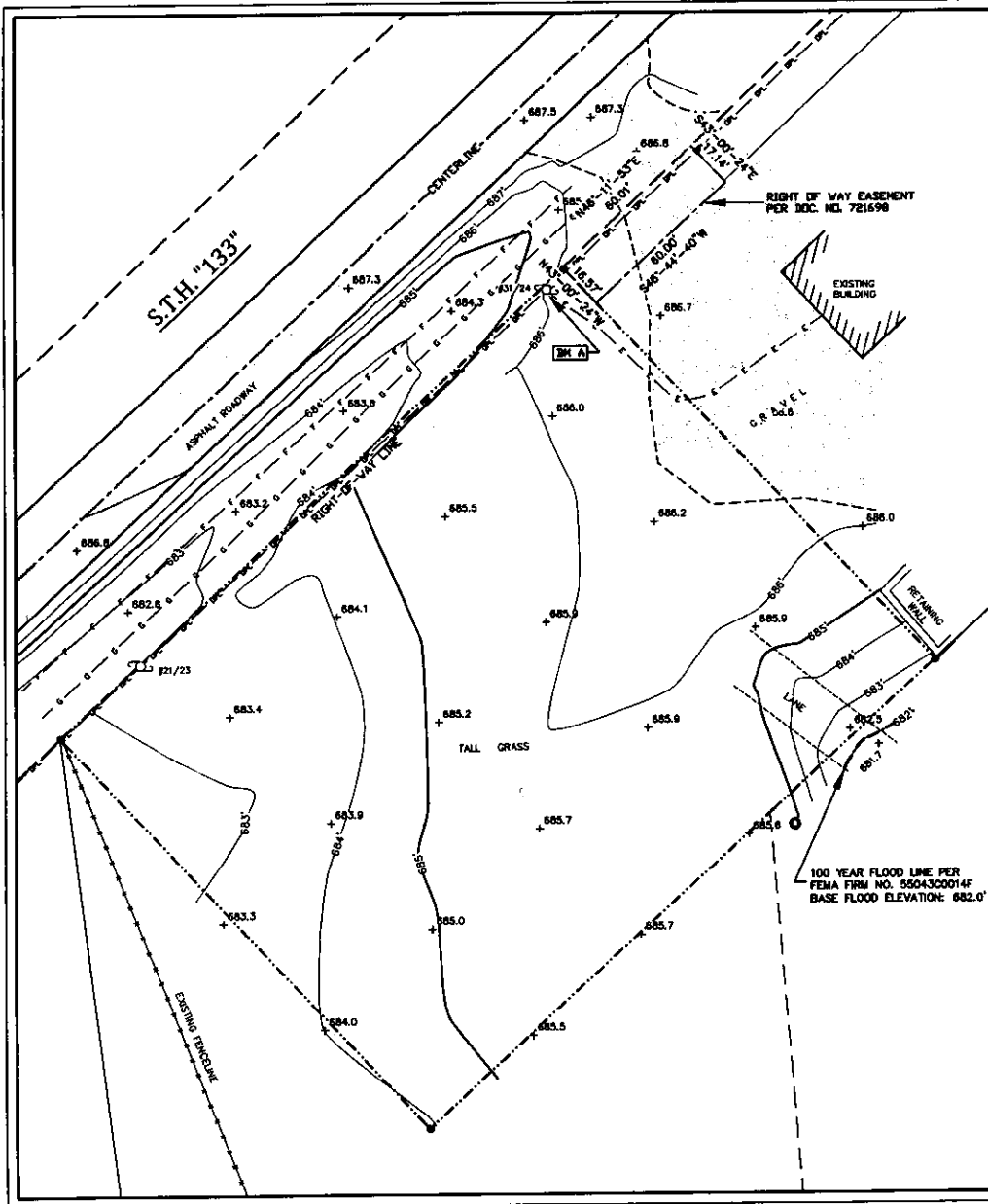
WI STATUTE 182.0175 (1974) REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

ENGINEER SEAL:

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF WISCONSIN.

SIGNATURE: _____

DATE: _____



-LEGEND-

- = PIPE FOUND (SIZE NOTED)
- ⊙ = COUNTY MONUMENT FOUND
- () = RECORDED INFORMATION
- = WOOD POST
- ◇ = TRAFFIC SIGN
- ⊞ = FIBER OPTIC PEDESTAL
- ⊕ = FIBER OPTIC POST
- ⊗ = EXISTING POWER POLE
- = BURIED ELECTRIC
- = OVERHEAD ELECTRIC
- = BURIED GAS LINE
- = BURIED FIBER OPTIC LINE
- = FENCE LINE
- = PROPERTY LINE
- P.O.B. = POINT OF BEGINNING

BEARINGS REFERRED TO THE GRANT COUNTY
COORDINATE SYSTEM AND THE EAST/NE/33
QUARTER LINE OF SECTION 34, T.8N. R.3W.
WHICH BEARS: S89°-54'-34"W



Being a part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-Four (34), Township Eight (8) North, Range Three (3) West, City of Boscobel, Grant County, Wisconsin containing 43,005 square feet (0.987 acres) of land and being described by:

Commencing at the East Quarter Corner of said Section 34; thence S89°-54'-34"W 1707.51 feet along the east/west quarter line of said Section 34; thence S47°-01'-05"W 448.49 feet to the point of beginning; thence continuing S47°-01'-05"W 234.04 feet; thence N42°-58'-55"W 182.91 feet to a point on the southerly line of State Highway 133; thence N46°-35'-27"E 233.97 feet along said southerly line of State Highway 133; thence S43°-00'-24"E 184.65 feet to the point of beginning. Being subject to any and all easements and restrictions of record.

BENCHMARK INFORMATION

SITE BENCHMARK: (BM A)
SET RAILROAD SPIKE IN NW FACE OF POWER
POLE #31/24; ±1' ABOVE GROUND LEVEL
ELEVATION: 687.34'

GRAPHIC SCALE
1 inch = 40 ft



SURVEYOR'S CERTIFICATE

I, Steven C. DeJong, Professional Land Surveyor
of Meridian Surveying, LLC, certify that I have surveyed the
described property and that the map shown is a true and accurate
representation thereof to the best of my knowledge and belief.

Dated this _____ day of _____, 2022.

WISCONSIN PROFESSIONAL LAND SURVEYOR
Steven C. DeJong, S-2791

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
P.O. Box 800, WI 53578
608.644.1449 voice
608.644.1549 fax
www.edgecorp.net

SURVEYED FOR:

**GRANT COUNTY
WISCONSIN**

111 SOUTH JEFFERSON STREET
LANCASTER, WI 53813

MERIDIAN
SURVEYING, LLC

N9637 Friendship Drive Office: 920-993-0881
Kaukauna, WI 54130 Fax: 920-273-6037

SITE NAME:

BOSCobel

SITE ADDRESS:

S.T.H. "133"
BOSCobel, WI 53805

PROPERTY OWNER:

DAVID FLITCROFT
W6365 PIERCE ROAD
ELKHORN, WI 53121

PARCEL NO.: 206-01336-0090

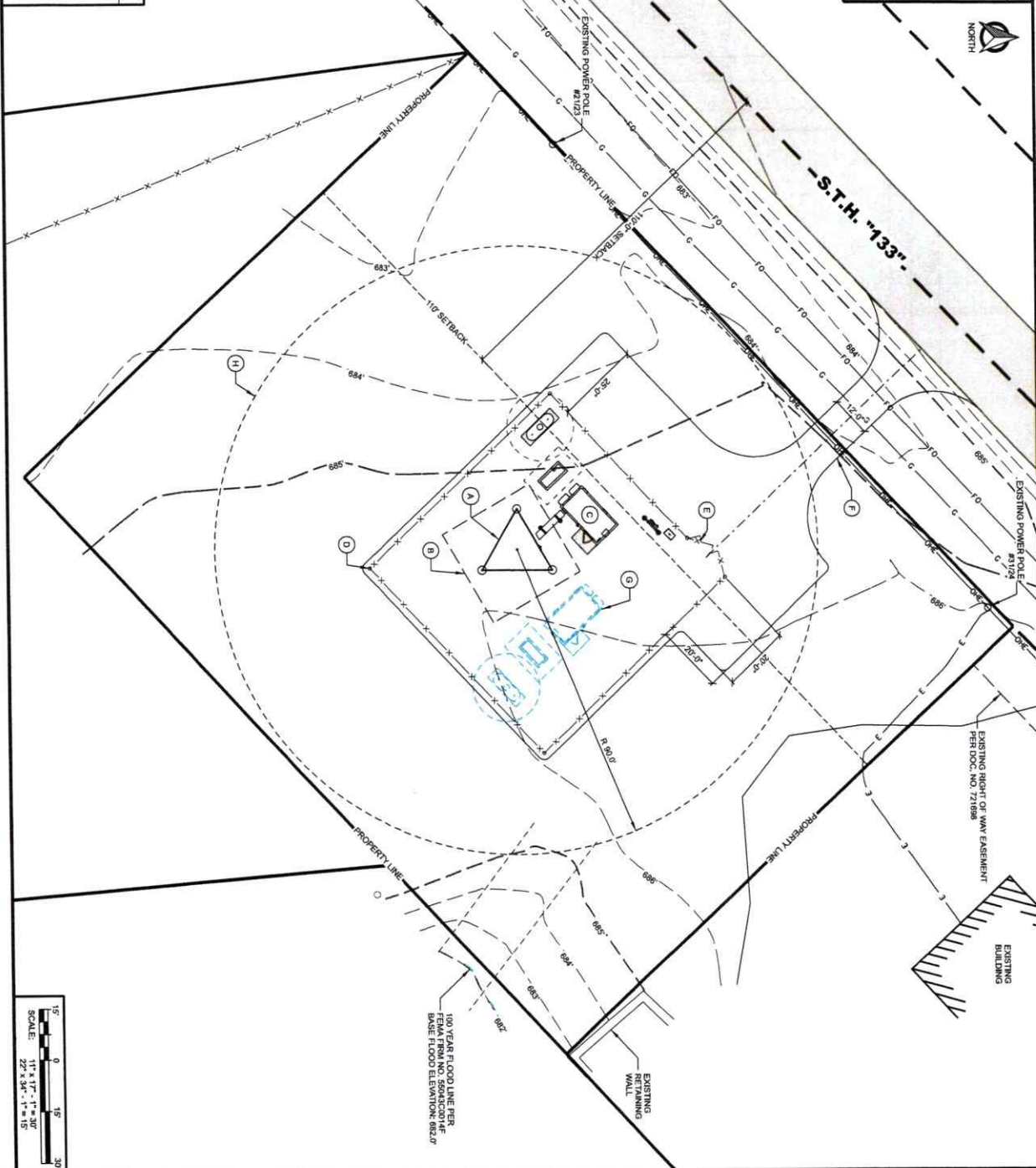
DEED REFERENCE: VOL. 1224, PG. 555
DOC. NO. 721698

**SITE SURVEY
FOR
GRANT COUNTY**

BEING A PART OF THE NW1/4 OF THE
SE1/4, SECTION 34, T.8N., R.3W.,
CITY OF BOSCOBEL, GRANT COUNTY,
WISCONSIN

NO.	DATE	DESCRIPTION	BY
1	1-24-22	Preliminary Survey	JD
DRAWN BY:	J.D.	FIELD WORK DATE:	1-21-22
CHECKED BY:	S.C.D.	FIELD BOOK:	M-62, PG. 54
JOB NO.:	13407	SHEET	2 OF 2

- A. 255 SELF-SUPPORT TOWER
- B. TOWER FOUNDATION (8' x 8' ON SQUARE) VEHICLE WITH FINAL TOWER AND FOUNDATION PLANS
- C. GRANT COUNTY EQUIPMENT SHELTER
- D. 75' x 75' FENCED COMPOUND
- E. 16' WIDE VEHICLE ACCESS GATE W/ SNOW GATE
- F. 12' WIDE ACCESS DRIVE
- G. FUTURE TENANT
- H. 90' TOWER SETBACK RADIUS (FROM TOWER CENTER)

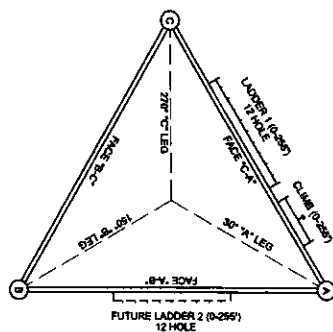


ENLARGED SITE PLAN
BOSCOBEL GF5 (31985)
BOSCOBEL, WISCONSIN



CONCLUSIONS

[illegible]



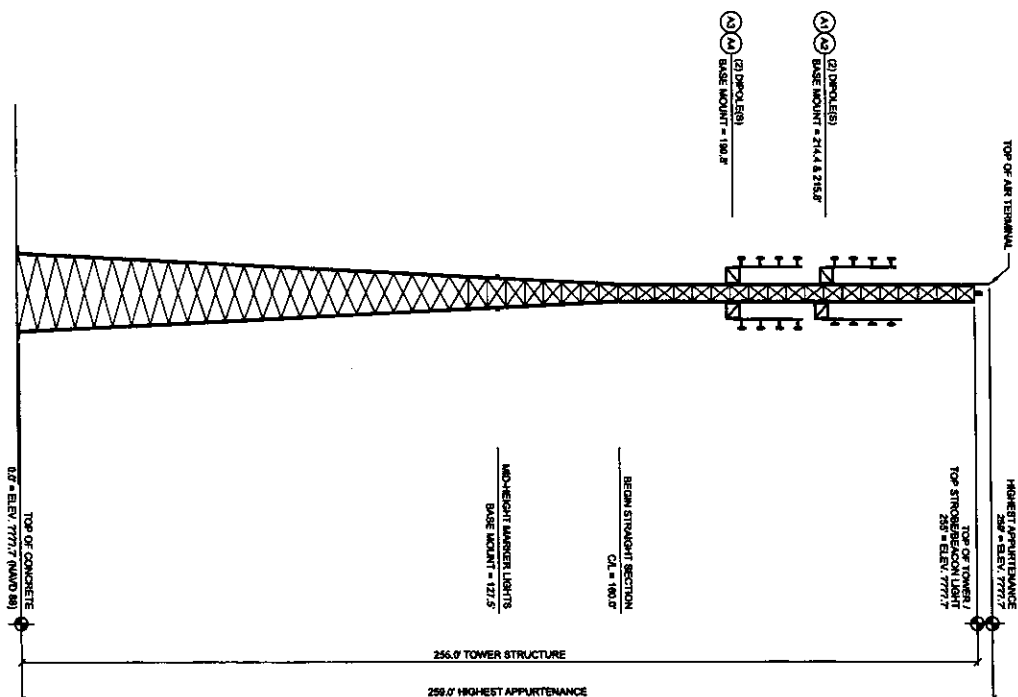
TOWER ORIENTATION

[illegible]

TOWER LOADING SUMMARY

NOTES:

1. TOWER TO BE ANALYZED FOR FULL CAPACITY LOADING (PROPOSED AND FUTURE).
2. TOWER TO BE DESIGNED AS STRUCTURE CLASS III. REFER TO SPECS FOR OTHER REQUIREMENTS.
3. ANTENNA LOADING IS BASED ON ORANT CO - PHASE 3 - ANTENNA & LINE DETAILS - REV 1.

TOWER PROFILE (ELEVATION)[illegible]

TOWER LOADING / ELEVATION
BOSCobel GF3 (31985)
BOSCobel WISCONSIN

BOSCOBEL QF3 (31985)
BOSCOBEL WISCONSIN



QUESTION

**606 WINTER STREET
POULAN, CA 94662, 916 887-7000
909-244-1448 VOICE
909-244-1598 FAX
www.adaptivemusic.com**

CONCLUSIONS

T-201

Misty Molzof

From: Sharon Flitcroft <flitcroftrentals@gmail.com>
Sent: Monday, April 25, 2022 7:58 AM
To: Misty Molzof
Subject: Fwd: Flitcroft-Parcel 206-01336-0090 Permits

----- Forwarded message -----

From: Sharon Flitcroft <flitcroftrentals@gmail.com>
Date: Mon, Apr 25, 2022 at 7:55 AM
Subject: Flitcroft-Parcel 206-01336-0090 Permits
To: <cityadmin@boscobel.wi.us>

To Whom It May Concern,

The Grant County Sheriff's Department is in the process of purchasing my 1-Acre parcel # 206-01336-0090 in Boscobel WI.

I give them permission to apply for the necessary permits with the city of Boscobel WI to install their technology tower on the property.

If you have any questions please feel free to contact me.

Sincerely,

David Flitcroft
262-206-8312

NOTICE OF PUBLIC HEARING

CITY OF BOSCOBEL - PLAN COMMISSION

CONDITIONAL USE PERMIT

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Boscobel will hold a Public Hearing on a Conditional Use Permit Application affecting the following property located in the City of Boscobel, Grant County, Wisconsin from Robert C. Keeney, Grant County Board Chair, on behalf of David S. Flitcroft, property owner, and Grant County, Wisconsin, Buyer.

700 State Road 133, Tax Parcel No. 206-01336-0090, more fully described as: A parcel of land located in the Northwest Quarter (N.W.1/4) of the Southeast Quarter (S.E.1/4) of Section Thirty-four (34), Township Eight (8) North, Range Three (3) West of the 4th P.M., Grant County, Wisconsin, more particularly described as follows: Commencing at the East Quarter corner of said Section 34; thence South 89° 54' 11" West 1707.51 feet; thence South 47° 00' 48" West 34828 feet; thence continuing South 47° 00' 48" West 100.18 feet to the point of beginning; thence continuing South 47° 00' 48" West 234.04 feet; thence North 42° 59' 12" West 185.26 feet to a point on the Southeasterly right of way of S.T.H. 11133"; thence North 46° 35' 27" East 234.05 feet along said right of way; thence South 42° 59' 12" East 186.99 feet to the point of beginning. Together with a perpetual right-of-way easement described as follows: A parcel located in part of the Northwest Quarter (N.W. 1/4) of the Southeast Quarter (S.E. 1/4) of Section Thirty-four (34), Township Eight (8) North, Range Three (3) West, Grant County, Wisconsin, more particularly described as follows: Commencing at the East Quarter Corner of said Section 34; thence South 89° 54' 11" West 1707.51 feet; thence continuing South 89° 54' 11" West 345.24 feet to a point in the centerline of STH 133; thence South 46° 44' 17" West 135.51 feet along said centerline to the point of beginning; thence South 42° 59' 12" East 66.00 feet; thence South 46° 44' 17" West 60.00 feet; thence North 42° 59' 12" West 66.00 feet to a point in said centerline; thence North 46° 44' 17" East 60.00 feet along said centerline to the point of beginning.

The request for a Conditional Use Permit approval by City of Boscobel Plan Commission is to allow Grant County to construct a 255' communication tower, shelter space, drive and fencing for a Phase 3 Communications System and Fiber Optic Loop Project. This property is located in the B-2 Highway Commercial Zoning District.

Public comments will be taken by the Commission at said hearing. Comments may be made orally or in writing.

Following the Public Hearing and review of the Conditional Use Permit application, the Plan Commission shall approve, disapprove, or further conditionally approve the application.

The Public Hearing will be held on **Monday, May 9, 2022 at 6:00 p.m.**, in the City Council Chambers, 1006 Wisconsin Avenue, Boscobel, Wisconsin.


Vicky Grimesey, Secretary
City of Boscobel Plan Commission

PUBLISHED: April 28, 2022

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)

SS

COUNTY OF GRANT)

Vicky Grimesey, being first duly sworn, states that she is the Secretary of the City of Boscobel Plan Commission and that on April 26, 2022 she properly enclosed in a postpaid envelope, Notice of Public Hearing to be held on May 9, 2022 at 6:00 P.M. to consider a Conditional Use Permit application for Robert C. Keeney, Grant County Board Chair, on behalf of David S. Flitcroft, property owner, and Grant County, Wisconsin, Buyer, for certain land described as follows:

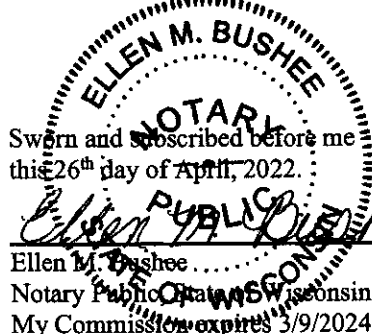
700 State Road 133, Tax Parcel No. 206-01336-0090, more fully described as: A parcel of land located in the Northwest Quarter (N.W.1/4) of the Southeast Quarter (S.E.1/4) of Section Thirty-four (34), Township Eight (8) North, Range Three (3) West of the 4th P.M., Grant County, Wisconsin, more particularly described as follows: Commencing at the East Quarter corner of said Section 34; thence South 89° 54' 11" West 1707.51 feet; thence South 47° 00' 48" West 348.28 feet; thence continuing South 47° 00' 48" West 100.18 feet to the point of beginning; thence continuing South 47° 00' 48" West 234.04 feet; thence North 42° 59' 12" West 185.26 feet to a point on the Southeasterly right of way of S.T.H. 11133"; thence North 46° 35' 27" East 234.05 feet along said right of way; thence South 42° 59' 12" East 186.99 feet to the point of beginning. Together with a perpetual right-of-way easement described as follows: A parcel located in part of the Northwest Quarter (N.W. 1/4) of the Southeast Quarter (S.E. 1/4) of Section Thirty-four (34), Township Eight (8) North, Range Three (3) West, Grant County, Wisconsin, more particularly described as follows: Commencing at the East Quarter Corner of said Section 34; thence South 89° 54' 11" West 1707.51 feet; thence continuing South 89° 54' 11" West 345.24 feet to a point in the centerline of STH 133; thence South 46° 44' 17" West 135.51 feet along said centerline to the point of beginning; thence South 42° 59' 12" East 66.00 feet; thence South 46° 44' 17" West 60.00 feet; thence North 42° 59' 12" West 66.00 feet to a point in said centerline; thence North 46° 44' 17" East 60.00 feet along said centerline to the point of beginning.

The action requested is to allow Grant County to construct a 255' communication tower, shelter space, drive and fencing for a Phase 3 Communications System and Fiber Optic Loop Project. This property is zoned B-2 Highway Commercial Zoning District.

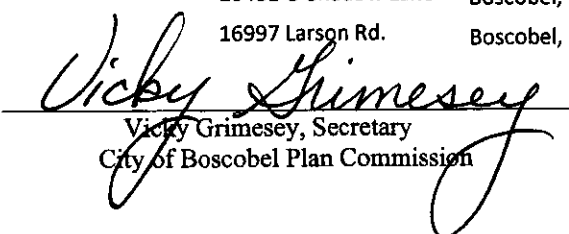
Notice of meeting was sent to each of the following named persons at his/her post office address, set after his/her respective name:

Parcel	Name	Property Address	Mailing Address	City, State Zip
206-01336-0049	Joseph C. Kintzle Revocable Trust Dated July 11, 2016	Highway 133 West	1720 Highway 3 W	Strawberry Point, IA 52071
206-01336-0030	John Latham	Highway 133 West	6385 Peer Rd.	Boscobel, WI 53805
206-01336-0080	VWD Enterprise LLC	600 State Road 133	1740 Lincoln Avenue	Fennimore, WI 53809
206-01336-0070	J & K Storage Inc.	Highway 133 West	1700 Elm Street	Boscobel, WI 53805
206-01231-0000	Boscobel Education Foundation, Inc.	Highway 133 West	P. O. Box 63	Boscobel, WI 53805
206-01336-0090	County of Grant	700 Hwy. 133 West	111 S. Jefferson Street	Lancaster, WI 53813
206-01336-0090	David S. Flitcroft	700 Hwy. 133 West	W6365 Pierce Rd.	Elkhorn, WI 53121
	City of Boscobel, Attn: Misty Molzof, Clerk		1006 Wisconsin Ave.	Boscobel, WI 53810
	Boscobel Township, Attn: Courtney Rounds, Clerk		5931 W. Bluff Street	Boscobel, WI 53811
	Marion Township, Attn: Judith Boughton, Clerk		16481 O'Shadow Lane	Boscobel, WI 53812
	Watterstown Township, Attn: Darlene Larson, Clerk		16997 Larson Rd.	Boscobel, WI 53813

Sworn and subscribed before me this 26th day of April, 2022.



Ellen M. Bushee
Notary Public, Wisconsin
My Commission expires 3/9/2024


Vicky Grimesey, Secretary
City of Boscobel Plan Commission

17.26 B-1 Retail Business District (cont.)

- (b) Charitable or nonprofit institutions and facilities.
 - (c) Day care, nursing and group home facilities.
 - (d) Wholesale sales and business supply.
 - (e) Government uses other than business.
 - (f) Utilities.
- (3) MINIMUM LOT AREA AND WIDTH.
- (a) There shall be no required minimum lot area or width requirements within the area overlaid by the community design overlay district.
 - (b) Areas outside the community design overlay district require 6,000 sq. ft. lots and 60' lot widths.
 - (c) The principal building on any lot shall have a minimum floor area of at least 1,000 sq. ft.
- (4) MAXIMUM BUILDING HEIGHT: 45'.
- (5) MINIMUM YARDS. There shall be no minimum yard requirements.

17.27 B-2 HIGHWAY COMMERCIAL DISTRICT.

The purpose of the B-2 Highway Commercial District is to provide an area suitable for commercial establishments which require highway access or provide services to highway users in transit through the City.

- (1) PERMITTED USES. Highway oriented retail sales and service businesses, including but not limited to the following:
- (a) Eating and drinking establishments.
 - (b) Gasoline stations.
 - (c) Automotive sales and service.
 - (d) Motels and hotels.
 - (e) Convenience grocery stores less than 4,000 sq. ft.
 - (f) Tourist information centers.
 - (g) Drive up banking facilities.
 - (h) Recreation businesses.
 - (i) Tourist oriented retail sales.

17.27 B-2 Highway Commercial District (cont.)

(2) **CONDITIONAL USES.**

- (a) All conditional and permitted uses of the B-1Retail Business District; all uses permitted in the B-3 Land Extensive Commercial District which are not specifically permitted in the B-2 Highway Commercial District; government uses; self-service storage facilities; and utilities.
 - (b) Residential use of the first, (ground), floor of a building.
- (3) MINIMUM LOT AREA AND WIDTH; MINIMUM FLOOR AREA: 10,000 sq. ft. lot area; 100' minimum lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.
- (4) MAXIMUM BUILDING HEIGHT: 35'.
- (5) MINIMUM YARDS. Front yard 25'; side yard 15'; rear yard 15'.
- (6) SCREENING AND BUFFERING. B-2 highway commercial uses abutting onto an adjacent R-1District may be required to install an opaque fence or to plant flora for purposes of screening and buffering, as determined by the Zoning Administrator or the Plan Commission. The adequacy of the screening shall be determined by the Zoning Administrator or Plan Commission.

17.28 B-3 LAND EXTENSIVE COMMERCIAL DISTRICT.

The B-3 Land Extensive Commercial District is intended to provide for commercial uses which require large land areas for outside storage or display or would otherwise be incompatible with the character and requirements of the B-1Retail Business District or the B-2 Highway Commercial District. The B-3 district is specifically intended to provide a planned center for agribusinesses, building supply and equipment sales and service.

- (1) **PERMITTED USES.** Commercial uses requiring extensive outside storage and display areas including but not limited to:
- (a) Farm equipment and supply centers.
 - (b) Automotive sales and service.
 - (c) Building supply and lumber yards.
 - (d) Boat sales and service.
 - (f) Construction contractors.
 - (g) Recreation and utility trailer dealers.
 - (h) Equipment rental businesses.
 - (i) Special trade contractors.
 - (j) Gasoline stations.
 - (k) Eating and drinking establishments.

CITY OF BOSCOBEL

CONDITIONAL USE PERMIT APPLICATION
EXISTING NONCONFORMING STRUCTURES

Instructions: Applications are to be filed with the Zoning Administrator. Applications which are incomplete or illegible will be refused.

Names and Addresses (complete all that apply):

Applicant/Owner Doug Knoble 108-485-0174
Contractor Baumwister Construction

Description of Subject Site:

Address 106 Adams Street
Parcel No. 206-00570 Lot No. Block No. Subdivision
Zoning District R-1 Type of Structure Principal Structure
Description of project Adding on a 11' x 16' Sun porch to back
of existing principle structure.
(Attach Building Permit Application and Site Plan)

Certificate: I hereby certify that all of the above statements and any attachments submitted hereto are true and correct to the best of my knowledge and belief.

Douglas J. Knoble 106 ADAMS ST BOSCOBEL 4-25-2022
(APPLICANT SIGNATURE) (ADDRESS) (DATE)

Approval of contiguous neighbors:

Terry Sutherland Jerry Sutherland 4-25-2022
(NAME) (SIGNATURE) (DATE)
Amber Mollodrem Amber Mollodrem 4-26-2022
(NAME) (SIGNATURE) (DATE)

(NAME) (SIGNATURE) (DATE)

If additional signatures are required, attach list.

Received by: Misty D. Mohr 4/27/2022
Misty D. Mohr, Zoning Administrator (DATE)

Proposed Plan Commission Meeting Date: / /

Results:

(APPROVED/DENIED) by _____ on _____
(GOVERNING BODY) (DATE) (SIGNATURE)

Attachments: Additional information as may be required by the Plan Commission, City Engineer, Zoning Administrator, or any Building or Health Inspector. Fee receipt from the City Treasurer in the amount established by the Common Council.

Notes: Permit may be revoked without notice if misrepresentation of any of the above information or attachments is found to exist. Permit shall expire within 12 months unless substantial work has commenced. Permit is null and void if issued in error. It is understood that any permit issued on the application will not grant any right or privilege to erect any structure or to use any premises for any purpose that is prohibited by the Zoning Code or any other State or local laws. Changes in any submitted plans or specifications shall not be made without prior written approval of the Zoning Administrator.

17.23 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT.

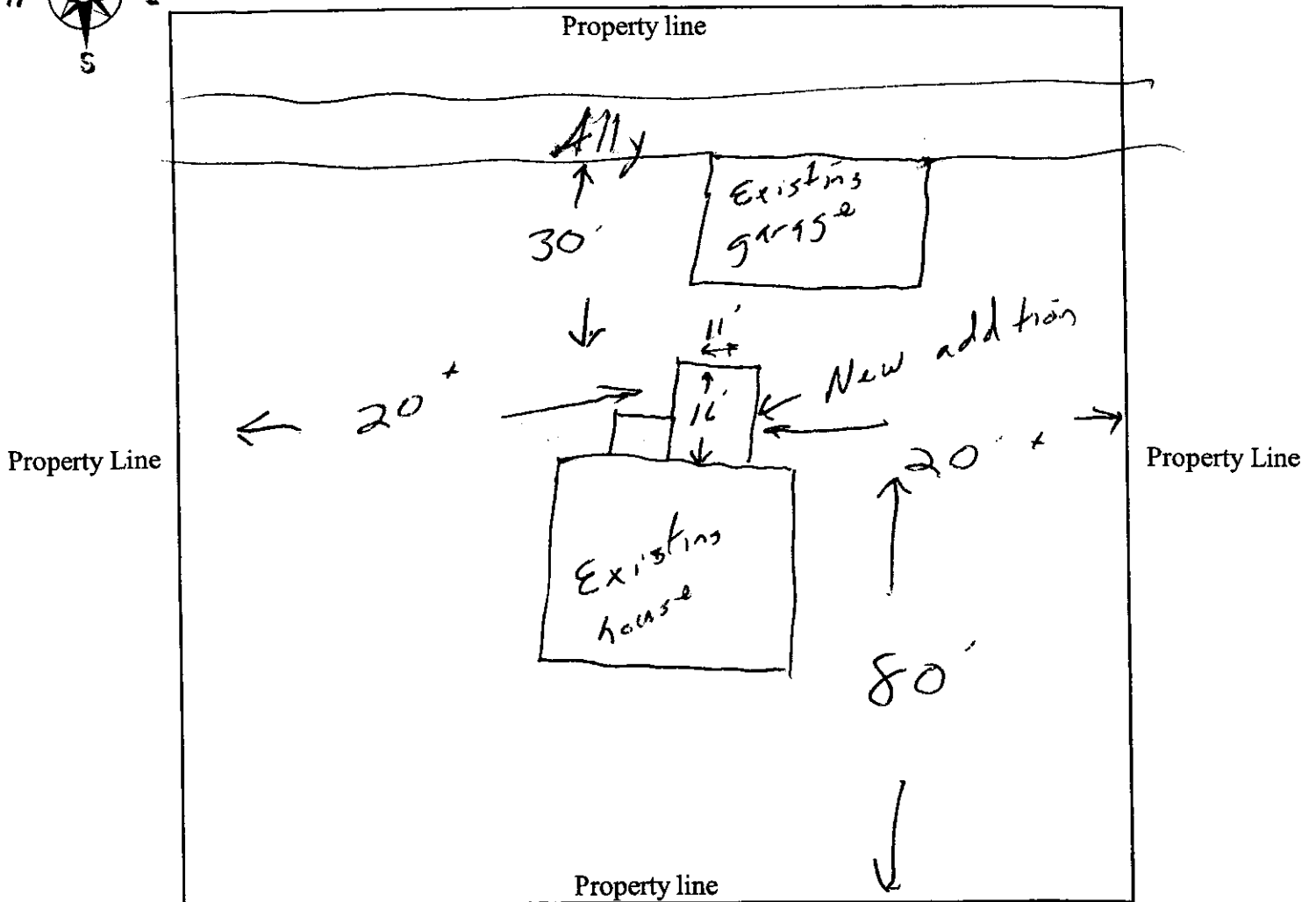
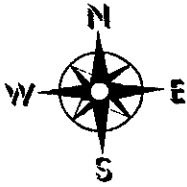
The R-1 single family district is to provide for detached single family homes in neighborhoods with homes of similar character.

- (1) PERMITTED USES. Single family detached residences; home occupations; horticultural uses.
- (2) CONDITIONAL USES. Professional home offices; governmental uses; utilities; two or three family residences, including existing homes converted for such multi-family uses; funeral homes; charitable or non profit institutions or facilities, such as places for religious worship or services; daycare and nursing home facilities; community and other living arrangements, subject to Wis. Stat. §62.23(7)(i), and zero lot line attached units which shall be subject to the requirements of Section 17.24(7) of this Code.
- (3) MINIMUM LOT DIMENSIONS, BUILDING WIDTH, FLOOR SPACE AND FOUNDATION REQUIREMENTS. Lots shall be at least 6,000 square feet in area and at least 60 feet in width. All dwellings will have a minimum floor area of 1,000 square feet, excluding the basement, and the principal structure shall be at least 24 feet in width. All dwellings must be placed on a permanent foundation that meets the specifications and requirements of Wisconsin Administrative Code Section ILHR 21.18 FOUNDATIONS.
- Principal* (4) MINIMUM YARDS. Front and rear yards, 25 feet; side yards, 10 feet.
- (5) SIZE AND PLACEMENT OF ACCESSORY BUILDINGS AND GARAGES. Accessory buildings, other than garages, shall be placed in the rear yard, shall not occupy more than thirty percent of the area of the required rear yard, shall not be more than 15 feet in height, and shall not be nearer than 3 feet to any lotline. Detached garages may be placed in a side yard, provided the front yard setback requirement of 25 feet and the side yard setback requirement of 10 feet, as required in Sub. (4), are met. Garages shall not be more than 20 feet in height.

Sono tube 4' deep
2x - att walls
Spray foam insulation



Site Plan



This plan is not to be used for any other purpose. Setback is figured from property line.

Curb line is not the property line

Owners Name Doug Knoble

Address of property 106 Adams St.

Parcel number 206-00570-0000

Diggers hotline # _____

17.60 PERMIT REQUIRED FOR SIGNS.

- (1) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except those signs excepted in Section 17.61.
- (2) In the B-1, B-2, B-3, M-1 and M-2 Districts, 30-day permits for banners or signs made of plastic, canvass, paper, or other nonrigid materials may be issued by the Zoning Administrator without any fee to permit the erection or display of such signs by businesses on the premises only. Any permit for such a banner or sign that is intended to be erected or displayed for more than 30 days is subject to review by the Plan Commission if so recommended by the Zoning Administrator.

17.60 Permit Required for Signs (cont.)

If such a review is conducted, the Plan Commission may authorize a permit for such period and on such conditions as is determined by the Plan Commission. The City may erect signs, banners or flags without a permit.

- (3) All signs, including banners, shall conform to the provisions of Chapter 17 and the regulations governing the zoning district in which they are located. The minimum front yard setback for signs in the B-2 and M-1 Districts shall be one foot from the street right-of-way, and 10 feet from the side yard and rear yard lotlines.

17.61 SIGNS EXCEPTED.

All signs are prohibited in the R-1A, R-1, R-2, MH, AT and C zoning districts, except the following:

- (1) **SIGNS FOR NONCONFORMING BUSINESSES.** A nonconforming business established shall announce without display or elaboration only the name and occupation or business of the proprietor and may not exceed 40 square feet in area.
- (2) **REAL ESTATE SIGNS.** Signs which advertise the sale, rental or lease of the premises upon which they are temporarily located shall not exceed 8 sq. ft. in area.
- (3) **NAME, HOME OCCUPATION, PROFESSIONAL OFFICE AND WARNING SIGNS.** Such signs shall not exceed six square feet and shall be located on the premises. Lighted signs are not permitted on lots where the principal use is residential.
- (4) **FARM SIGNS.** A sign with the name of the farm, farm owner or commodities produced shall not exceed 10 sq. ft. in total area.

- (5) **BULLETIN BOARDS.** When used for public, charitable or religious institutions, bulletin boards are permitted but shall not exceed 20 square feet in area and shall be located on the premises.
- (6) **MEMORIAL SIGNS.** Tablets, memorial signs, 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.** Traffic control, parking restrictions, information, and notices.
- (8) **GARAGE SALE SIGNS.** Signs no larger than 2 sq. ft. may be erected for the duration of a garage sale as permitted under the conditions of this chapter.

17.62 SIGNS PERMITTED.

Signs are permitted in all business and manufacturing districts subject to the following restrictions.

- (1) **WALL SIGNS.** When placed against the exterior walls of buildings, wall signs shall extend no more than 6" outside of a building's wall surface, shall not exceed 400 sq. ft. in area for any one premises, and shall not exceed 20' in height above the mean centerline of street grade.
- (2) **PROJECTING SIGNS.** When fastened to, suspended from, or supported by structures, projecting signs shall not exceed 100 square feet in area on any one premise; shall not extend more than six feet into any required yard; may extend not more than six feet into any public right of way, provided that the sign does not interfere with use of the right of way; shall not be less than 10 feet from all side lot lines; shall not exceed 20 feet in height above the mean centerline street grade; and shall be at least 10 feet above any sidewalk and 15 feet above any alley.
- (3) **GROUND SIGNS.** Ground signs shall not exceed 30 feet in height above the mean centerline street grade, shall meet all yard requirements for the zoning district, and shall not exceed 100 square feet in area unless a conditional use permit has been obtained permitting such larger size.
- (4) **ROOF SIGNS.** Roof signs shall not exceed 10' in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 sq. ft. on all sides for any one premises.
- (5) **WINDOW SIGNS.** Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
- (6) **COMBINATIONS.** Any of the above signs, when combined, shall meet all the requirements for the individual sign.

- (7) **OFF PREMISES SIGNS.** Signs may be located on the premises other than the premises on which the business or activity which the sign identifies or advertises is located, only if the sign meets the following criteria.
- (a) The sign is rectangular in shape and does not exceed 128 square feet in area.
 - (b) If a projecting sign, the sign shall not be placed on more than two poles or other supporting structures, and the bottom of the sign itself shall be at least 10 feet but no more than 15 feet above the mean centerline street grade.
 - (c) No supporting structure for any sign shall be closer than 10 feet to any highway right of way.

17.62 Signs Permitted (cont.)

- (d) The sign shall meet all other criteria and restrictions of the zoning code of the City.
 - (e) The construction materials, design, colors and location of the sign shall be approved by the Plan Commission.
 - (f) The sign may only be located in the B-1, B-2, or B-3 zoning districts.
 - (g) Prior to granting any final approval for an off premises sign, the Plan Commission shall provide written notice to all property owners within 200 feet of the proposed site of the off premises sign informing them of the time and place when final action and approval for such a sign is contemplated.
- (8) **PORTABLE SIGNS.** Signs which are readily moveable and not attached to a structure or anchored in the ground may be placed on the premises, but not nearer than one foot from any lot lines. Such signs may be placed on City sidewalks on Wisconsin Avenue but their location shall be confined to an area between the grates for trees, and shall not exceed five feet in height and three feet in width with a base not to exceed two and one-half feet.

17.63 TRAFFIC.

Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

17.64 EXISTING SIGNS.

Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of subchapter "Nonconforming Uses, Structures and Lots" shall apply.

17.65 SIGN REMOVAL

At the termination of an advertised use, all signs advertising that use shall be removed from public view within 30 days. Responsibility for violations shall be with the property owner, according to the latest tax roll listing.

17.66 SIGNS GENERALLY.

- (1) No flashing, moving or apparent moving shall be permitted except for time and temperature and changeable copy displays.
- (2) Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public streets.
- (3) No sign shall be placed on a tree.
- (4) **USE OF VEHICLES AS SIGNS PROHIBITED**
 - (a) Definitions.
 - (i) Direct means to guide, tell, or show a person a way to a place to point, aim, or send toward a place; e.g., the sign directed him to the grocery store.
 - (ii) Incidental means happening or likely to happen in an unplanned or subordinate conjunction with something else; likely to happen or naturally appertaining (usually followed by to).
 - (iii) Primary means the first or highest in rank or importance; chief; principal; e.g., the primary purpose was to direct people to his business.
 - (iv) Principal means the first or highest in rank or importance, value, etc., chief; foremost.
 - (v) Purpose means the reason for which something exists, or is done, made, used, etc.

- (b) Prohibition. No person shall park on any public property (including any public street or right-of-way) or park on any private property, any motor vehicle, trailer or other motor driven object which has attached to it or located on it, any sign (as defined in s. 17.08(38)), for the primary purpose of advertising any product or directing people to a business located on the property where it is parked or to a business or other property.
- (c) Exception. This section shall not be construed to prohibit the parking of vehicles which identify the business of the owner or operator, or the employer of the operator, or a product sold or leased by the owner or operator, or the employer of the operator, in circumstances where the parking of the vehicle is incidental to the principal activity of the owner or operator of the vehicle.

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the parking lot. (Created 2016-1, 2/8/16)

9.10 Joint Facilities: Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use, during any peak hour parking period when the parking facility is utilized at the same time by two or more uses.

Conditions required for joint use:

(1) The proposed joint parking space is within five hundred (500) feet of the use it will serve.

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

(3) A properly drawn legal instrument approved by the City Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three-party agreement including the City and all private parties involved.

19.10 SIGNS

10.01 Sign Permit: Except for those signs specifically permitted under this section to be erected without a Building Permit, no sign shall hereafter be located erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a Building Permit. The sign shall also meet all the structural requirements of the Building Code. Signs which may be erected in any zoning district without a permit are identified as follows:

(1) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(2) Name, Occupation and Warning Signs not to exceed two (2) square feet located on the premises.

(3) Memorial Signs, tables, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

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(4) Official Signs, such as traffic-control, parking restrictions, information and notices.

(5) Temporary Signs when authorized by the Zoning Administrator for a period not to exceed thirty (30) days.

10.02 Authorized Signs - Residential Districts: All signs are prohibited in all Residential 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 two (2) feet in height and ten (10) feet in length.

(2) Bulletin Boards for public, charitable or religious institutions not to exceed 42 square feet in area, including all masonry and support.

(3) Signs in connection with home occupations shall be less than six (6) square feet, and in no case shall it be nearer than six (6) feet to any property line. The top of the sign shall not be located outside the requirements for vision clearance specified elsewhere but in no case shall it be construed so as to obstruct the vision of any motorist.

10.03 Authorized Signs Commercial and Industrial Districts: Signs are permitted in all Commercial and Industrial Districts subject to the following restrictions:

(1) Wall Signs placed against the exterior walls or building shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in area for any one premise.

(2) Projected Signs fastened to, suspended from or supported by structures shall not exceed fifty (50) square feet in area for any one premise; shall not extend more than six (6) feet into any required yard; shall not extend more than six (6) feet into any public right-of-way; shall not be less than ten (10) feet from side lot lines; shall not exceed a height of twenty-five (25) feet above the mean centerline street grade; shall not be less than ten (10) feet above the sidewalk and shall not be less than fifteen (15) feet above a driveway or an alley.

(3) Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade and shall meet all yard requirements for the district in which they are located except the commercial district and highway commercial district. No one ground sign shall be greater than two hundred (200) square feet in area with the total area of all ground signs on one premise not to exceed four hundred (400) square feet. Not more than one main ground sign shall be permitted on each street abutting the premises. In addition to the above restrictions, the following restrictions shall apply to signs located along highways in the highway commercial and industrial districts:

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(a) There shall be only one (1) free-standing ground sign per lot regardless of whether such sign serves the business located on that lot or another business. Traffic flow signs shall not be counted in determining compliance with this restriction.

(b) The maximum height to top of any sign shall not exceed twenty (20) feet above the mean centerline street grade and shall not exceed twenty (20) feet in width.

(c) No sign may be placed closer than two hundred (200) feet to any other sign located along the same side of the highway.

(d) The setback of all signs shall be a minimum of ten (10) feet from the property lines or the State Highway setback requirement, whichever is greater.

(4) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed two hundred (200) square feet on all sides for any one premise.

(5) Combination of any of the above signs shall meet all the requirements for the individual sign.

(6) Decorative Murals may be allowed on building exteriors but such mural shall not advertise goods or services. Detailed plans and drawings of any murals proposed must be submitted to and approved by the Plan Commission and the Common Council.

(7) Directional and Informational signs: In highway commercial and industrial districts, directional and informational signs are subject to the following regulations:

(a) The maximum area of the sign shall be ten (10) square feet.

(b) The maximum height to the top of the sign shall not exceed five (5) feet above the mean centerline street grade.

(c) The sign shall be located no nearer than twenty (20) feet to any intersecting street and shall in all cases be set back a minimum of eight (8) feet from the curb.

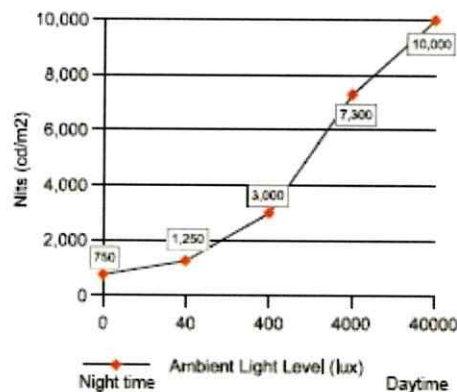
(8) Electronic Message/Digital Signs.

(a) Electronic message/digital signs may be allowed upon the review and approval of a sign permit by the Zoning Administrator upon consideration of the following:

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(1) Signs may be illuminated provided, however, that the surface/face illumination of any sign shall not exceed the levels shown in Figure 1 below for different conditions of ambient light. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been preset not to exceed the above illumination levels, and the preset intensity level is protected from end user manipulation by password protected software or other method approved by the Zoning Administrator. Such an illuminated sign shall be equipped with a sensor and/or timer or other device approved by the Zoning Administrator to automatically adjust the day/night light intensity levels in accordance with Figure 1 below.

Figure 1 - Maximum Sign Brightness with Varying Ambient Light



- (2) Routine messages and digital images shall not repeat in intervals of less than 4 seconds. Transition between messages are permitted but such transitions may only fade, scroll, travel or reveal and the transition shall not exceed a duration of two seconds.
- (3) No traveling message signs shall be permitted. A traveling message is defined as a message transition where the message that is leaving or appearing appears to move vertically or horizontally across the display surface and does not stop (e.g. a sentence that runs across the screen, one word at a time, without stopping).
- (4) Digital images must be stationary.
- (5) No attachments to the principal sign are allowed, such as temporary signs.
- (6) The Zoning Administrator must find that the character of the sign is compatible with the general area, and that limited visual impacts will occur to

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nearby residential areas prior to approving such signs.

(b) Time and temperature signs shall be allowed subject to compliance with 10.03(8)(a).

(c) Illuminated price or rate panels for hotel/motel and motor fuel which change no more than once daily shall be allowed subject to compliance with 10.03(8)(a).

(d) Rotating signs shall be prohibited.

(e) Multiple message signs or tri-vision signs whose message is on triangular louvered facings and is changed by electronic rotation of the louvers shall be prohibited.

10.031 Off-premises signs-Lincoln Avenue. Off-premises sign advertising businesses located within the City limits of the City of Fennimore are permitted on corner lots on Lincoln Avenue subject to the following restrictions: No sign shall exceed 25 square feet in area nor be more than 8 feet in height nor less than 3 feet in width; there shall be no more than 4 signs per intersection and no more than 1 sign at each corner. The business advertised must be located on the street where the sign is located.

10.04 Signs Facing Residential Districts: No sign except those permitted in Subsection 10.02 above shall be permitted to face a Residential District within one hundred (100) feet of each district boundary.

10.05 Signs Shall Not Resemble Traffic Signs: Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

10.06 Signs Prohibited on Public Right-of-Way Except with Temporary Permit: Except for traffic control, all signs are prohibited within the public right-of-way or easements except that a conditional permit to locate signs and decorations on or within the right-of-way may be granted for a specified time not to exceed sixty (60) days and they shall be in conformance to the applicable requirements of this ordinance.

(1) Except for traffic control and signs permitted under sub. (2), all signs are prohibited within the public right-of-way or easements except that a conditional permit to locate signs and decorations on or within the right-of-way may be granted for a specified time not to exceed sixty (60) days and they shall be in conformance to the applicable requirements of this ordinance.

(2) A special use permit to locate directional or informational signs on streets

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may be granted to local governmental entities to guide people to facilities owned or operated by such entities which are located in the City provided such signs meet the requirements of s. 10.05 of this code, do not exceed an area of 3 square feet in size, except for city-owned Industrial Park and welcome signs and further provided that the applicant has obtained any permit required by the Wisconsin Department of Transportation.

10.07 **Illuminated Flashing Signs Prohibited:** Illuminated flashing signs or devices shall not be permitted in any district. Flashing signs are those which change their appearance more than once every four seconds. Chasing lights shall not be permitted.

10.08 **Signs Shall Be Securely Fastened:** Except for temporary signs erected for a period of less than thirty (30) days, signs shall not be attached by adhesive to a building or fence. Signs shall be on separate frame or shall be painted on or securely fastened directly to the building or fence or structure.

10.09 **Direction of Light Regulated:** The source of light for any illuminated sign shall not be directed either into any street or onto any property used or zoned for residential purposes.

10.10 **Condition of All Signs:** All signs in all districts must be kept in a safe, neat and readable condition.

10.11 **Nonconforming Signs:** Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size or location does not conform to the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure; and may not be extended and may not be restored if damaged more than fifty per cent (50%).

19.11 PLANNED RESIDENTIAL UNIT DEVELOPMENT

11.01

(1) Planned unit residential developments consisting exclusively of dwelling units are permitted in the R-3 Multi-Family Residential District and the A-1 Agricultural District as conditional uses. The planned residential unit development will allow for flexibility of overall development design **and** benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in this Chapter.

(2) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under Chapter 703 of the Wisconsin Statutes (condominiums) is permitted as a conditional use under this section.

(3) **SCREENS.** Screens are barriers located in a limited space ten (10) feet or less intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms, or similar techniques. Plant screens shall be sufficient to provide a year-round screen within two (2) years of installation. Walls or earth berms shall be required where noise reduction necessary. Screen plantings shall be permanently maintained by the owner of the property and any plant materials which do not live shall be replaced within six (6) months. The height of walls and fences shall be regulated by the provision of Section 2.6 (B).

SECTION 6.0 (SIGNS)

6.1 (PURPOSE)

The purpose of this section is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the City Limits of the City of Prairie du Chien. This section 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. This code authorizes the use of signs visible from public rights-of-way, provided the signs are:

- (a) Compatible with the Zoning Regulations as set forth in this Chapter.
- (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (c) Legible, readable and visible in the circumstance in which they are used.
- (d) Respectful of the reasonable rights of others and of other advertisers whose messages are displayed.

6.2 (ADMINISTRATION)

The Zoning Administrator shall administer this section and is referred to herein as the Sign Inspector.

6.3 (DEFINITIONS AND DISTRICT CLASSIFICATIONS)

(1) Definitions adopted for reference in this Section are as follows:

- (a) Abandoned Sign - A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product.
- (b) Area of Copy/Gross Area - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement or decoration of a wall sign.
- (c) Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled.
- (c) (1) Banner - Any sign printed or displayed upon cloth or other flexible material without rigid backing.⁴⁵
- (d) Billboard - See "Off Premises Signs"
- (e) Building Fascia - That portion of a building which is parallel or nearly parallel to the abutting roadway.
- (f) Business Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.
- (g) Canopy Sign - Any sign attached to or constructed in, on or under a canopy or marquee. For the purpose of this section, canopy signs shall be controlled by the rules governing projecting signs.
- (h) Changeable Message Sign - A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as a part of it, a changeable message sign.
- (i) Directional Sign - Any sign which serves to designate the location of or direction to any place or area.
- (j) Double-faced Sign - A sign with copy on two faces, facing in different directions.
- (k) Electric Sign - Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
- (l) Electric Sign Contractor - A person, partnership, or corporation which, in the normal course of business, frequently installs and maintains electric signs.
- (m) Electronic Message Sign - A changeable message sign whose message is electrically activated, such as with light bulbs or mechanical flip discs.

⁴⁵ Section 6.0 – 6.3 (1) (c) (1) - Amended by Ordinance 2012-07

- (n) Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent, flashing or rotating light by means of animation, or an eternally mounted intermittent light source, not including changeable message signs.
 - (o) Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
 - (p) Ground Sign - A sign erected on one or more free-standing supports or uprights and not attached to any building.
 - (q) Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
 - (r) Legal Nonconforming Sign - A nonconforming sign that did meet code regulations when it was originally installed.
 - (s) Nonconforming Sign - A sign that does not meet code regulations.
 - (t) Portable Sign - Any sign not permanently attached to the ground or a building.
 - (u) Off-Premises Sign - A sign which advertises goods, products, 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.
 - (v) On-Premises Sign - Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.
 - (w) Projecting Sign - A sign, normally double-faced, which is attached to and projects from a structure or building fascia. The area of projecting signs is calculated on one face only.
 - (x) Roof Sign - A sign erected upon, against or above a roof.
 - (y) Sandwich Sign - A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near a roadway.
 - (z) Shopping Center - A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shapes to the trade area which the unit serves.
 - (aa) Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.
 - (ab) Sign Contractor - Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs.
 - (ac) Sign Inspector - That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this code. The Zoning Administrator is herein referred to as the Sign Inspector.
 - (ad) Sign Structure - Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
 - (ae) Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
 - (af) Temporary Sign - A sign that is temporary in nature (not to exceed 30 days in existence).
 - (ag) Wall Sign - A sign attached to the wall of a building with the face in a parallel plane of the building wall. This includes signs painted directly on a wall.
 - (ah) Window Sign - A sign installed on a window for the purposes of viewing from outside the premises.
- (2) Zoning Districts referenced in this Section are:
- (a) R-1 Low Density Residential
 - (b) R-2 Medium Density Residential
 - (c) R-3 High Density Residential
 - (d) R-4 Mobile Home District
 - (e) B-1 Central Business
 - (f) B-2 Highway Commercial
 - (g) I-1 Industrial Non-Manufacturing
 - (h) I-2 Industrial Manufacturing
 - (i) RF Riverfront
 - (j) PCD Planned Community Development District
 - (k) AT Agricultural Transition

6.4 (PERMITS REQUIRED)

It shall be unlawful for any person to erect, construct, enlarge, relocate or structurally modify a sign or cause the same to be done in the City of Prairie du Chien without first obtaining a sign permit for each such sign from the Zoning Administrator as is required by this section. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

6.5 (APPLICATION FOR A PERMIT)

Application for a Permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:

- (a) Name and addresses and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor involved in the project.
- (b) Identification of the subject location of the sign including Zoning District.
- (c) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size dimensions and kind of materials to be used in such structure.
- (d) A site plan showing the building on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.
- (e) Such other information as the Sign Inspector may require to show full compliance with this and all other applicable laws of the City of Prairie du Chien.
- (f) Signature of the applicant and owner if not the applicant.
- (g) Fee Receipt for required permit fees.

6.6 (FEES FOR SIGN PERMITS)⁴⁶

\$25.00 plus \$.02 per square foot.

6.7 (PERMIT ISSUANCE AND DENIAL)

The Sign Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Prairie du Chien when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the City of Prairie du Chien. If the sign permit is denied by the Sign Inspector, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial along with the return of all permit fees and papers.

6.8 (APPEALS)

(1) Appeals may be filed in accordance with Chapter 17, Section 10 of this Code.

(2) The Sign Inspector's failure to either formally grant or deny a sign permit within five days of the date an application meeting the requirements of this section is filed, shall be cause for appeal to the Zoning Board of Appeals.

6.9 (CONSTRUCTION SPECIFICATIONS)

(1) All signs shall comply with the provisions of the City of Prairie du Chien Zoning Code and the additional construction standards hereinafter set forth.

(2) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.

(3) Electric service to ground signs shall be concealed wherever possible.

6.10 (GENERAL DESIGN REQUIREMENTS)⁴⁷

(1) Any ground sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of 10' feet between the bottom of the sign and grade at the right-of-way line or shall be not more than 3 feet in height.

(2) Canopy signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of 8 feet.

⁴⁶ Section 6.0 – 6.6 - Amended by Ordinance 2004-10

⁴⁷ Section 6.0 – 6.10 - Recreated by Ordinance 2012-21

- (3) Projecting signs may extend not further than eight feet from the building to which they are attached, nor be less than 10 feet, bottom of sign to grade.
- (4) No sign structure may be located in the public right-of-way.
- (5) A roof sign may not extend more than 15' feet above the highest point of the roof on which it is installed, or the height limit for ground signs, whichever is less.
- (6) The gross area of permanent window signs shall not exceed 50% of the gross window area of any given building fascia.
- (7) Any sign location that is accessible to vehicles shall have a minimum vertical clearance of 16 feet.
- (8) No sign facing a Residential Zoned District shall be closer than 25 feet to that district line.

6.11 (INSTALLATION AND MAINTENANCE SAFETY)

All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This section recognized that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Sign Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Sign Inspector may also cite the sign contractor for a violation of this ordinance if he fails to use proper equipment in the maintenance of signs.

- (a) 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 when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
- (b) The Sign Inspector shall require compliance with all standards to this section. If the sign is not maintained to comply with the standards outlined in this section, the Sign Inspector shall require its removal in accordance with this section.

6.12 (REMOVAL AND DISPOSITION OF SIGNS)

- (1) **ABANDONED SIGNS.** At the termination of a business, commercial or industrial enterprise, all signs shall, within thirty (30) days, be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings. If the owner fails to remove the sign, the Sign Inspector shall give the owner thirty (30) days written notice to remove said sign. Upon failure to comply with this notice, the City of Prairie du Chien may cause removal to be executed, the expenses of which will be assessed to the tax roll listing of the property on which the abandoned sign is located.
- (2) **DETERIORATED OR DILAPIDATED SIGNS.** The Zoning Administrator shall cause to be removed, any deteriorated or dilapidated signs under the provisions of Wisconsin Statute 66.05.
- (3) A sign illegally placed on any public property shall immediately be removed and destroyed by the City and its cost of removal and destruction shall be charged to the party who placed the sign.⁴⁸

6.13 (LEGAL NON-CONFORMING SIGNS)

- (1) Signs lawfully existing at the time of the adoption or amendment of this section may be continued, although the use, size or location does not conform with the provisions of this section, however, shall be deemed nonconforming uses or structures and the provisions of Section 7.0 shall apply.
- (2) **MAINTENANCE AND REPAIR.** Nothing in this section shall relieve the owner or user of a legal non-conforming sign or the owner of the property on which the sign is located from the provisions of this section regarding safety, maintenance and repair of signs.

6.14 (PROHIBITED SIGNS)

The following signs shall be prohibited within the City of Prairie du Chien:

- (a) Abandoned Signs

⁴⁸ Section 6.0 – 6.12 (3) - Created by Ordinance 2012-07

(b) Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited. Any sign with lighting detrimental to traffic visibility or safety is prohibited.

(c) Swinging Signs over 50 square feet in area.

(d) Signs which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

(e) Signs which are an imitation of, or resemble in shape, size, copy or color, an official traffic sign or signal.

(f) 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 basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

6.15 (SIGNS NOT REQUIRING A PERMIT)

(1) CONSTRUCTION SIGNS. Two construction signs per construction site, not exceeding 100 square feet in area each, confined to the site of construction. Such Sign shall be removed within thirty days after completion of construction or prior to occupancy, whichever is sooner.

(2) DIRECTION AND INSTRUCTIONAL NON-ELECTRIC SIGNS, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.

(3) Non-illuminated emblems or insignias of any nation or political subdivision, profit or non-profit organization, less than ten (10) square feet each in area.

(4) GOVERNMENT SIGNS. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

(5) HOME OCCUPATION SIGNS. Signs associated with the home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area.

(6) HOUSE NUMBERS AND NAME PLATES. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.

(7) INTERIOR SIGNS. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however exempt such signs from the construction, maintenance and safety sections of this section.

(8) MEMORIAL SIGNS AND PLAQUES. Memorial Signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material, which do not exceed four (4) square feet in area.

(9) NO TRESPASSING OR NO DUMPING SIGNS. No trespassing and no dumping signs not to exceed four (4) square feet in area.

(10) PUBLIC NOTICES. Official notices posted by public officers or employees in the performance of their duties.

(11) PUBLIC SIGNS. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.

(12) POLITICAL AND CAMPAIGN SIGNS. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

(a) Said signs may be erected not earlier than forty-five (45) days prior to the election and shall be removed with five (5) days following said day of voting.

- (b) Each sign, except billboards, shall not exceed nine (9) square feet in non-residential zoning districts and six (6) square feet in residential zoning districts.
- (c) No sign shall be located within fifteen feet of the public right-of-way, a street intersection nor on or over the right-of-way.

(13) **REAL ESTATE SIGNS.** One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

- (a) In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.
- (b) In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.

(14) **TEMPORARY WINDOW SIGNS.** In business, commercial, and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 75% of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs may not be posted for a period longer than forty-five (45) days.

(15) **ON-PREMISES SYMBOLS OR INSIGNIAS.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

(16) **ON-PREMISES TEMPORARY SIGNS.** Such signs not exceeding thirty-two (32) square feet in area pertaining to special events provided such signs comply with the following:

- (a) Such signs may not be posted more than thirty (30) days before an event and removed within 2 days after the close of the event.
- (b) Such signs must be located as so not to obstruct the visibility from any intersection or driveway.
- (c) Such signs must be adequately supported and anchored.
- (d) Such signs must not be located in any street or alley right-of-way.⁴⁹

(17) **VEHICULAR SIGNS.** Truck bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.

(18) **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 the neighborhood or subdivision name.

6.16 (SPECIAL SIGNS)

The following signs may be allowed with a special permit issued by the Zoning Administrator:

- (a) **Subdivision or Development Signs.** A temporary sign any Zoning District in connection with the marketing of lots or structures in a subdivision or development subject to the following restrictions:

1. Such permits may be issued for a period of not more than one (1) year and may be renewed for additional periods of up to one (1) year upon written application at least 30 days prior to expiration.
2. Signs as used in this section refer to all types of signs except those excepted or prohibited by this ordinance.
3. The sign must be located on the property being developed and must comply with all applicable building setback requirements for the district.
4. The sign may not exceed thirty-two (32) square feet.
5. One sign is allowed for each five acres of the subdivision or development with a maximum of one sign if the subdivision or development is under 5 acres.

- (b) **On Premises Banners and Other Promotional Accessories.** Promotional accessories such as searchlights, symbols, displays, portable stands, pennants, etc., may not be used on a permanent basis provided such banners and promotional accessories comply with the following:

1. In residential districts, such promotional accessories may be used in conjunction with an open house or model home demonstration, an auction services conducting an auction or on the premises of an approved "Conditional Use" in the district for special events for up to 5 days before the opening of such demonstration or event and must be removed within 2 days of the

⁴⁹ Section 6.0 – 6.15 (16 (d) - Amended by Ordinance 98-12

close of such demonstration or event and may not be displayed for more than thirty consecutive days.

2. In business and industrial districts, such promotional accessories will be allowed for special sale promotions, grand opening celebrations, etc. not to exceed a period of 30 days.

3. All such devices and accessories must be located on the premises not encroach onto any street or alley right-of-way and be located in a manner that will not obstruct visibility at any intersection or driveway.

(c) Off Premises Unlighted Special Event Signs and Banners. Off premises unlighted event banners not exceeding one hundred square feet and off premises temporary event signs not exceeding thirty-two square feet may be allowed in B-1, B-2, I-1, I-2 and RF Districts with a special permit issued by the Zoning Department. No sign or banner shall be taller than 8 feet measured from the ground to the top of sign or banner. Temporary event signs and banners are to be located on no more than four locations per event and no more than one sign or one banner per location. No temporary event sign or banner to be located on any property zoned residential or being used for residential purposes. No temporary event signs or banners to be placed on, over, or within the public right-of-way or within the vision triangle as defined by the ordinance.⁵⁰

1. Over the Street Banners

a) An over the street banner is defined as a flexible, horizontal sign with rope or cable supports across an entire roadway.

b) The lowest portion of the banner located over any street may not be lower than seventeen (17) feet above the traveled portion of the roadway over which the banner is located.

c) The event sponsor must obtain authorization from the utility company controlling any posts to which the banner is attached.

d) No over the street banners are allowed over any roadway that is part of the state trunk highway system or a connecting highway.

e) Over the street banners are prohibited except with special permission from the City Council in consultation with the Plan Commission and Board of Public Works and with a special sign permit issued by the Zoning Administrator. Proof of insurance for any over the street banner must be filed with the City Administrator's Office prior to the erection of any such banner or sign.

2. Temporary Event Banners and Signs Located on Private Property.

a) Event banners and signs located on private property must be erected in a manner that will not obstruct visibility from any intersection or driveway and shall be secured to prevent the banner or sign from extending into any public way. No temporary event signs or banners to be located within 200 feet of the right-of-way of Blackhawk Avenue between Marquette Road and St. Feriole Island.

b) Authorization of the owner of the property must be submitted with application for temporary sign or banner. No temporary event sign or banner shall be located on public property without special permission to use the public property from the City Administrator. Although granted permission from the City Administrator to use the public property in this way, an applicant for a temporary sign must still secure a special sign permit issued by the Zoning Administrator and comply with all requirements of this chapter. Nothing in this ordinance shall prohibit the City from placing banners and signs on City property for City sponsored events.

c) No temporary event sign or banner shall be erected that advertises an event held outside the corporate limits of the City without special permission from the Common Council.

3. No temporary event banners or signs may be displayed more than 30 calendar days before an event and temporary banners, signs and sign mounting structures and/or cables must be removed within 2 calendar days of the close of the event.

4. If a temporary event banner is placed in violation of this ordinance, it shall be removed within 12 hours of notification by the Police Department. For each day, the violation is not corrected, a fine of \$75 per day shall be levied. In the event that the sign is not removed within 10 days of the notice, the sign shall be removed and destroyed by the City and, in addition to the daily fine imposed, its cost of removal and destruction shall be charged to the party who placed the sign and to the owner upon whose property the sign is located. In addition, if the event being

⁵⁰ Section 6.0 – 6.16 (c) - Re-created by Ordinance 2012-07

advertised is located on City-owned property, the special event permit shall be revoked if compliance is not achieved by the end of the first five days. Each sign in violation shall be considered a separate violation.

6.17 (SIGNS PERMITTED BY ZONING DISTRICTS)

Subject to the following:

(a) Residential Districts R-1 - Low Density Residential, R-2 Medium Density Residential, R-2 Medium Density Residential, R-3 High Density Residential and R-4 Mobile Home Districts.

1. Permitted Signs

(a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal nonconforming use or public or utility use in the zoning district.

(b) Special Signs authorized by the Zoning Administrator.

(c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall be limited to an area not exceeding six (6) square feet. Such sign shall not be closer to the ground than three (3) feet and shall not extend higher than six (6) feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of Sec. 6.17(B) (1) (f).

2. Signs Permitted by Variance Approval by the City Plan Commission.

(a) Business Identification signs for Conditional Uses or for existing non-conforming uses based on the following:

1. Wall signs and directional signs and one ground sign per street

2. Area restrictions of twenty-four (24) square feet for each ground sign and the total area of wall signs is not to exceed one (1) square foot per lineal foot of a building fascia facing a right-of-way.

3. Height Restrictions: Ground signs are not to exceed a height of six (6) feet.

4. Setbacks: All ground signs must be at least ten (10) feet from interior side of rear lot lines and completely outside the public right-of-way.

(b) Off-premises signs providing there is compliance with requirements of Section 6.17 (1) (f).

3. Prohibited Signs.⁵¹

(a) Electronic Variable Message Signs (EVMS).

1. For the purpose of this section, an EVMS shall be defined as a sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means.

2. Existing signs may be replaced or repaired as long as the size of said sign is not increased or the illumination is not increased.

(b) Commercial and Industrial Zoning Districts, B-1 Central Business, B-2 Highway Commercial, I-1 Industrial non-manufacturing I-2 Industrial Manufacturing.⁵²

1. Permitted Signs

(a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.

(b) Special Signs authorized by the Zoning Administrator.

(c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall meet the requirements as set forth in Section 6.17 A (1) (c).

(d) Wall, window, Marquee, Directional, Canopy, Ground Signs, Projecting or Roof Signs, in connection with permitted, conditional or legal non-conforming uses in the Zoning District, subject to the following restrictions and regulations:

1. One projecting or roof sign per frontage road.

2. The area of projecting signs or roof signs may not exceed four (4) square feet per lineal foot of lot frontage to a maximum of 500 square feet.

⁵¹ Section 6.0 – 6.17 (a) (3) - Created by Ordinance 2013-02

⁵² Section 6.0 – 6.17 (b) - Recreated by Ordinance 2012-20

3. Height restrictions. Ground and projecting signs may not exceed forty (40) feet in height.
 4. Spacing. Projecting signs may be spaced no closer than twenty-five (25) feet from the nearest projecting sign.
 5. Projecting signs must be a minimum of 10' from the bottom of the sign to grade.
- (e) Shopping Center Signs subject to the following restrictions and regulations:
1. One shopping center identification sign with the height limitation of forty (40) feet is permitted. If shopping center is on a corner, either one corner sign or two signs, one on each street may be permitted. If two signs are installed, they must be placed at least 200 feet from the lot corner of the intersection.
 2. Area Restriction for shopping center identification signs are based on two (2) square feet of sign area per lineal foot of lot frontage.
 3. Ground signs including shopping center identification signs and directional signs must be set back at least ten (10) feet from the right of way line of abutting streets.
 4. Tenant wall, window and marquee signs are permitted such signs are limited to eight (8) square feet per lineal foot of building frontage, not to exceed 500 square feet in area.
- (f) Off-Premises Signs are permitted subject to the following restrictions and regulations:
1. A maximum of two (2) off-premises signs per property may be permitted provided the signs do not face residences located in a residential zoning district, or are placed outside the minimum building and landscape setback requirements as required in the zoning code for the district in which the sign is located.
 2. Off-Premises Signs may not exceed three hundred (300) square feet in area per sign, including border and trim, but not including border and trim, but not including uprights.
 3. Off-premises signs may not be spaced closer than three hundred (300) feet apart, facing the same directions; measurements shall be taken along the right-of-way of the abutting roadway.
 4. Off-premises signs shall be minimum of 75 feet from an occupied residential dwelling when facing said residential dwelling.
 5. Off-premises signs may not exceed thirty (30) feet in height from grade to the top of sign structure. Minimum distance from grade to the bottom of the sign is eight (8) feet.
 6. No off premises signs will be permitted on Marquette Road the area located south of Park Street and north of Parrish Street in the City of Prairie du Chien.
 7. Off-Premises Signs will be permitted in the area south of Parrish Street along Marquette Road and north of Park Street along Marquette Road. No such off-premises signs shall be allowed in any other location of the city without the approval of the City Plan Commission upon application therefore.
- (c) Planned Community Development District. Signage in a planned development shall be controlled by the provisions in the plan for the business development, as adopted by the City Plan Commission, but shall not exceed the signage restrictions for the surrounding geographical area.⁵³
- (d) RF – Riverfront District
1. Permitted Signs
 - (a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.
 - (b) Special signs authorized by the Zoning Administrator.
 - (c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or other similar non-profit organization or to historic sites. Such signs shall meet the requirements as set forth in Section 6.17 A. (1) (c).

⁵³ Section 6.0 – 6.17 (c) - Amended by Ordinance 738

(d) Business Identification signs for Permitted, Conditional and existing non-conforming uses subject to the following:

1. Wall signs and directional signs and one ground sign per street.
2. Area restrictions of twenty-four (24) square feet for each ground sign and the total area of wall signs is not to exceed one (1) square foot per lineal foot of a building fascia facing a right-of-way.
3. Height restrictions: Ground signs are not to exceed a height of six (6) feet.
4. Setbacks: All ground signs must be at least ten (10) feet from interior side or rear lot lines and completely outside the public right-of-way

2. Signs Permitted by Variance Approval by the City Plan Commission.

(a) Off-premises signs providing there is compliance with requirements of Section 6.17 B (1) (f).

(f) Repealed.⁵⁴

6.18 (PENALTIES)

(1) Violation or failure to comply with the provisions of this section shall be and hereby is declared to be unlawful.

(2) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this section shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Zoning Administrator. In the event that the owner does not remove said sign or bring said sign into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll listing of the property on which the non-complying sign is located. Compliance within 30 days shall also require the payment of double the fees required under 6.6 of this section.

(3) This section shall not preclude the City of Prairie du Chien from maintaining any appropriate action to prevent or remove a violation of this section including issuance of a citation for violation hereof.

SECTION 7.0 (NONCONFORMING USES, STRUCTURES AND LOTS)

7.1 (EXISTING NONCONFORMING USES)

The lawful nonconforming use of a structure, sign land or water existing prior to the effective date of this ordinance, may be continued although the use does not conform with the provisions of this ordinance, however:

- (a) Only that portion of the land or water in actual use may be so continued and any associated structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.
- (b) Substitution of new uses or equipment may be permitted by the Board of Zoning Appeals if such use or equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

7.2 (EXISTING NONCONFORMING STRUCTURES)

Any lawful nonconforming structure existing prior to the effective date of this ordinance, may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provision of this ordinance; however, it shall not be extended, enlarged, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance. Normal maintenance is permitted. This provision shall not be interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that are or may still be in conformance with this ordinance so long as such extensions or enlargements do not thereby create additional nonconforming dimensions or increase the nonconformance with respect to parking and loading and access. Any extension or enlargement of a nonconforming structure is subject to review and approval of the Plan Commission.

7.3 (ABOLISHMENT OR REPLACEMENT)

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structures, land or water shall conform to the provisions of this ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood or other calamity to the extent of more than fifty percent (50%) of the current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this ordinance.

⁵⁴ Section 6.0 – 6.17 (f) - Amended by Ordinance 2010-14

WINDOW SIGN

A sign installed on a window for the purposes of viewing from outside the premises.

[1] *Editor's Note: See also § 455-87, Definitions.*

B. Zoning districts referenced in this article are:

- (1) R-A Residential-Agriculture.
- (2) R-1 Single-Family Residential.
- (3) R-2 One- and Two-Family Residential.
- (4) R-3 Multifamily Residential.
- (5) C-1 General Business.
- (6) C-2 Central Business.
- (7) I General Industry.
- (8) CON Conservancy.
- (9) U Utility and Government Use.
[Amended 11-17-2014 by Ord. No. 2014-05]

(10) PUD Planned Unit Development.^[2]

[2] *Editor's Note: Original § 16.09(b)(11), regarding signs in manufactured home parks, which immediately followed this subsection, was repealed 11-17-2014 by Ord. No. 2014-05.*

§ 455-49. Permit required.

It shall be unlawful for any person to erect, construct, enlarge, relocate or structurally modify a sign or cause the same to be done in the City of Lancaster without first obtaining a sign permit for each such sign from the Zoning Administrator as is required by this article. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

§ 455-50. Application for permit.

Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:

- A. Name, address, and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor involved in the project.
- B. Identification of the subject location of the sign including zoning district.
- C. Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size dimensions, and kind of materials to be used in such structure.
- D. A site plan showing the building on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.
- E. Such other information as the Sign Inspector may require to show full compliance with this chapter and all other applicable laws of the City of Lancaster.
- F. Signature of the applicant and owner, if not the applicant.
- G. Fee receipt for required permit fees.

OFF-PREMISES SIGN

A sign which advertises goods, products, 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.

ON-PREMISES SIGN

Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained, excluding window signs.

PORTABLE SIGN

Any sign not permanently attached to the ground or a building.

PROJECTING SIGN

A sign, normally double-faced, which is attached to and projects from a structure or building facade. The area of projecting signs is calculated on one face only.

ROOF SIGN

A sign erected upon, against, or above a roof.

SANDWICH SIGN

A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near a roadway.

SHOPPING CENTER

A group of commercial establishments planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shapes to the trade area which the unit serves.

SIGN

Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information, or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, "sign" shall also include all sign structures.

SIGN CONTRACTOR

Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs.

SIGN INSPECTOR

That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this code. The Zoning Administrator is herein referred to as the Sign Inspector.

SIGN STRUCTURE

Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

SWINGING SIGN

A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

TEMPORARY SIGN

A sign that is temporary in nature (not to exceed 30 days in existence).

WALL SIGN

A sign attached to the wall of a building with the face in a parallel plane of the building wall. This includes signs painted directly on a wall.

See "off-premises sign."

BUILDING FACADE

That portion of a building which is parallel or nearly parallel to the abutting roadway.

BUSINESS IDENTIFICATION SIGN

Any sign which promotes the name and type of business only on the premises where it is located.

CANOPY SIGN

Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this article, canopy signs shall be controlled by the rules governing projecting signs.

CHANGEABLE MESSAGE SIGN

A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric, or manual, where copy changes. Any sign may be, or include as a part of it, a changeable message sign.

DIRECTIONAL SIGN

Any sign which serves to designate the location of or direction to any place or area.

DOUBLE-FACED SIGN

A sign with copy on two faces, facing in different directions.

ELECTRIC SIGN

Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.

ELECTRIC SIGN CONTRACTOR

A person, partnership, or corporation which, in the normal course of business, frequently installs and maintains electric signs.

ELECTRONIC MESSAGE SIGN

A changeable message sign whose message is electrically activated, such as with light bulbs or mechanical flip discs.

FLASHING SIGN

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent, flashing, or rotating light by means of animation, or an externally mounted intermittent light source, not including changeable message signs.

GRADE

The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

GROUND SIGN

A sign erected on one or more freestanding supports or uprights and not attached to any building.

HEIGHT OF SIGN

The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

LEGAL NONCONFORMING SIGN

A nonconforming sign that did meet code regulations when it was originally installed.

NONCONFORMING SIGN

A sign that does not meet code regulations.

City of Lancaster, WI
Thursday, April 28, 2022

Chapter 455. Zoning

Article VI. Signs

§ 455-46. Purpose.

The purpose of this article is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the City limits of the City of Lancaster. 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. This article authorizes the use of signs visible from public rights-of-way, provided that the signs are:

- A. Compatible with the zoning regulations as set forth in this chapter.
- B. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- C. Legible, readable, and visible in the circumstance in which they are used.
- D. Respectful of the reasonable rights of others and of other advertisers whose messages are displayed.

§ 455-47. Administration.

The Zoning Administrator shall administer this article and is referred to herein as the "Sign Inspector."

§ 455-48. Definitions and district classifications.

- A. Definitions adopted for reference in this article are as follows:^[1]

ABANDONED SIGN

A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product.

AREA OF COPY/GROSS AREA

The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration of a wall sign.

AREA OF SIGN

The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled.

BILLBOARD

§ 455-51. Fees for sign permits.

[Amended 11-17-2014 by Ord. No. 2014-05]

Fees for sign permits shall be as established under the fee schedule ordinance, a copy of which is kept in the office of the City Clerk/Treasurer.

§ 455-52. Permit issuance and denial.

The Sign Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Lancaster when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the City of Lancaster. If the sign permit is denied by the Sign Inspector, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial along with the return of all permit fees and papers.

§ 455-53. Appeals.

- A. Appeals may be filed in accordance with § 455-85 of this chapter.
- B. The Sign Inspector's failure to either formally grant or deny a sign permit within 45 days of the date an application meeting the requirements of this article is filed shall be cause for appeal to the Zoning Board of Appeals.

§ 455-54. Construction specifications.

- A. All signs shall comply with the provisions of this chapter and the additional construction standards hereinafter set forth.
- B. All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- C. Electric service to ground signs shall be concealed wherever possible.

§ 455-55. General design requirements.

- A. Any ground sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of 10 feet between the bottom of the sign and grade at the right-of-way line or shall be not more than three feet in height.
- B. Canopy signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of eight feet.
- C. Projecting signs may extend not further than eight feet from the building to which they are attached, nor shall there be less than 10 feet from the bottom of the projecting sign to grade.
[Amended 11-17-2014 by Ord. No. 2014-05]
- D. A sign may extend closer not than two feet to the vertical plane of the street curb or, if no curb exists, not more than eight feet beyond the vertical plane of the Official Map right-of-way line. No sign structure may be located in the right-of-way.
[Amended 11-17-2014 by Ord. No. 2014-05]

- E. A roof sign shall be a conditional use in the district in which it is requested and shall not be granted without Plan Commission approval.
- F. The gross area of permanent window signs shall not exceed 33% of the gross window area of any given building facade.
- G. Any sign location that is accessible to vehicles shall have a minimum vertical clearance of 16 feet.
- H. No sign facing a residential zoned district shall be closer than 25 feet to that district line.

§ 455-56. Installation and maintenance safety.

All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This article recognizes that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Sign Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Sign Inspector may also cite the sign contractor for a violation of this chapter if he fails to use proper equipment in the maintenance of signs.

- A. 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.
- B. The Sign Inspector shall require compliance with all standards in this article. If the sign is not maintained to comply with the standards outlined in this article, the Sign Inspector shall require its removal in accordance with this article.

§ 455-57. Removal and disposition of signs.

- A. Abandoned signs. At the termination of a business, commercial or industrial enterprise, all signs shall, within 60 days, be removed from the public view. If more than 60 days are needed, an extension may be requested by applying to the Plan Commission. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings. If the owner fails to remove the sign, the Sign Inspector shall give the owner 60 days' written notice to remove said sign. Upon failure to comply with this notice, the City of Lancaster may cause removal to be executed, the expenses of which will be assessed to the tax roll listing of the property on which the abandoned sign is located.^[1]

[1] *Editor's Note: Original § 16.09(12)(b), which immediately followed this subsection, was repealed 11-17-2014 by Ord. No. 2014-05.*

- B. Deteriorated or dilapidated signs. The Sign Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats.

§ 455-58. Legal nonconforming signs.

- A. Signs lawfully existing at the time of the adoption or amendment of this article may be continued, although the use, size, or location does not conform to the provisions of this article; however, they shall be deemed nonconforming uses or structures and the provisions of Article X of this chapter shall apply.
- B. Maintenance and repair. Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

§ 455-59. Prohibited signs; lighting; advertising vehicles.

A. The following signs shall be prohibited within the City of Lancaster:

- (1) Abandoned signs.
- (2) Swinging signs over 50 square feet in area.
- (3) Signs which bear or contain statements, words, or pictures of obscene, pornographic or immoral subjects.
- (4) Signs which are an imitation of, or resemble in shape, size, copy, or color, an official traffic sign or signal.
- (5) Portable signs that could endanger public safety.
- (6) Flashing signs.
 - (a) Exceptions: Signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays, that may be changed by any electronic process, subject to all of the following restrictions:
[Added 11-17-2014 by Ord. No. 2014-05]
 - [1] Each change of message shall be accomplished in one second or less.
 - [2] Each message shall remain in a fixed position for a least six seconds.
 - [3] The use of traveling messages or segmented messages is prohibited.
 - [4] The Zoning Administrator may prohibit or establish restrictions on the illuminations of messages to a degree of brightness that is greater than necessary for adequate visibility.
- (7) Semitrailer or trailer signs.

B. Business and industrial signs may be internally lighted or illuminated by a hooded reflector; provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices or which diminish the visibility or effectiveness of such traffic signal devices are prohibited. Any sign with lighting detrimental to traffic visibility or safety is prohibited.

C. 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 basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

§ 455-60. Signs not requiring permit.

The following signs may be allowed without a permit:

- A. Construction signs. Two construction signs per construction site, not exceeding 32 square feet in area each, confined to the site of construction. Such sign shall be removed within 30 days after completion of construction or prior to occupancy, whichever is sooner.
- B. Direction and instructional non-electric signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet each in area and

do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances, and exits.

- C. Nonilluminated emblems or insignias of any nation or political subdivision or profit or nonprofit organization, less than 10 square feet in area.
- D. Government signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.
- E. Home occupation signs. Signs associated with a home occupation as defined in this chapter, provided that such signs are nonilluminated signs that do not exceed eight square feet in area and have been approved by the Plan Commission.
- F. House numbers and name plates. House numbers and name plates not exceeding two square feet in area for each residential, commercial, or industrial building.
- G. Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the construction, maintenance and safety sections of this article.
- H. Memorial signs and plaques. Memorial signs or tablets, names of buildings and date of erection which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material, which do not exceed four square feet in area.
- I. No trespassing or no dumping signs. No trespassing and no dumping signs not to exceed four square feet in area.
- J. Public notices. Official notices posted by public officers or employees in the performance of their duties.
- K. Public signs. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.
- L. Political signs. Political signs are signs used in connection with a local, state, or national election or referendum. Political signs may be displayed in front, side, and rear yards on a premises in any zoning district only during the following times: commencing with the filing of nomination papers of the candidate for public office with the appropriate governmental office in charge thereof or the placement of an issue on an election ballot and terminating 14 days after the election for the position or issue which is the subject of the referendum.
[Amended 11-17-2014 by Ord. No. 2014-05]
- M. Real estate signs. One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated, nor shall said sign be located in any vision triangle.
 - (1) In residential districts, such signs shall not exceed six square feet in area and shall be removed within 30 days after the sale, rental or lease of the property has been accomplished.
 - (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease of the property has been accomplished.
- N. Temporary window signs. In business, commercial, and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 50% of the total window area, and signs shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs may not be posted for a period of longer than 30 days.
- O. On-premises symbols or insignias. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

- P. On-premises temporary signs. Temporary signs not exceeding 32 square feet in area pertaining to drives or events of civic, philanthropic, education, or religious organizations, provided that such signs are posted not more than 30 days before said event and removed within five days after the event.
- Q. Vehicular signs. Truck, bus, trailer, or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
- R. 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 the neighborhood or subdivision name, that it shall not be located within a vision triangle and that it shall be approved by the Zoning Administrator.

§ 455-61. Special signs.

The following signs may be allowed with a special permit issued by the Zoning Administrator:

- A. Subdivision or development signs. A temporary sign in any zoning district in connection with the marketing of lots or structures in a subdivision or development subject to the following restrictions:
 - (1) Such permit may be issued for a period of not more than one year and may be renewed for additional periods of up to one year upon written application at least 30 days prior to its expiration.
 - (2) Signs as used in this section refer to all types of signs except those excepted or prohibited by this chapter.
 - (3) The sign must be located on the property being developed and must comply with all applicable building setback requirements for the district.
 - (4) The sign may not exceed 32 square feet.
 - (5) One sign is allowed for each five acres of the subdivision or development with a maximum of one sign if the subdivision or development is under five acres.
 - (6) The sign may not be allowed in vision triangles.
- B. Banners and other promotional devices. Banners, pennants, searchlights or balloons shall not be used on a permanent basis. The use of such promotional devices shall require a special permit issued by the Zoning Administrator.
 - (1) In residential districts, such promotional devices may be used by a realtor in conjunction with an open house or model home demonstration for up to five days before the opening of such demonstration and must be removed within 30 days or five days after the close of such demonstration, whichever occurs first.
 - (2) In business and industrial districts, such devices will be allowed for special sale promotions, grand open celebrations, etc., not to exceed a period of 10 days. Such promotional devices must be located on the premises where such promotion or opening is being held.
- C. Over the street banners. Unlighted event banners for civic events, not exceeding 120 square feet in area, are permissible over a street by special permit from the Zoning Administrator after presentation of specifications to the Zoning Administrator and proof of insurance.
[Amended 11-17-2014 by Ord. No. 2014-05]
 - (1) The lowest portion of said banner may not be lower than 16 feet above the traveled portion of roadway over which said banner is located.

- (2) Banners must be erected no sooner than 30 days prior to event and be removed within two days after the close of the event.

§ 455-62. Signs permitted by zoning district.

- A. Residential districts. R-A Residential-Agriculture, R-1 Single-Family Residential, R-2 One- and Two-Family Residential, R-3 Multifamily Residential and manufactured home parks.
[Amended 11-17-2014 by Ord. No. 2014-05]

(1) Permitted signs.

- (a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal nonconforming use or public or utility use in the zoning district.
- (b) Special signs authorized by the Zoning Administrator.
- (c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar nonprofit organization or to historic sites. Such signs shall be limited to an area not exceeding six square feet. Such sign shall not be closer to the ground than three feet and shall not extend higher than six feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of Subsection **B(1)(f)** of this section.

(2) Signs permitted by variance approval by the City Zoning Board of Appeals.

- (a) Business identification signs for conditional uses or for existing nonconforming uses based on the following:
 - [1] Wall signs and directional signs and one ground sign per street.
 - [2] Area restrictions of 24 square feet for each ground sign and the total area of wall signs is not to exceed one square foot per linear foot of a building facade facing a right-of-way.
 - [3] Height restrictions. Ground signs are not to exceed a height of six feet.
 - [4] Setbacks. All ground signs must be at least 10 feet from interior side or rear lot lines and completely outside the public right-of-way.

- B. C-2 Central Business District. Also see § 455-55 of this article for general design requirements.

(1) Permitted signs.

- (a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal nonconforming use or public or utility use in the zoning district.
- (b) Special signs authorized by the Zoning Administrator.
- (c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar nonprofit organization or to historic sites. Such signs shall be limited to an area not exceeding six square feet. Such sign shall not be closer to the ground than three feet and shall not extend higher than six feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of Subsection **B(1)(f)** of this section.
- (d) Area restrictions of 50 square feet per side for each ground sign, canopy sign, projecting sign, wall sign and roof sign for a single business and a combined total of 75 square feet

per side when one sign structure supports multiple signs advertising different businesses on the same location.

[Amended 11-17-2014 by Ord. No. 2014-05]

- (e) Height restrictions. Ground signs are not to exceed a height of 30 feet.
 - (f) Business identification signs for permitted uses, conditional uses or for existing nonconforming uses based on the following:
 - [1] Wall signs and directional signs and one ground sign per street.
 - [2] Swinging signs under 50 square feet.
 - [3] Area restrictions of 50 square feet side for each ground sign, canopy sign, wall sign, and roof sign for a single business and a combined total of 75 square feet per side when one sign structure supports multiple signs advertising different businesses on the same location.
 - [4] The area of projecting signs may not exceed 50 square feet.
 - [5] Window signs visible from the public right-of-way are not to exceed 33% of the gross window area.
 - [6] Height restrictions. Ground signs are not to exceed a height of 30 feet or the height of the building whichever is less.
 - [7] Setbacks. All ground signs must be at least 10 feet from interior side or rear lot lines and completely outside the public right-of-way.
- C. Commercial and industrial zoning districts, C-1 General Business and I General Industry. Also see § 455-55 of this article for general design requirements.
- (1) Permitted signs.
 - (a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal nonconforming use or public or utility use in the zoning district.
 - (b) Special signs authorized by the Zoning Administrator.
 - (c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar nonprofit organization or to historic sites. Such signs shall meet the requirements as set forth in Subsection **A(1)(c)** of this section.
 - (d) Wall, window, marquee, directional, canopy, ground signs, projecting or roof signs, in connection with permitted, conditional or legal nonconforming uses in the zoning district, subject to the following restrictions and regulations:
 - [1] One ground or roof sign per frontage road.
 - [2] The area of ground signs or roof signs may not exceed 1.5 square feet per linear foot of lot frontage to a maximum of 250 square feet.
 - [3] Height restrictions. Ground and projecting signs may not exceed 40 feet in height.
 - [4] Spacing. Projecting signs may be spaced no closer than 25 feet to the nearest projecting sign.
 - [5] Projecting signs must have a minimum of 10 feet from the bottom of the sign to grade and can overhang no more than six feet beyond the front property line and shall not exceed 100 square feet in area.

- [6] Off-premises signs shall be a minimum of 75 feet from an occupied residential dwelling when facing said residential dwelling. Off-premises signs shall not exceed 300 square feet in area.
- [7] Off-premises signs may not exceed 40 feet in height from grade to the top of sign structure. Minimum distance from grade to the bottom of the sign is eight feet.
- [8] Off-premises signs shall be approved by the Planning Commission.

D. Shopping center signs shall be subject to the following restrictions and regulations:

- (1) One shopping center identification sign with the height limitation of 40 feet is permitted. If shopping center is on a corner, either one corner sign or two signs, one on each street, may be permitted. If two signs are installed, they must be placed at least 200 feet from the lot corner of the intersection.
- (2) Area restriction for shopping center identification signs is based on 1.5 square feet of sign area per linear foot of lot frontage not to exceed 250 square feet.
- (3) Ground signs including shopping center identification signs and directional signs must be set back at least 10 feet from the right-of-way line of abutting streets.
- (4) Tenant wall, window, and marquee signs are permitted. Such signs are limited to six square feet per linear foot of building frontage, not to exceed 300 square feet in area.

E. Off-premises signs are permitted subject to the following restrictions and regulations:

- (1) A maximum of two off-premises signs per property may be permitted, provided that the signs do not face residences located in a residential zoning district or are placed outside the minimum building and landscape setback requirements as required in this chapter for the district in which the sign is located.
- (2) Off-premises signs may not exceed 300 square feet in area per sign, including border and trim, but not including uprights.
- (3) Off-premises signs may not be spaced closer than 300 feet apart, facing the same direction; measurements shall be taken along the right-of-way of the abutting roadway.

F. Planned Unit Development District. Signage in a planned unit development shall be controlled by the provisions in the plan for the business development, as adopted by the City Plan Commission, but shall not exceed the signage restrictions for the surrounding geographical area.

§ 455-63. Violations and penalties.

- A. Violation or failure to comply with the provisions of this article shall be and hereby is declared to be unlawful.
- B. Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this article shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Zoning Administrator. In the event that the owner does not remove said sign or bring said sign into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll listing of the property on which the noncomplying sign is located. Compliance within 30 days shall also require the payment of double the fees required under § 455-51 of this article.
- C. This section shall not preclude the City of Lancaster from maintaining any appropriate action to prevent or remove a violation of this article, including issuance of a citation for violation hereof.

MEMORANDUM

Date: May 6, 2022

From: Misty Molzof, City Administrator

Re: Zoning Information

Zoning VS Conditional Use

- **Zoning:** is the classification of real property regulating what can and can't be done on a property, where the buildings can and can't be placed, and what types of buildings can and can't be built. The Plan Commission of the City recommends Real Property Zoning by way of the Future Planning of the City, Comprehensive Plan Updates, and re-zones by application of property owner.
 - City of Boscobel Zoning Districts are found in Chapter 17 of the Zoning Code and include:
 - Residential: R-1A – Rural Residential, R-1 – Single Family Residential, R-2 – Multi-Family Residential, and MH – Mobile Home Park District
 - Business: B-1 – Retail Business, B-2 – Highway Commercial, B-3 – Land Extensive Commercial.
 - Industrial: M-1 – Light Industrial, M-2 – Heavy Industrial
 - Agricultural: AT – Ag Transition
 - Others: PUD – Planned Unit Development, C – Conservation, and CD – Downtown Historic District.
 - “Spot Zoning” – when one parcel within an area is zoned something different than others. For example, if someone wants to build a house in the middle of an industrial zoned district and applies to rezone their property to residential.
 - Zoning laws are intended to:
 - Protect the value and enjoyment of properties by separating incompatible uses and minimizing their potential impact upon each other.
 - Protecting the value and enjoyment of properties by allowing a property its most appropriate land use given its location and surrounding uses
 - Providing for the orderly development of a city, including making provisions for land uses in the best interests of its citizens, and
 - Providing adequate public infrastructure, e.g., roads, water, and sewers
- **Conditional Use:** This is a way for the Planning Commission to recommend approval of a specific land use that *may* be compatible in the zoning district in which it is proposed, but the use is not permitted as a matter of right because of the potential conflicts the use may create.
 - City Plan Commission may put any conditions that they see fit in order to regulate the property and minimize the potential conflicts.
 - I.e., Someone wants to operate a small car mechanic shop out of their home garage. The Planning Commission could grant the conditional use and place conditions on the permit. Some conditions could be hours of operation, number of vehicles parked outside at any given time, noise

restrictions, storage of oil restrictions, etc. If the property owner fails to comply, the conditional use permit can be revoked by the order of the Plan Commission at any time.

- A public hearing is held to give opportunity for neighbors of the property to be heard.

What happens if:

1. I want to add on to my house that was built prior to zoning laws, and I do not have the required setbacks pursuant to the zoning code. I only have 8' on each side, and the zoning code required 10'? This addition will make the property more non-conforming than it already is.
 - a. My property is considered a legal non-conforming property, and I must apply for a variance and go in front of the Zoning Board of Appeals.
 - b. The Zoning Board of Appeals is tasked with determining as to whether or not the request meets the hardship requirements. This is a public hearing, and all properties within 200' are notified by way of mail.
2. I want to add a detached garage that meets all setback requirements; however, my house does not meet setback requirements of the current zoning code?
 - a. My property is considered a legal non-conforming property; however, since I am not making it any more non-conforming, then my zoning permit can be approved and I am not required to do anything else.
3. I want to run a daycare or other self-employment business out of my home?
 - a. I apply for a conditional use permit and the plan Commission holds a public hearing.
 - b. The neighbors are notified of the hearing, and the Plan Commission makes a recommendation to Common Council with some conditions, pertaining to hours of operation, number of vehicles parked at one time along the street, and property kept up.

Let's expand on #3 – we are 10 years later, and the daycare is becoming a public nuisance because my trash is excessive and smelly, my property is not kept up, I have changed my hours to be outside of what was approved, and there are more vehicles parked along the street for longer periods of time than what was approved as a condition on the permit.

1. The Neighbors are complaining at City Hall and to the Police Department.
 2. The Mayor thinks that this should be brought back in front of the Plan Commission for review.
 3. The Plan Commission meets and decides to revoke the Conditional Use Permit.
 4. I am given proper notification with options to appeal the decision, or to cease operations of my business with revocation of the Conditional Use Permit.
-
4. I bought a property in a section of the city that was previously zoned M-1, light industrial, this property was rezoned as a PUD (Planned Unit Development), and I want to use it for an allowed use in the M-1, light industrial zoning district.
 - a. I apply for a rezone of the property from PUD to M-1, and the Plan Commission holds a public hearing.
 - b. The neighbors are notified of the hearing, and the Plan Commission makes a recommendation to the Common Council.

Let's expand on Item #4 – 10 years later, the neighbors are making a complaint that my industrial zoned and properly used property is becoming a public nuisance due to smell, rodents, garbage, dust, etc.

1. The Neighbors are complaining at City Hall and to the Police Department.
2. The Mayor thinks that this should be brought back in front of the Plan Commission for review.
3. The Plan Commission meets and decides that I am in violation of 17.29(1)(b) which reads: No uses shall be permitted which create nuisances, including without limitation, nuisances in the form of odors, dust, noise or which result in chemical or other pollution of air, water or soils; and provided further, no use shall be considered to be permitted if it requires open storage or outside use of manufacturing equipment, materials or other products.
4. I am given notification to correct the public nuisances or be subject to penalties as outlined in Chapter 25.04 of the Municipal Code (Between \$5 and \$500).
5. The zoning cannot be revoked, and I am using my property as an approved use in the M-1 Zoning District.