



PLAN COMMISSION MEETING AGENDA

Tuesday, June 28, 2016 at 5:30 P.M.
Fire Station, Sister Bay, WI

For additional information check: [Http://www.sisterbaywi.gov](http://www.sisterbaywi.gov)

In order for everyone to hear the discussion please, turn off your cell phone. Thank you.

Call Meeting to Order / Roll Call **Deviations from the agenda order shown may occur.**
Comments, correspondence and concerns from the public
Approval of the agenda
Approval of minutes as published
Business Items

1. Review on Architectural façade for a proposal for Sister Bay Parcel 1810008312822W, located at 2450 Bittersweet Ln, commonly referred to as the “Schaffer Property”. Discussion on façade materials and architectural design proposal and associated plans; consider motions to act if appropriate.
2. Presentation regarding permeable pavers by Holly Weatherwax of County Materials.
3. Review of Reed v. Town of Gilbert US Supreme Court Decision. Review of Sister Bay’s sign code, and proposed changes to comply with the standards established by the Supreme Court Decision. Discussion on a proposed redraft of the Sister Bay Sign Code, and discuss edits to the redraft. Consider a motion to bring the redraft to Public Hearing at a future Plan Commission meeting.
4. Review of recent changes to Wisconsin’s General Statutes pertaining to Zoning Law and court interpretation. Consider a motion to direct staff to redraft various parts of the Sister Bay Zoning Code to protect local Zoning control.
5. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permits.
6. Matters to be placed on a future agenda or referred to a Committee, Official or Employee

Adjournment

Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 920-854-4118 or at zeke.jackson@sisterbaywi.gov.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:		
<input type="checkbox"/> Administration Building	<input type="checkbox"/> Library	<input type="checkbox"/> Post Office
_____ / _____		
Name	Date	

1 **SPECIAL PLAN COMMISSION MEETING MINUTES**
2 **TUESDAY, MAY 31, 2016**
3 **Sister Bay-Liberty Grove Fire Station -2258 Mill Road**
4 **UNAPPROVED VERSION**

5
6 The May 31, 2016 special meeting of the Plan Commission was called to order by
7 Chairperson Dave Lienau at 6:15 P.M.

8
9 **Present:** Chairperson Lienau and members Scott Baker, Nate Bell, Don Howard, Marge
10 Grutzmacher, Mary Kay Shumway and Shane Solomon.

11
12 **Staff Members:** Village Administrator Zeke Jackson and Assistant Administrator Janal
13 Suppanz

14
15 **Others:** Henry Isaksen, Rolf and Lars Johnson, Fred Bexel, and Brian Siegworth of Peninsula
16 Building Systems.

17
18 **Comments, correspondence and concerns from the public:**

19 Lienau noted that no correspondence had been received, and then asked if anyone wished to
20 comment regarding a non-agenda item. No one responded.

21
22 **Approval of the agenda:**

23 *A motion was made by Grutzmacher, seconded by Baker that the Agenda for the May 31, 2016 special*
24 *meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

25
26 **Approval of minutes as published:**

27 **As to the minutes for the May 24, 2016 meeting of the Plan Commission:**

28 *A motion was made by Shumway, seconded by Baker that the minutes for the May 24, 2016 meeting*
29 *of the Plan Commission be approved as presented. Motion carried with Shumway abstaining.*

30
31 **Business Items:**

32 **Item No. 1. Discussion and review of a proposal for Al Johnson's regarding an addition to**
33 **the main building, and an amendment to the plans for the proposed outdoor seating area;**
34 **Consider relevant motions for action:**

35 Revised plans as well as conceptual drawings for the proposed outdoor seating area and the
36 addition at Al Johnson's Swedish Restaurant and Butik, as well as an applicable
37 Development Agreement were included in the meeting packets, and the Commission
38 members jointly reviewed all of those documents. If the plans are approved the existing
39 buildings on the Johnson property will be utilized.

40
41 *A motion was made by Baker, seconded by Solomon that the Plan Commission recommends that the*
42 *amended Development Agreement for the property located at 10698 N. Bay Shore Drive between the*
43 *Village of Sister Bay and the Johnson Family Trust which was reviewed at this meeting be approved as*
44 *presented. Motion carried – All ayes.*

45
46 The previously mentioned plans depict the creation of an expanded warehouse and
47 commercial kitchen by renovating an existing building which has metal siding on the
48 Johnson property. The Plan Commission has been charged with conducting architectural

1 reviews, and concept drawings as well as siding and color samples for the exterior of the
 2 expanded warehouse/commercial kitchen were presented by the Johnsons. Some of the
 3 Commission members noted that the conceptual drawings depict a mural being placed on
 4 the long expanse of the building, which is currently not allowed. Lars Johnson responded
 5 that that portion of the building will actually be covered up by the existing cedar trees, so it
 6 is quite likely that the mural will not even be created.

7
 8 *A motion was made by Bell, seconded by Grutzmacher that the building, site and architectural plans,*
 9 *as well as the proposed siding and color samples for the expanded warehouse/commercial kitchen on*
 10 *the property which houses Al Johnson's Swedish Restaurant and Butik are approved as presented on*
 11 *the condition that a formal landscaping plan which depicts the type of building screening which will*
 12 *be utilized on the property must be presented to the Plan Commission within 30 days of completion of*
 13 *the expansion project.*

14
 15 *A roll call vote was taken on that motion, and the Commission members voted in the following*
 16 *fashion:*

17
 18 *Lienau - Aye; Baker - Aye; Bell - Aye; Grutzmacher - Aye; Howard - Aye; Shumway - Aye;*
 19 *Solomon - Aye.*

20
 21 *Motion carried.*

22
 23 **Item No. 2. Report by the Zoning Administrator regarding development activities, various**
 24 **enforcement actions, and issuance of Sign and Zoning Permits:**

25 Jackson noted that he didn't have anything further to report.

26
 27 **Item No. 3. Matters to be placed on a future agenda or referred to a Committee, official or**
 28 **employee:**

29 Jackson will be working on a revised draft of the Sign Code and will be presenting that
 30 document to the Commission members ASAP. He will also be drafting some amendments to
 31 the Zoning Code.

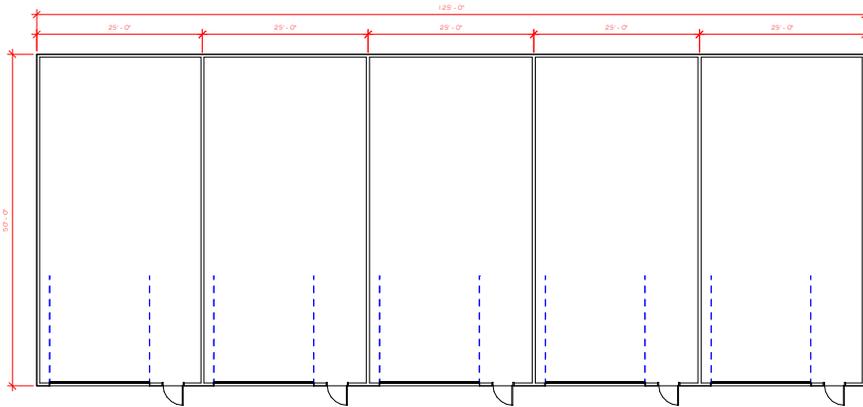
32
 33 **Adjournment:**

34 *A motion was made by Howard, seconded by Grutzmacher to adjourn the meeting of the Plan*
 35 *Commission at 7:24 P.M. Motion carried - All ayes.*

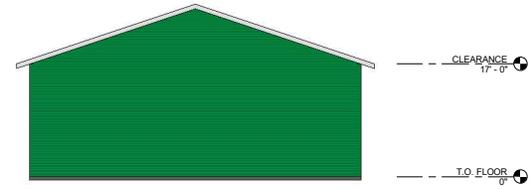
36
 37 Respectfully submitted,

38 

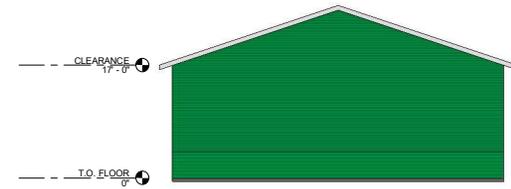
39 Janal Suppanz,
 40 Assistant Administrator



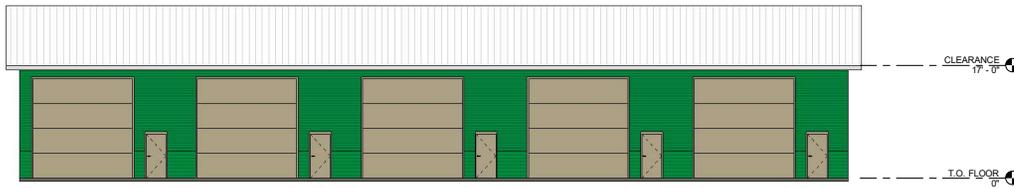
① Building Plan
1/8" = 1'-0"



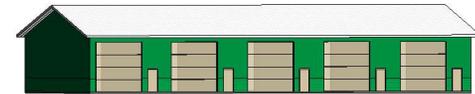
④ East
1/8" = 1'-0"



⑤ West
1/8" = 1'-0"



③ South
1/8" = 1'-0"

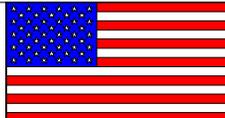


② (SD)

DRAWN BY:
JCB
SCALE:
1/8" = 1'-0"
ISSUE DATE:
2/29/16

CLIENT NAME:
BILL ANDERSON
PROJECT NAME:
50' X 120' X 17' CLEAR
PROJECT LOCATION:
BAILEYS HARBOR, WI

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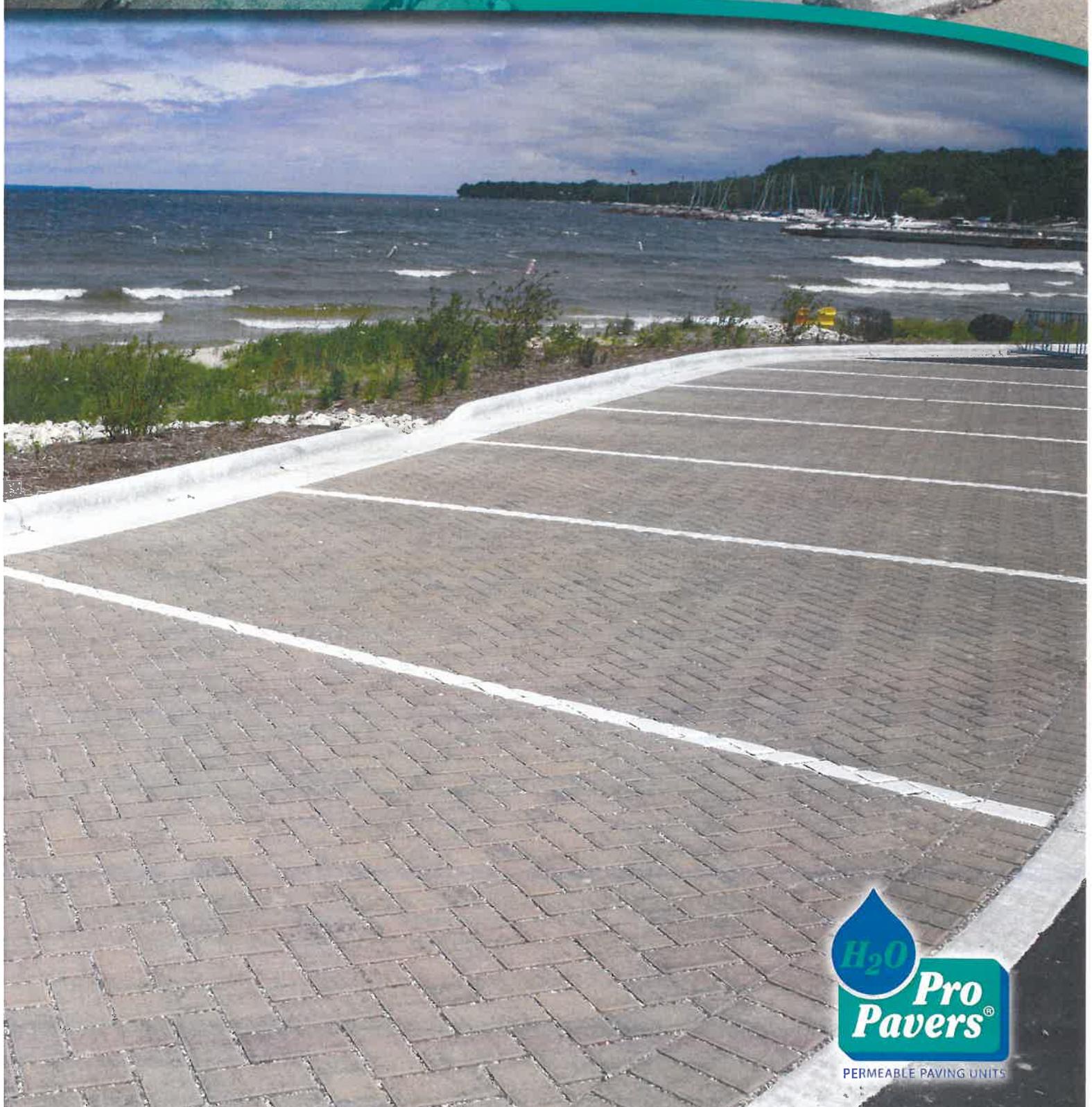
FOREST
CONSTRUCTION



FOREST CONSTRUCTION CO., INC.
106 PRAIRIE LANE
P.O. BOX 350
LUXEMBURG, WI 54217
TOLL FREE: 800-242-8085
OFFICE: 920-845-3302
FAX: 920-845-5002
EMAIL: INFO@FORESTBUILDINGS.COM
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SHEET NUMBER:
A2
LATEST REVISION:

H₂O Pro Pavers[®] Permeable Paving Units



H₂O Pro Pavers® Permeable Paving Units



- Interlocking Permeable Concrete Paver
- Offered in 3 sizes: 4x8, 8x8 and 8x16
- Available in Blended, Solid, Tumbled and Special Production Hammered Colors
- 80mm thick (3 1/8")
- Sold by the Layer
- Manufactured with advanced technology

Application Opportunities:

- Driveways
- Patios
- Residential streets
- Parking lots
- Sidewalks
- Office plazas
- Traffic calming features
- Tree planting areas
- Subdivision roads
- Outdoor seating areas
- Parking bays or lanes
- Redevelopment sites
- Public spaces
- Parks

County Materials' manufacturing and packaging technology offers amazing advantages:

- Rich color blends
- Stunning surface textures
- Higher surface density
- Superior absorption resistance
- Enhanced abrasion resistance

Refer to County Materials' Landscape Product Guide for specific product details and patterns.



H₂O Pro Pavers are also available in Special Production Hammered Colors (Haven-Hammered, Oasis-Hammered, Serenity-Hammered, and Timeless-Hammered; and Special Production Solid Colors (Reunion, Traditions, Homecoming and Dream).

Colors shown may vary from actual hues and should only be used as a guide. Refer to actual product samples for final color selection. Because concrete units are manufactured with high quality, naturally-mined aggregates and materials, variations in color or shading should be expected in products that are manufactured at different times and in units having different shapes. This color or shading variation is acceptable in the industry.

Caution: Deicing products may be harmful to concrete surfaces and concrete products, especially when used in excess. Jointing and bedding stone is recommended to be used for slip resistance.

Color & Size Selection

Blended Colors



Haven



Oasis



Serenity

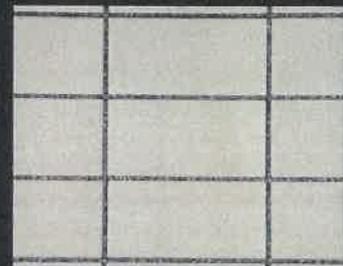


Timeless

Solid Colors



Reflection



Vision

Tumbled Colors



Haven



Oasis



Serenity



Timeless



Reflection



Vision

Product	Size D x H x L (inches and mm)	SF/ Unit	Units/ SF	SF/ Layer	Layers/ Pallet	SF/ Pallet	Units/ Layer	Units/ Pallet	Lbs./ Pallet
H ₂ O Pro-A (4 x 8)	4 x 3 ¹ / ₈ x 8 102 x 80 x 203	.22	4.5	11	8	88	50	400	3395
H ₂ O Pro-B (8 x 8)	8 x 3 ¹ / ₈ x 8 203 x 80 x 203	.44	2.25	13.2	8	105.6	30	240	4070
H ₂ O Pro-C (8 x 16)	8 x 3 ¹ / ₈ x 16 203 x 80 x 406	.89	1.13	13.2	8	105.6	15	120	4120

H₂O Pro Pavers[®] Permeable Paving Units

Typical Installation Guidelines

1. Soil/Subgrade

Excavate an area to the appropriate depth. Consider the following site conditions:

- Water table height
- Rainfall frequency
- Storm water volume
- Permeability of sub-grade
- Special drainage considerations

2. Sub Base

Backfill with clean 2" - 3" open graded (clear crushed) aggregates. This sub base material generally comprises a minimum 12" thick layer, vibrated in 4" lifts using a plate compactor.

3. Base Course

Add a 4" course of ¾" - 1" open graded (clear crushed) aggregates over the compacted sub base.

4. Bedding Course

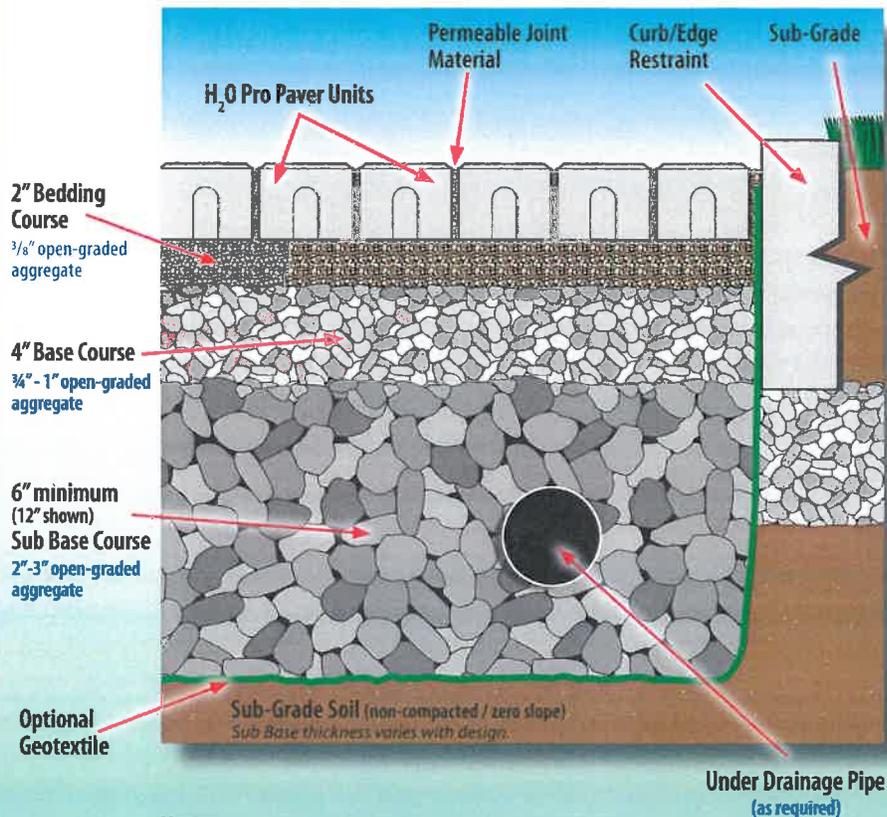
Screed level a 2" bedding course of 3/8" open graded (clear crushed) aggregates over the base course material.

5. Pavers/Joining

Install H₂O Pro Pavers over bedding course in specified pattern. Disperse and sweep 3/8" open-graded aggregate, the same material used in bedding course, into paver perimeter joints.

Maintaining Permeable Paving Systems

Permeable interlocking concrete pavers can be easily maintained with periodic inspection and street sweeping and vacuuming methods.



Notes:

Geotextile fabrics may be required in some applications. Consult a civil or soil engineer for recommendations.

Special design considerations should be considered for each application before starting, including but not limited to, traffic, drainage issues, climate, environmental conditions and functionality. A qualified engineer must perform a final design because site conditions and specific design parameters may vary.

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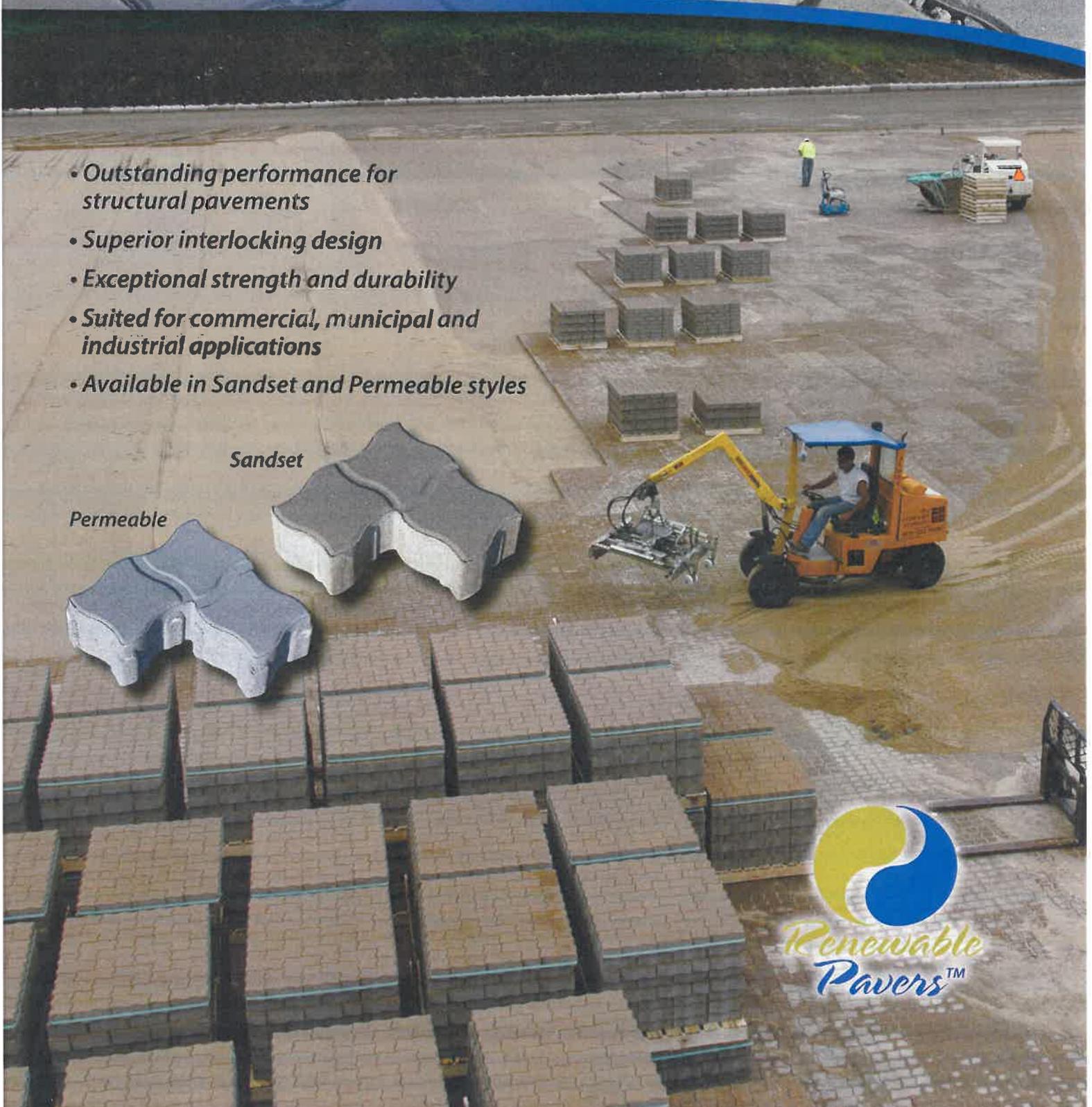
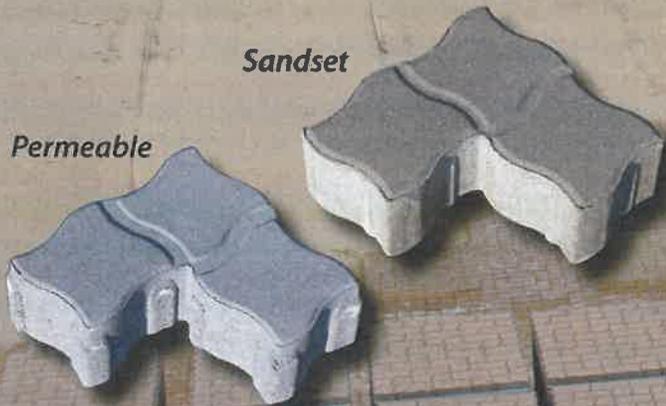
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Renewable Pavers™

- Outstanding performance for structural pavements
- Superior interlocking design
- Exceptional strength and durability
- Suited for commercial, municipal and industrial applications
- Available in Sandset and Permeable styles

Sandset

Permeable



Renewable Pavers™

Renewable Pavers™



County Materials' manufacturing and packaging technology offers amazing advantages:

- Rich color blends
- Stunning surface textures
- Higher surface density
- Superior absorption resistance
- Enhanced abrasion resistance

Refer to County Materials' Landscape Product Guide for specific product details and patterns.

Renewable Pavers™ are ideal for these applications:

- Residential streets
- Driveways
- Courtyards
- Sidewalks
- Parking lots
- Storage yards
- Container ports

Colors shown may vary from actual hues and should only be used as a guide. Refer to actual product samples for final color selection. Because concrete units are manufactured with high quality, naturally-mined aggregates and materials, variations in color or shading should be expected in products that are manufactured at different times and in units having different shapes. This color or shading variation is acceptable in the industry.

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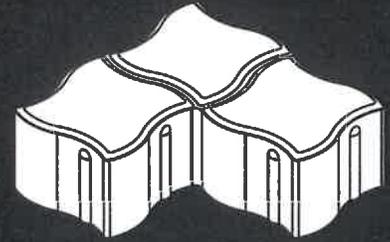
Blended Color Options:



Haven



Oasis



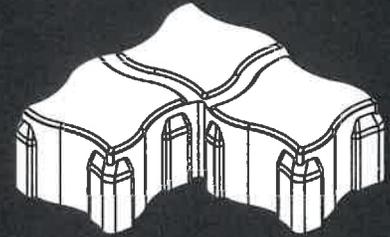
Sandset



Serenity



Timeless



Permeable

Solid Color Options:



Dream



Homecoming



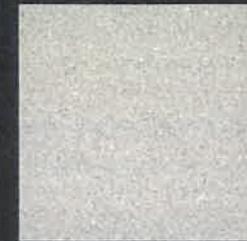
Reflection



Reunion



Traditions



Vision

Product	Size D x H x L (inches and mm)	SF/ Unit	Units/ SF	SF/ Layer	Layers/ Pallet	SF/ Pallet	Units/ Layer	Units/ Pallet	Lbs./ Pallet
Sandset & Permeable	8 ⁵ / ₈ x 3 ¹ / ₈ x 8 ⁵ / ₈ 219 x 80 x 219	.4	2.5	10	8	80	25	200	2750

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August Case Law Update August 31, 2015

A summary of Wisconsin court opinions decided during the month of August related to planning

For previous Case Law Updates, please go to: www.wisconsinplanners.org/learn/law-and-legislation

United States Court of Appeals for the Seventh Circuit

Regulation of Speech After *Reed v. Town of Gilbert*

It did not take long for the U.S. Supreme Court's June decision in *Reed v. Town of Gilbert* concerning sign regulation to impact other cases. (For a summary of decision in *Reed v. Town of Gilbert*, see the APA-WI [June Case Law Update](#).) In *Norton v. City of Springfield*, the U.S. Court of Appeals for the Seventh Circuit (the federal intermediate appellate court covering the region that includes Wisconsin) found that an ordinance prohibiting panhandling in the City of Springfield, Illinois' "downtown historic district" violates the First Amendment because it embodies content discrimination subject to strict scrutiny under the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*.

(A recent article in the [New York Times](#) discussing *Reed v. Town of Gilbert* described the legal concept of "strict scrutiny" in the following way: "Strict scrutiny requires the government to prove that the challenged law is 'narrowly tailored to serve compelling state interests.' You can stare at those words as long as you like, but here is what you need to know: Strict scrutiny, like a Civil War stomach wound, is generally fatal.")

The *Norton* case highlights how *Reed v. Town of Gilbert* has significantly changed the legal framework for understanding content-based regulation of speech -- something frowned upon under the First Amendment. The City of Springfield's ordinance at issue in *Norton* prohibited panhandling in the City's "downtown historic district," an area encompassing less than 2% of the City. (For those of you who are Abraham Lincoln buffs and have been to Springfield, you know the area.) The ordinance defined panhandling as an oral request for an immediate donation of money. Signs requesting money and oral pleas to send money later were allowed. The plaintiffs in the case contended that the ordinance's rule barring oral requests for money now but not regulating requests for money later was a form of content discrimination in violation of the First Amendment.

The case went before the Seventh Circuit Court of Appeals two times. Initially, the Court of Appeals decided that Springfield's anti-panhandling ordinance **did not** draw lines based on the content of anyone's speech. Following that decision, however, the plaintiffs petitioned for a rehearing. The Court of Appeals deferred consideration of the petition for rehearing to wait for the U.S. Supreme Court to issue its decision in *Reed v. Gilbert*.

Following the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, the Seventh Circuit Court of Appeals reconsidered the Norton case and the **outcome was much different** -- the Court enjoined enforcement of the City's anti-panhandling due to First Amendment concerns. According to the Seventh Circuit Court:

[The U.S. Supreme Court in] *Reed* understands content discrimination differently [than the way it was considered before]. It wrote that "regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed." . . . Springfield's ordinance regulates "because of the topic discussed". The Town of Gilbert, Arizona, justified its sign ordinance in part by contending, as Springfield also does, that the ordinance is neutral with respect to ideas and viewpoints. The majority in *Reed* found that insufficient: "A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of 'animus toward the ideas contained' in the regulated speech." . . . It added: "a speech regulation targeted at specific subject matter is content based even if it does not discriminate among view-points within that subject matter."

Sign regulations after *Reed*

The Seventh Circuit's decision in *Norton* underscores the sweeping impact of the Supreme Court's decision in *Reed* for sign regulations. Local governments need to review their sign ordinances and ask "Does this regulation apply to a sign because of the content on the sign?" In other words, if you have to read the message to figure out how a sign is to be regulated, then it is content-based and subject to challenge under *Reed*. Examples include the categorical regulations found in many sign codes for "political signs," "temporary directional signs," "ideological signs," "identification signs," "real estate signs," "homeowner association signs," "drive-through restaurant signs" "business hours of operation signs," or signs based on other content distinctions.

Previous U.S. Supreme Court cases recognized content-based distinctions between commercial and non-commercial speech. The Court drew distinctions based on the content of the sign and held that regulation of commercial speech is subject to a lower level of scrutiny by the courts than non-commercial speech. *Reed* did not overrule the line of cases drawing distinctions between commercial and non-commercial speech so, at least for the time being, sign ordinances that include provisions for commercial signage, such as special regulations for "temporary business signs" should be okay.

Justice Thomas, who wrote the majority opinion for the Court in *Reed*, offered some other content-based regulations that may be acceptable if they are narrowly tailored to ensure public safety: "such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses." It will be critical that local communities clearly articulate the purpose for these regulations.

Justice Thomas also offered examples of content-neutral sign regulations that are not impacted by *Reed*. Regulations that have nothing to do with a sign's message include: size, building materials, lighting, moving parts, and portability. Justice Thomas also states: "on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner." This would include the public right-of-way. If signs are allowed, the regulations must not distinguish based on the content of the message, like only allowing signs by non-profit organizations such as a church sign about a spaghetti supper.

Justice Alito wrote a concurring opinion that included a non-exhaustive list of the type of sign regulations that would be content-neutral. (The full list was included in the June Case Law Update.) However, the list raises some questions. Justice Alito's list includes time restrictions on signs for one-time events. This seems at odds with the temporary directional sign challenged in *Reed*. Nevertheless, after *Reed* it would presumably be appropriate to have sign ordinances that regulate "temporary signs" based on factors other than the event that is the subject of the sign such as allowing the sign to remain for a certain number of days.

Justice Alito's list also indicated that it would be appropriate to have signs that distinguish between on-premises and off-premises signs. In order to determine if a sign is off-premises or on-premises, the local government will need to read the sign. Presumably the on-premise/off-premise distinction is still valid based on Justice Alito's statement and the fact that prior U.S. Supreme Court decisions recognized those distinctions and those decisions were not overruled. For example, not allowing off-premise billboards in residential areas should still be appropriate.

As communities remove content-based restrictions, they can explore alternatives such as allowing "yard signs" (as opposed to "yard sale" which would not be content-neutral) of a certain number and dimension in residential districts. Regulations could also be based on the type of building material of the sign. From a planning perspective, it will be important to stand back and evaluate what a community is trying to accomplish through sign regulations and how much regulation is necessary. It is important to review other ordinances that may relate to speech, like Springfield's panhandling ordinance, to insure they are content-neutral.

Certainly we will see additional cases on these issues.

Wisconsin Supreme Court Opinions

[No planning-related cases to report.]

Wisconsin Court of Appeals Opinions

Boundary Change Via Intergovernmental Agreement Was Proper

On February 19, 2013, voters in the Town of Harrison in Calumet County approved incorporating a 4.6-square-mile area as the Village of Harrison. On June 6, 2013, the Town and Village of Harrison published notice of a joint public hearing "to discuss proposed Intergovernmental Cooperation Agreement affecting the provision of municipal services, apportionment of costs of municipal services, apportionment of assets and liabilities, and boundary line adjustments between the Town of Harrison and the Village of Harrison." The Town and Village of Harrison sent notice of the meeting via certified mail to 1910 property owners entitled to receive notice pursuant to Wis. Stat. § 66.0301(6). [Note: this case deals with an intergovernmental agreement enacted under the general intergovernmental cooperation authority, NOT under the authority to create cooperative boundary agreements under Wis. Stat. § 66.0307.]

The Town and the Village boards approved the agreement on July 2, 2013. The agreement permitted the Village board to “trigger the boundary line change” through the adoption of an ordinance, which the Village board passed on August 6, 2013. As a result of the boundary change, 1736 parcels that had been located in the Town were relocated to the Village. The nearby Cities of Kaukauna and Menasha, the Village of Sherwood, and some individual property owners sued the Village and Town of Harrison arguing that the agreement is void because it involved a “major” boundary change that exceeded the scope allowed by statute and that the Town and Village did not comply with the statutory notice requirements for intergovernmental agreements because the notice did not tell property owners that approval of the cooperative agreement would mean they would be relocated to the village.

The Wisconsin Court of Appeals disagreed. The Court noted that the statute is silent on the scope of boundary changes permitted by intergovernmental agreements. The Court was unwilling to read language into the statute creating a distinction between “major” boundary changes and more modest boundary changes. As for the notice, the Court also noted that the statute does not specify what information must be contained in the notices. As a result, the Court concluded the general notice that there would be “boundary line adjustments” was sufficient to meet the statutory requirements.

The case is [City of Kaukauna v. Village of Harrison](#) and is recommended for publication in the official reports.

Distinguishing Between Rules, Ordinances, and Resolutions

[Wisconsin Carry, Inc. v. City of Madison](#), involved the validity of a rule adopted by the City of Madison’s Transit and Parking Commission that prohibits a person from traveling in a city bus with a weapon (the “bus rule”). The City of Madison General Ordinances authorize the City’s Transit and Parking Commission, the City agency responsible for overseeing the City’s bus system, to establish “rules and procedures” related to transit. The Commission adopted the bus rule under that authority. Wisconsin Carry, Inc., an organization that describes itself as a “gun rights organization,” and one of its members, brought suit asking the court to declare that the bus rule is preempted by Wis. Stat. § 66.0409 which prohibits local governments from adopting “ordinances” and “resolutions” that regulate firearms. The Wisconsin Court of Appeals determined that the Commission’s rule is neither an ordinance nor a resolution and therefore the rule was not preempted by the prohibition on local regulation of firearms.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0700 PURPOSE AND INTENT

SEC. 66.0701 DESIGN GUIDELINES

SECTION 700 - SIGNS

1 Note: This entire section was revised by Ordinance 185-041211.

2 Sec. 66.0700 Purpose and Intent

3 (a) The purpose of this Sign Section is to provide the legal framework and minimum standards to safeguard life, property, public welfare and Village aesthetics by regulating and controlling the design, number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs as compatible with zoning regulations.

4 (b) This chapter recognizes the need for well-maintained and attractive sign displays within the Village and the need for adequate business identification, advertising and communication. Because of the unique qualities of the Village of Sister Bay, which need to be protected and enhanced, a high degree of control over the construction aesthetic materials nature of signs is deemed to be an important public purpose. It is recognized that while personal preference may be expressed in selecting the size, shape, colors, type style, placement, method of mounting and other components in the design of signs, the Plan Commission is responsible for assuring that only aesthetically pleasing and functionally purposeful signs are displayed in the Village. Therefore, although a proposed sign may meet the basic requirements of this chapter, the ultimate decision concerning its final appearance shall rest with the Plan Commission.

5 (c) This chapter authorizes the use of signs on public and private property, provided the signs are:

- 6 (1) Compatible with the Zoning District regulations.
- 7 (2) Compatible with the approved Architectural Design Manual and other approved guides and manuals.
- 8 (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- 9 (4) Legible, readable, visible and well designed for the circumstances in which they are used.
- 10 (5) Respectful of the reasonable rights of other advertisers.

53 (6) Not covering any major architectural detail.

55 Sec. 66.0701 Design Guidelines

56 (a) ~~The Village recognizes the decision of the United States Supreme Court, as outlined in Reed v. Gilbert. As such, section 66.0701 is intended to act as a set of suggestions to sign producers and property owners on what types of signs the Village would prefer to see in order to preserve the small town charm of the community.~~

57 (a)(b) Signs are one of the most prominent visual elements of a street. Well-designed signs add interest and variety to building facades and help to attract customers. In general, the sign is the best representation of the business to the passing pedestrian or motorist. The design guidelines shall be used as an important part of sign review and approval.

58 (b)(c) Before starting to design a sign, take a careful look at the building. Is there an obvious space on the building where the sign would look appropriate without covering architectural details? Some of the Village's older buildings were designed with a horizontal "sign space" stretching across the top of the storefront which should be used. If this "sign space" does not exist perhaps, there is adequate wall area for a wall sign with appropriate space for a projecting sign.

59 (c)(d) Take a look at neighboring buildings. Is there a predominant type of sign or a size precedent? In designing a sign, it is important to have an understanding not only of the building but also of the compatibility within the neighborhood. The basis for decisions on sign type, size and location should come from architectural concerns. The specific definitions and regulations governing the various types of signs in this section should be studied before actual design begins.

60 (d)(e) To achieve the objective of these is Chapter, the guidelines for sign details include the following:

- 61 (1) Simplicity.
An effectively designed sign with bold, easily recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located and complement the general appearance of the street and Village.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0710 BUSINESS DISTRICT SIGNAGE WITH PERMIT

SEC. 66.0710 BUSINESS DISTRICT SIGNAGE WITH PERMIT

- 1 (2) Color. 56
- 2 Restraint should be exercised when 57
- 3 selecting colors. On most signs, no 58
- 4 more than three colors should be 59
- 5 used: one for background, a con- 60
- 6 trasting color for lettering, and a 61
- 7 third for perhaps emphasis (such as 62
- 8 for borders, motifs, or shading of let- 63
- 9 ters to give it a three-dimensional
- 10 look). Colors should be chosen
- 11 which complement each other as
- 12 well as the general tone of the
- 13 building. ~~The Plan Commission~~
- 14 ~~shall establish a Color Guide, which~~
- 15 ~~will reflect various primary colors,~~
- 16 ~~and accent colors. The Guide shall~~
- 17 ~~be updated periodically.~~
- 18 (3) Messages.
- 19 Messages should be simple for rapid
- 20 comprehension by the public. Pic-
- 21 tures, symbols, and logos can add
- 22 individuality and character to signs,
- 23 in addition to making them easier to
- 24 read.
- 25 (4) Materials.
- 26 Sign materials shall be compatible
- 27 with the surrounding area. Sign ma-
- 28 terials shall be consistent with or at
- 29 least complement the original con-
- 30 struction materials and architectural
- 31 style of the building façade on
- 32 which they are to be displayed.
- 33 (5) Lettering.
- 34 Lettering styles should complement
- 35 the style and period of the building
- 36 on which they appear. Traditional
- 37 block and curvilinear styles, which
- 38 are easy to read, are preferred.
- 39 Generally, different type styles
- 40 should not be used on the same sign
- 41 to avoid a cluttered appearance.

The following table shall be used to calculate the area of allowable signage. Measure the width of the building and use the proper multiplier for the building width range to determine the allowable square feet of signage permitted.

Building Width Range in Feet	Multiplier		
	One Story	Two Story	Three Story
0	0.750	0.830	0.900
5	0.750	0.830	0.900
10	0.750	0.830	0.900
15	0.750	0.830	0.900
Building Width Range in Feet	Multiplier		
	One Story	Two Story	Three Story
20	.750	.830	.900
25	.750	.830	.900
30	.750	.830	.900
35	0.721	0.798	0.865
40	0.711	0.787	0.853
45	0.701	0.776	0.842
50	0.692	0.765	0.830
55	0.682	0.754	0.818
60	0.672	0.743	0.807
65	0.663	0.733	0.795
70	0.653	0.722	0.783
75	0.643	0.711	0.772
80	0.633	0.700	0.760
85	0.624	0.689	0.748
90	0.614	0.678	0.737
95	0.604	0.668	0.725
100	0.594	0.657	0.713
105	0.585	0.646	0.702
110	0.575	0.635	0.690
115	0.565	0.624	0.678
120	0.556	0.613	0.667
125	0.546	0.602	0.655
130	0.536	0.592	0.643
135	0.526	0.581	0.632
140	0.517	0.570	0.620
145	0.507	0.559	0.608
150	0.497	0.548	0.597
155	0.488	0.537	0.585

42 Sec. 66.0710 Business District Signage with
43 Permit

- 44 (a) In General.
- 45 Signs are permitted in all business districts
- 46 subject to the requirements in this Chapter.
- 47 (b) Determination of allowable signage.
- 48 The area of each building's signage shall
- 49 be the lineal feet of the front of the build-
- 50 ing multiplied by the story factor below. A
- 51 basement shall not count as a story. See
- 52 Section 66.0753(g) on the manner to de-
- 53 termine the linear front footage. No single
- 54 projecting or ground sign may exceed 24
- 55 square feet in area per side.

VILLAGE OF SISTER BAY ZONING CODE

**SEC. 66.0711 COMMERCIALSHOPPING CENTER
SIGNAGE WITH PERMIT**

**SEC. 66.0711 COMMERCIALSHOPPING CENTER
SIGNAGE WITH PERMIT**

160	0.478	0.527	0.573
165	0.468	0.516	0.562
170	0.458	0.505	0.550
175	0.449	0.494	0.538
180	0.439	0.483	0.527
185	0.429	0.472	0.515
190	0.419	0.462	0.503
195	0.410	0.451	0.492
200	0.400	0.440	0.480
Over 200	0.390	0.429	0.468

1
2
3 (c) Window Signs Advertising.
4 All businesses are allowed window signs
5 advertising, which may be placed only on
6 the inside of buildings and shall not exceed
7 25 percent of the glass area of the windows
8 fronting on a public street. ~~The advertising~~
9 ~~shall not include the store or business~~
10 ~~name.~~ Window signs advertising as spec-
11 ified above shall not require a permit.

12 (d) Awning Signage.
13 All businesses are allowed signage on awn-
14 ings subject to permit. Awning signage
15 may include logos, business names, sym-
16 bols and wording placed only on the flap.
17 Awning/canopy covering pedestrian or ve-
18 hicle access areas signs shall provide no
19 less than eight feet vertical clearance be-
20 tween the bottom of the sign and the
21 ground, (finished surface), directly beneath
22 the awning/canopy. Signage on awnings
23 shall not count towards total signage.

24 (e) Directory Signage at the Entrance of Tenant
25 Spaces.
26 One entrance directory sign placed at the
27 entrance of the space for each separate
28 tenant space in multi-tenant buildings may
29 be placed on the building and each direc-
30 tory sign shall not exceed two square feet
31 per side. In lieu of one entrance directory
32 sign for each separate tenant space, a sin-
33 gle wall sign may be permitted. The area of
34 the wall sign shall be no larger than the
35 cumulative amount of the permitted separ-
36 ate entrance directory signs. The in lieu of
37 sign shall be in addition to the sign areas
38 allowed in (b) above and shall conform to
39 all of the requirements of this section.

40 (f) Certain Sandwich Board Signs.
41 See Section 66.0713.

42 (g) Permitted Types of Signs.
43 A business may divide the total permitted
44 signage into any combination of the four

44 types listed below, not to exceed the total
45 permitted area limits set forth in (b) above.

46 (1) Wall signs placed flat against the
47 exterior walls of a building shall not
48 extend above the roofline. Wall
49 signs shall not extend beyond the
50 ends of the wall to which they are
51 attached.

52 (2) Projecting signs fastened to, sus-
53 pended from or supported by struc-
54 tures, shall not extend more than six
55 feet into the required yard area,
56 shall not extend into any public
57 right-of-way, shall not extend over
58 any driveway and, shall be at least
59 ten feet from all side lot lines. The
60 projecting sign shall not be located
61 at a point higher than 75% of the
62 wall measured from the top of the
63 foundation where it is located.

64 (3) Ground signs shall not exceed eight
65 feet in height. Ground signs shall be
66 located at least ten feet from any
67 street right-of-way and at least ten
68 feet away from any side or rear lot
69 line except as specified in (a) below.
70 Ground signs shall comply with the
71 traffic visibility requirements set
72 forth in section 66.0401 [See page
73 81]. All ground signs shall include
74 landscaping at the base of the sign.

75 a. In the B-3 Downtown Busi-
76 ness District ground signs
77 may be located no closer
78 than ten feet from the face of
79 the curb, if the existing build-
80 ing and/or terrain is not suit-
81 able for the setback as speci-
82 fied above.

83 b. All parcels shall be limited to
84 one ground sign, regardless
85 of the number of businesses,
86 buildings on the site or the
87 number of street frontages
88 abutting the property.

89 (4) Vending machines.
90 Only vending machines without in-
91 ternal illumination are permitted in
92 all business districts.

93 **Sec. 66.0711 Commercial Shopping Center**
94 **Signage with Permit**

95 A commercial shopping center is defined as a mul-
96 ti-tenant, multi-building commercial and retail
97 development under common ownership or man-
98 agement that exceeds two acres in size and locat-

Comment [CJ1]: This is regulating placement so OK.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0712 BUSINESS OFF-PREMISE SIGNAGE WITH PERMIT

SEC. 66.0712 BUSINESS OFF-PREMISE SIGNAGE WITH PERMIT

1 ed in the B-1 zoning district. The shopping center
 2 may be permitted the following signage in addi-
 3 tion to the approved building signage as specified
 4 in Section 66.0710.
 5 ~~(a) On Premise Master Identification Signage.~~
 6 ~~(a) Signs used for Commercial Centers shall~~
 7 ~~be allowed as follows:~~
 8 ~~(1) Two (2) marque ground signs~~
 9 ~~may be provided. Two (2) marque~~
 10 ~~ground signs may be permitted~~
 11 ~~along the State Highway abutting~~
 12 ~~a commercial center.~~
 13 ~~(1) The marque signs shall not ex-~~
 14 ~~ceed 72 square feet per side in to-~~
 15 ~~tal area and not exceed 122 feet in~~
 16 ~~height. The location shall be ap-~~
 17 ~~proved by the Plan Commission~~
 18 ~~prior to the issuance of a sign~~
 19 ~~permit.~~
 20 A two-master-identification-marque-ground
 21 sign may be provided which displays the
 22 name of the shopping center, and may also
 23 include information such as, but limited to:
 24 names or lists of individual stores and the
 25 hours of operation. Two-marque-master
 26 identification signs may be permitted along
 27 the State highway abutting a shopping cen-
 28 ter. The marque-master-identification signs
 29 shall not exceed 72 square feet per side in
 30 total area, and not exceed 12 feet in
 31 height. The location shall be approved by
 32 the Plan Commission prior to the issuance
 33 of a Sign Permit.
 34 (b) ~~Business or Tenant Signage.~~
 35 Signage specified in Section 66.0710(g)(1)
 36 and (2) may be provided for each individu-
 37 al tenant business in a ~~commercial shop-~~
 38 ~~ping center.~~ In a multi-tenant building,
 39 each business shall be permitted signage
 40 up to twelve (12) square feet per side. In a
 41 single tenant building the business shall be
 42 permitted signage up to sixteen (16)
 43 square feet per side on the interior of the
 44 shopping center
 45 (c) ~~Additional On Premise Identification Sign-~~
 46 ~~age~~
 47 One additional ~~identification~~-ground sign
 48 on the shopping center property may be
 49 permitted ~~su~~which displays the name of
 50 ~~the shopping center~~ subject to the follow-
 51 ing restrictions:
 52 (1) The maximum size of the sign shall
 53 not exceed 36 square feet per side.

54 (2) The location shall be approved by
 55 the Plan Commission prior to the is-
 56 suance of a Sign Permit. (Amended
 57 Ordinance 193-050312)
 58 ~~Sec. 66.0712 Business Off-Premise Signage~~
 59 ~~with Permit~~
 60 This section shall only apply to businesses not lo-
 61 cated on a State highway. Off-premise directional
 62 signs shall only be allowed for businesses located
 63 within the Village limits. All off-premise signs
 64 shall require a sign permit and shall be restricted
 65 to the following uses:
 66 ~~Off-premise directional signs on Highway~~
 67 ~~42 or 57.~~
 68 (a) ~~(1) Traffic control devices on private~~
 69 ~~or public property must be erected~~
 70 ~~and maintained to comply with the~~
 71 ~~Manual on Uniform Traffic Con-~~
 72 ~~trol Devices adopted in this state~~
 73 ~~and if not adopted by this state~~
 74 ~~with the Manual on Uniform Traf-~~
 75 ~~fic Control Devices adopted by the~~
 76 ~~Federal Highway Administration.~~
 77 ~~(1)(2) Off-premise directional signs on~~
 78 ~~State Highways 42 and 57 indicat-~~
 79 ~~ing the direction to a business not~~
 80 ~~located on either state highway re-~~
 81 ~~quire a permit.~~
 82 (2)(3) The basis of approval shall be as fol-
 83 lows:
 84 a. ~~It is proven essential to have~~
 85 ~~a sign to direct the traveling~~
 86 ~~public to the correct highway~~
 87 ~~turnoff in the desired location~~
 88 ~~(?).~~
 89 b.a. The sign must be located
 90 within 300 feet of the inter-
 91 section where the turn must
 92 be made.
 93 e.b. There shall be only one ~~(non~~
 94 ~~billboard?) directional sign~~
 95 ~~on the highway for each~~
 96 ~~such business entity request-~~
 97 ~~ing such signage~~
 98 ~~(4) Off-premise sign standards:~~
 99 a. All such ~~directional~~-signs
 100 shall be attached to the Vil-
 101 lage-owned common posting
 102 standard, ~~and shall not ex-~~
 103 ~~ceed two square feet in area~~
 104 ~~per side. The Village shall es-~~
 105 ~~tablish the color and font for~~
 106 ~~the directional sign.~~
 107
 110

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0713 SANDWICH BOARD SIGNAGE WITH PERMIT

SEC. 66.0713 SANDWICH BOARD SIGNAGE WITH PERMIT

1 | (c)(b) ~~Off-premise directional signs not located~~ 55
 2 | ~~on a state highway.~~ 56
 3 | (1) Off-premise ~~directional~~ signs on Vil- 57
 4 | lage streets ~~indicating the direction~~ **Sec. 66.0713 Sandwich Board Signage with**
 5 | ~~to a business~~ require a permit. 58 **Permit**
 6 | (2) The basis of approval shall be as fol- 59 Sandwich board signs are permitted subject to the
 7 | lows: 60 following conditions:
 8 | a. ~~It is proven essential to have~~ 61 (a) ~~Retail businesses and restaurants~~Entities
 9 | ~~a sign in the desired area to~~ may use sandwich board signs on their
 10 | ~~direct the traveling public to~~ property in front of their ~~businesses proper-~~
 11 | ~~the correct highway turnoff.~~ ties for advertising purposes in the B-1, B-
 12 | b.a. The sign must be located 62 2, B-3, I-1 and P-1 districts as permitted
 13 | within 300 feet of the inter- 63 provided that the sandwich board signs
 14 | section where the turn must 64 will not be located on any sidewalk or
 15 | be made. 65 bikeway if one is present or in any public
 16 | c.b. There shall be only one di- 66 right-of-way.
 17 | ~~rectional~~ sign for each such 67
 18 | ~~business requesting entity on~~ (b) Sandwich board sign impact on total per-
 19 | ~~Village streets.~~ mitted signage.
 20 | (3) Off-premise sign standards: 70
 21 | a. All such ~~directional~~ signs 71 (1) A sandwich board where the mes-
 22 | shall be attached to the Vil- 72 sages and content change on a
 23 | lage-owned common posting 73 weekly basis; ~~noticing a special~~
 24 | standard ~~and shall not ex-~~ event or other activity that is of a
 25 | ~~ceed two square feet in area~~ short duration shall not count to-
 26 | ~~per side.~~ The Village shall es- 74 wards the total signage allowed un-
 27 | tablish the color and font for 75 der Section 77.0710. ~~Any sign~~
 28 | the directional sign. 76 wording that duplicates other per-
 29 | (c)(c) ~~Other Off-premise signs.~~ 77 mitted or allowed signage on a
 30 | The purpose of this section is to allow ~~Vil-~~ 78 property other than the business
 31 | ~~lage businesses/entities~~ to place ~~business~~ 79 name is not permitted.
 32 | signs off their property subject to the 80
 33 | following conditions: 81
 34 | (1) The applicant is not able to obtain a 82 (2) A sandwich board where the word-
 35 | sign permit under subsection (a) or 83 ing or image is unchanging shall
 36 | (b) above. 84 count towards the total signage al-
 37 | (2) The sign shall comply with WisDOT 85 lowed under Section 77.0710. ~~Any~~
 38 | Trans 201 Scenic Byways regula- 86 sign wording that duplicates other
 39 | tions. 87 permitted or allowed signage on a
 40 | (3) The applicant shall provide written 88 property other than the business
 41 | documentation from the landowner 89 name is not permitted. Any sand-
 42 | demonstrating permission for the 90 wich board permitted under this
 43 | location of the off-premise sign. 91 subsection shall also comply with
 44 | (4) The overall ~~shape/size~~, height, mate- 92 (c)-(g) below.
 45 | rial, ~~color~~ and setback must have 93
 46 | the approval of the Plan Commis- 94 (c) The sandwich board sign must be located
 47 | sion. 95 in front of the ~~business or restaurant~~prop-
 48 | (5) The exact location of the sign shall 96 erty and cannot be located closer than ten
 49 | be approved by the Plan Commis- 97 feet to an adjacent property or driveway,
 50 | sion. 98 and will not cause a hazard to traffic or ad-
 51 | (6) ~~The overall size, shape, height, mate-~~ 99 joining properties. These signs shall require
 52 | ~~rial, color and setback must have~~ a permit and shall not exceed six (6) square
 53 | ~~the approval of the Plan Commis-~~ feet in area on one side or 12 square feet
 54 | ~~sion.~~ on all sides. ~~No more than 25% percent of~~
 55 | 100 the area on each side of the sign may be
 56 | 101 used for name of the business.
 57 | 102 (d) The sandwich board sign must be removed
 58 | 103 from its display location whenever the
 59 | 104 business permit holder is not open to the
 60 | 105 public. Festivals, non-profits, organizations
 61 | 106 and businesses under contract with the Vil-
 62 | 107
 63 | 108
 64 | 109
 65 | 110
 66 | 111

55
 56
 57 **Sec. 66.0713 Sandwich Board Signage with**
 58 **Permit**
 59 Sandwich board signs are permitted subject to the
 60 following conditions:
 61 (a) ~~Retail businesses and restaurants~~Entities
 62 may use sandwich board signs on their
 63 property in front of their ~~businesses proper-~~
 64 ties for advertising purposes in the B-1, B-
 65 2, B-3, I-1 and P-1 districts as permitted
 66 provided that the sandwich board signs
 67 will not be located on any sidewalk or
 68 bikeway if one is present or in any public
 69 right-of-way.
 70 (b) Sandwich board sign impact on total per-
 71 mitted signage.
 72 (1) A sandwich board where the mes-
 73 sages and content change on a
 74 weekly basis; ~~noticing a special~~
 75 event or other activity that is of a
 76 short duration shall not count to-
 77 wards the total signage allowed un-
 78 der Section 77.0710. ~~Any sign~~
 79 wording that duplicates other per-
 80 mitted or allowed signage on a
 81 property other than the business
 82 name is not permitted.
 83 (2) A sandwich board where the word-
 84 ing or image is unchanging shall
 85 count towards the total signage al-
 86 lowed under Section 77.0710. ~~Any~~
 87 sign wording that duplicates other
 88 permitted or allowed signage on a
 89 property other than the business
 90 name is not permitted. Any sand-
 91 wich board permitted under this
 92 subsection shall also comply with
 93 (c)-(g) below.
 94 (c) The sandwich board sign must be located
 95 in front of the ~~business or restaurant~~prop-
 96 erty and cannot be located closer than ten
 97 feet to an adjacent property or driveway,
 98 and will not cause a hazard to traffic or ad-
 99 joining properties. These signs shall require
 100 a permit and shall not exceed six (6) square
 101 feet in area on one side or 12 square feet
 102 on all sides. ~~No more than 25% percent of~~
 103 the area on each side of the sign may be
 104 used for name of the business.
 105 (d) The sandwich board sign must be removed
 106 from its display location whenever the
 107 business permit holder is not open to the
 108 public. Festivals, non-profits, organizations
 109 and businesses under contract with the Vil-
 110
 111

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0720 ON-PREMISE SIGNS WITHOUT PERMIT

SEC. 66.0720 ON-PREMISE SIGNS WITHOUT PERMIT

1 village may use sandwich board signs on Vil- 56
 2 lage owned property or other property ~~for~~ 57
 3 ~~advertising purposes~~ in any district as per- 58
 4 mitted provided that the sandwich board 59
 5 signs will not be located on any sidewalk 60
 6 or bikeway if one is present or in any pub- 61
 7 lic right-of-way. 62
 8 (e) The Plan Commission shall establish a 63
 9 Sandwich Board Design, Guide which will 64
 10 reflect various preferred designs and col- 65
 11 ors. The Guide shall be updated periodi- 66
 12 cally. 67
 13 (f) All existing sandwich board signs are con- 68
 14 sidered temporary and are no longer per- 69
 15 mitted after May 1, 2011. 70
 16 (g) After May 1, 2011, the cost for a temporary 71
 17 sandwich board sign permit shall be 72
 18 \$20.00 except for existing sandwich board 73
 19 permit holders. 74
 20 **Sec. 66.0720 On-Premise Signs without Per-** 75
 21 **mit** 76
 22 Except as prohibited in section 66.0770 of this 77
 23 chapter, the following signs are permitted in all 78
 24 zoning districts without a permit, subject to the 79
 25 following regulations: 80
 26 (a) ~~Real estate signs~~ **Temporary Signs.** 81
 27 ~~One temporary sign may be located on the~~ 82
 28 ~~owner's property when that property is~~ 83
 29 ~~being offered for sale through a licensed~~ 84
 30 ~~real estate agent; if not offered for sale~~ 85
 31 ~~through a real estate agent, when that~~ 86
 32 ~~property is offered for sale through adver-~~ 87
 33 ~~tising in a local newspaper of general cir-~~ 88
 34 ~~culation. These signs are nReal estate~~ 89
 35 ~~signs, not to exceed six square feet in area~~ 90
 36 ~~on one side and 12 square feet in area on~~ 91
 37 ~~all sides. Temporary real estate These signs~~ 92
 38 ~~shall be located no closer than ten feet to~~ 93
 39 ~~any street right-of-way, nor closer than ten~~ 94
 40 ~~feet to a side or rear lot line. Temporary~~ 95
 41 ~~signs shall be displayed for no longer than~~ 96
 42 ~~30 days, and shall be permitted no more~~ 97
 43 ~~than 6 times per year.~~ 98
 44 (a)(1) **Construction Area Signage** 99
 45 ~~Temporary signs on a property dur-~~ 100
 46 ~~ing a period of construction may be~~ 101
 47 ~~placed on a construction site without a~~ 102
 48 ~~permit, provided that there shall be no~~ 103
 49 ~~more than one such sign located on the~~ 104
 50 ~~premises; no sign shall exceed 18 square~~ 105
 51 ~~feet in area on one side or 36 square feet~~ 106
 52 ~~on all sides; and the sign shall be re-~~ 107
 53 ~~moved within 72 hours following the is-~~ 108
 54 ~~suance of an occupancy permit. Tempo-~~ 109
 55 ~~rary signs issued as part of a development~~ 110
 111

~~agreement shall be removed as specified~~ 56
~~in that agreement.~~ 57
 (b) ~~Temporary Election signs:~~ 58
 (c) ~~One temporary sign per may be~~ 59
~~located on the owner's property for a peri-~~ 60
~~od of thirty (30) days prior to an election~~ 61
~~involving candidates for a federal, state or~~ 62
~~local office that represents the district in~~ 63
~~which the property is located. Election~~ 64
~~campaign signs provided, that permission~~ 65
~~shall be obtained from the property owner,~~ 66
~~renter or lessee; and provided that such~~ 67
~~sign shall not be erected prior to the first~~ 68
~~day of the "election campaign period" as~~ 69
~~defined in Section §12.04 of the Wisconsin~~ 70
~~Statutes, and shall be removed within sev-~~ 71
~~en (7) days following the election. No~~ 72
~~campaign temporary signs sign shall be~~ 73
~~erected in a street right of way or on any~~ 74
~~utility poles for a period of thirty (30) days~~ 75
~~prior to an election and seven (7) days fol-~~ 76
~~lowing an election. Campaign Temporary~~ 77
~~signs shall not be located within a vision~~ 78
~~clearance triangle, and shall not exceed 24~~ 79
~~square feet in area on one side and 48~~ 80
~~square feet in area on all sides.~~ 81
 (d) ~~Rummage sale~~ **Temporary signs:** 82
 (e) ~~One temporary sign may be~~ 83
~~located on the owner's property on a day~~ 84
~~when the property owner is opening the~~ 85
~~property to the public. Rummage sale and~~ 86
~~garage sale Nosigns provided that no such~~ 87
~~signs shall be erected or placed within a~~ 88
~~public right of way and further provided~~ 89
~~that such signs are removed within 12~~ 90
~~hours following the sale.~~ 91
 (f)(1) **Bulletin boards.** 92
~~Bulletin boards are for public, charitable or~~ 93
~~religious institutions not to exceed four~~ 94
~~square feet in area on one side located on~~ 95
~~the building.~~ 96
 (g)(1) **Memorial signs Cut Into Buildings.** 97
~~Memorial signs and tablets~~ 98
~~, names of buildings, and date of erection~~ 99
~~when cut into any masonry surface or~~ 100
~~when constructed of metal and affixed flat,~~ 101
~~against a structure will count towards total~~ 102
~~allowable signage, and be reviewed by the~~ 103
~~Plan Commission as an Architectural Fea-~~ 104
~~ture and approved or denied based on total~~ 105
~~allowable signage.~~ 106
 (h) **Official signs.** 107
~~Official signs, such as traffic control, park-~~ 108
~~ing restrictions, Village welcome signs and~~ 109
~~related entrance signs, and public notices~~ 110
 111

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0721 ON/OFF-PREMISE SIGNS WITHOUT PERMIT

SEC. 66.0721 ON/OFF-PREMISE SIGNS WITHOUT PERMIT

when approved by the Zoning Administrator.

(i)(d) **Illuminated Open Signs.**

(j)(c) ~~When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:~~ A single internally illuminated sign with the specific word "OPEN" not exceeding two square feet.

(k)(f) **Lot Directional signs.**

On-premise directional signs such as "ENTER," "EXIT," and "DO NOT ENTER" signs located at the entrance and exit of a driveway or street shall not exceed two square feet.

(l)(g) **Parking signs.**

Signs in the parking lot Customer parking signs shall be mounted no less than four feet from the ground and shall not exceed 24 inches high by 30 inches wide. The lower one-third of the sign shall be lettered with the words "Customer Parking" and may include a directional arrow below. The upper two-thirds of the sign may be used for the business name or logo, but no other advertising message.

Flags.

(h) ~~One~~ A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use. decorative flag, seasonal flag or flag containing words no larger than 15 square feet per side shall be permitted on a lot. No flagpole shall exceed 35 feet in height. There shall be no limit on the number or size of country, national, state, local or government affiliated flags displayed on a lot. Property owners shall be permitted up to three flags of no more than 15 square feet each.

(m)(i) **Signs on external restaurant walls; Restaurant Menu Boards.**

One sign on an menu board external restaurant wall is allowed per restaurant commercially zoned unit. The maximum allowable size for such sign a menu board is four square feet. If it is over four square feet in size the sign menu board's area shall be included in the total signage calculation. All signs menu boards must be mounted on the building and match the design of the building and/or any signage displayed on

that building. Erasable blackboards or glass-enclosed cases are acceptable.

(n)(j) **Temporary construction signs.**

Temporary construction signs such as a sign identifying a contractor, designer, or equipment provider on a property during a period of construction may be placed on a construction site without a permit, provided that there shall be no more than one such construction sign located on the premises; no sign shall exceed 18 square feet in area on one side or 36 square feet on all sides; and the construction sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs issued as part of a development agreement shall be removed as specified in that agreement.

Sec. 66.0721 On/Off-Premise Signs without Permit

(a) **Temporary Seasonal signs- Designated Events.**

(b) ~~During the 10 day 26 day period leading up to a designated festival or event (including the day/days of the event) by the Village Parks Committee December 15 to January 10, July 4, and (insert any other dates); a property owner may be allowed~~ Seasonal signs advertising the sale of seasonal products, including Christmas trees and pumpkins, provided that:

- (1) Only one additional sign per business site will be allowed lot.
- (2) The sign shall be set back a minimum of 10 feet from all lot lines.
- (3) The sign area shall not exceed 24 square feet.
- (4) The sign shall not exceed six feet in height.
- (5) The sign shall not be posted for more than 30 consecutive days in any calendar year.

(c)(l) **Special Event and Fund Raising Temporary Signs- Other Events**

The temporary use of banners, balloons, inflatable signs, streamers, pennants, and other similar signage used for special event, fund raising and other advertising purposes in any district may be allowed provided that the advertising media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. Special events or other advertising for

Comment [CJ2]: This might need to be changed

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0722 OTHER ON/OFF-PREMISE SIGNS WITH PERMIT

SEC. 66.0730 RESIDENTIAL DISTRICTS SIGNAGE WITH PERMIT

1 ~~businesses shall be covered under Section~~ 56
2 ~~66.0722(a) below.~~ The signs cannot be 57
3 erected more than 14 days before the event 58
4 and must be removed within 2 days after 59
5 the event. The property owner must grant 60
6 permission in writing for the placement of 61
7 the sign/media. The sign/media, will not be 62
8 located closer than ten feet to an adjacent 63
9 property; driveway, and will not cause a 64
10 hazard to traffic or adjoining properties. 65
11 These sign/media shall not require a permit 66
12 and shall not exceed 24 square feet in area 67
13 on one side or 48 square feet on all sides. 68
14 ~~(c) Failure to Comply with Standards.~~ 69
15 Any ~~group, business or~~ entity utilizing (a) 70
16 or (b) above that fails to follow the stand- 71
17 ards shall be notified in writing that all fu- 72
18 ture seasonal, special event and fund rais- 73
19 ing signage shall require a regular sign 74
20 permit ~~and shall be issued a fine in the~~
21 ~~amount of \$50.00 at the discretion of the~~
22 ~~Village Administrator.~~
23 **Sec. 66.0722 Other On/Off-Premise Signs**
24 **with Permit**
25 (a) ~~Temporary Signage- Long Duration Events~~
26 ~~Special Event and Fund Raising Signage.~~
27 The temporary use of banners, balloons,
28 inflatable signs, streamers, pennants, and
29 other similar signage ~~used for special event~~
30 ~~or fund raising and other advertising pur-~~
31 ~~poses~~ in any district may be permitted pro-
32 vided that ~~the advertising~~ media will not be
33 located on any sidewalk or bikeway if one
34 is present or in any public right-of-way.
35 The signs cannot be erected more than 45
36 days in a calendar year and must be re-
37 moved within 2 days after the event. The
38 property owner must grant permission in
39 writing for the placement of the
40 sign/media. The sign/media, will not be lo-
41 cated closer than ten feet to an adjacent
42 property; driveway, and will not cause a
43 hazard to traffic or adjoining properties.
44 These sign/media shall require a permit
45 and shall not exceed 24 square feet in area
46 on one side or 48 square feet on all sides.
47 1. Provisions of this section (a)
48 shall be allowed for an unlimited number
49 of days during the Bayshore Drive Recon-
50 struction Project. Subsection (1) shall au-
51 tomatically expire on May 25, 2016 or the
52 completion of the Bayshore Drive Project
53 as determined by the Village Administrator;
54 whichever occurs first.
55 ~~(b) Time and Temperature signs.~~

~~Time and Temperature signs require a~~ 56
~~permit but may be erected as wall signs,~~ 57
~~projecting signs, monument signs, or free-~~ 58
~~standing signs, provided that they meet the~~ 59
~~requirements for each of those sign types.~~ 60
~~The area of the time and temperature sign~~ 61
~~shall be included in the total permitted~~ 62
~~signage.~~ 63
64 ~~(c)(b) Changeable copy signs.~~
65 Changeable copy signs, fixed or moveable,
66 may be permitted ~~for theaters, churches~~
67 ~~and schools.~~ If approved by the Plan
68 Commission, ~~gas station~~ Price signs will
69 be considered permitted addition signage.
70 **Sec. 66.0730 Residential Districts Signage**
71 **with Permit**
72 The following signs are permitted in any residen-
73 tial district and are subject to the following regula-
74 tions:
75 (a) ~~Signs Residential development signs.~~
76 ~~Single family, two family and multifamily~~
77 ~~residential development signs, Signs author-~~
78 ~~ized on a property are~~ not to exceed six
79 feet in height and 24 square feet in area on
80 one side and 48 square feet in area on all
81 sides, placed at the entrance to a subdivi-
82 sion or development. The sign shall be lo-
83 cated no closer than ten feet to any street
84 right-of-way, nor closer than ten feet to any
85 side or rear lot line.
86 (b) ~~Temporary development signs.~~
87 ~~Temporary development signs for the pur-~~
88 ~~pose of designating a new building or de-~~
89 ~~velopment, or for promotion of a subdivi-~~
90 ~~sion~~ may be permitted for a limited period
91 of time provided that the sign shall not ex-
92 ceed 18 square feet in area on one side
93 and 36 square feet in area on all sides and
94 shall be located not closer than ten feet
95 from any street right-of-way, nor closer
96 than ten feet to any side or rear lot line.
97 ~~The Developer may use such signage. The~~
98 ~~Plan Commission shall specify the period~~
99 ~~of time the sign may remain based on the~~
100 ~~size of the development allowing a reason-~~
101 ~~able time~~ to market the development pro-
102 vided that the sign shall not be in place for
103 more than 60 days of the issuance of an
104 occupancy permit. Projects covered by a
105 development agreement ~~shall may~~ specify
106 the date for the removal of the sign.
107 ~~(c) Home occupations signs.~~
108 ~~Home occupation, cottage rental and pro-~~
109 ~~fessional home office signs not to exceed~~

Comment [C33]: I deleted home occupations signage because it can be regulated under other business signage requirements- can put an acreage requirement on business signage if don't want signs that are too big at small places of business.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0731 COUNTRYSIDE DISTRICT SIGNAGE WITH PERMIT

SEC. 66.0750 SIGN PERMIT

1 ~~three square feet in area. The signs shall be~~ 54
 2 ~~set back at least six feet from the nearest~~ 55
 3 ~~property line and shall not be over five feet~~ 56
 4 ~~above the ground. No more than one such~~ 57
 5 ~~sign for each use located on the premises~~ 58
 6 ~~shall be permitted.~~ 59
 7 (b)(c) **Other signs.** 60
 8 Signs over show windows or doors or a 61
 9 non-conforming business establishment 62
 10 ~~announcing without display or elaboration~~ 63
 11 ~~only the names and occupation of the pro-~~ 64
 12 ~~prietor and not to exceed eight square feet~~ 65
 13 ~~in area.~~ 66
 14 **Sec. 66.0731 Countryside District Signage** 67
 15 **with Permit**
 16 The following on-premise signs are permitted in 68
 17 the CS-1 district:
 18 (a) All signs permitted in the residential dis- 69
 19 tricts.
 20 (b) On-premise signs ~~advertising a public or~~ 70
 21 ~~semipublic use or a legal non-conforming~~ 71
 22 ~~business establishment,~~ which do not ex- 72
 23 ceed 24 square feet in area. There shall be 73
 24 no more than one such sign for each high- 74
 25 way upon which the property faces. If at- 75
 26 tached to the building, such signs shall be 76
 27 no higher than the roofline. If located on 77
 28 the ground, such signs shall not be higher 78
 29 than eight feet above the ground.
 30 (c) Ground signs ~~advertising the sale of farm~~ 79
 31 ~~products produced on the premises,~~ which 80
 32 do not exceed 24 square feet in area on 81
 33 one side or 48 square feet on all sides.
 34 **Sec. 66.0732 Institutional and Park Districts**
 35 **Signage with Permit**
 36 The following signs are permitted in the Institu-
 37 tional and Park districts and are subject to the fol-
 38 lowing regulation:
 39 (a) Private and public institutional ~~and park~~ 93
 40 ~~name signs~~ when approved by the Plan 94
 41 Commission.
 42 (b) Signs ~~containing advertising for placement~~ 95
 43 on publicly owned land shall meet the fol- 96
 44 lowing criteria:
 45 (1) Such signs shall be securely fast- 97
 46 ened, constructed and continuously 98
 47 maintained in such a manner as to 99
 48 prevent damage from the natural el- 100
 49 ements.
 50 (2) Such signs shall be located in such 101
 51 a manner to minimize visual im- 102
 52 pacts to areas located outside of the 103
 53 park facilities. 104

- (3) Such signs shall be permitted for the 105
 sole purpose of generating funds for 106
 Village authorized programs and fa-
 cilities. In all cases, the overall aes-
 thetics of the park and the surround-
 ing area shall be significant consid-
 eration in the placement and design
 of the signs.
 (4) An agreement between the Village
 and the sign sponsor shall be exe-
 cuted specifying annual fees and a
 maintenance schedule.
 (5) Such signs shall be permitted sub-
 ject to Plan Commission discretion.

68 Sec. 66.0750 Sign Permit

69 Application for a sign permit shall be made on
 70 forms provided by the Zoning Administrator and
 71 shall contain or have attached thereto at least the
 72 following information:

- (a) Name, address and telephone number of
 the applicant. Location of building, struc-
 ture, or lot to which or upon which the
 sign is to be attached or erected.
 (b) Name of person, firm, corporation, or as-
 sociation erecting the sign.
 (c) In cases where more than one business oc-
 cupies a single building, the assignment of
 on-building sign area to the various busi-
 nesses shall be at the discretion of the
 property owner. This allocation shall be
 specified in the Sign Application.
 (d) Written consent of the owner or lessee of
 the building, structure, or land to which or
 upon which the sign is to be affixed.
 (e) A scale drawing of such sign indicating the
 dimensions, the materials to be used, the
 colors on the sign, the type of illumination,
 if any, and the method of construction and
 attachment. The drawing shall be drawn at
 a scale no smaller than one-eighth inch
 equals one foot and shall be prepared,
 signed and sealed by a registered profes-
 sional engineer when required by the Zon-
 ing Administrator.
 (f) A scale drawing indicating the location
 and position of such sign in relation to
 nearby buildings or structures. The drawing
 shall be at a scale no smaller than one inch
 equals 50 feet.
 (g) Copies of any other permits required.
 (h) Signs requiring state approval shall provide
 a copy of such approval with the sign per-
 mit application.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0751 CONSTRUCTION STANDARDS

SEC. 66.0752 COLOR AND LIGHTING

- 1 (i) Additional information may be required by
2 the Zoning Administrator or Plan Commis-
3 sion.
- 4 (j) Sign permit applications shall be filed with
5 the Zoning Administrator ~~after review and~~
6 ~~approval by the Plan Commission, if re-~~
7 ~~quired, who shall review the application~~
8 ~~for its completeness and accuracy and who~~
9 ~~may~~ approve or deny the application, in
10 writing, within ~~15-20~~ working days after
11 submittal. A sign permit shall become inva-
12 lid, if work authorized under the permit
13 has not been completed within six months
14 of the date of issuance.
- 15 (k) At the time of the filing of the application
16 for a permit, the applicant shall furnish to
17 the Zoning Administrator the fee for the
18 permit in accordance with the current fee
19 schedule set by the Village Board.
- 20 ~~(l) The Commission may specify the size, col-~~
21 ~~or, shape, construction and location of the~~
22 ~~signs as conditions of the permit.~~
- 23 ~~(m)(1)~~ Waiver of some requirements.
24 The Zoning Administrator may waive the
25 requirements for certain plans, specifica-
26 tion, data, or drawings when the applica-
27 tion is to execute minor alterations or re-
28 pairs to a sign, provided that the proposed
29 construction, alteration, or repair is suffi-
30 ciently described in the application for the
31 permit.
- 32 ~~(m)(2)~~ The sign permit fee shall be established
33 annually by the Village.

34 Sec. 66.0751 Construction Standards

- 35 (a) Sign Materials.
36 Signs should be constructed predominantly
37 of natural materials, such as rough cedar,
38 pine or other types of wood. Stained glass
39 may also be used. Manufactured materials
40 that give the appearance of natural materi-
41 als are also permitted. Signs with relief are
42 encouraged. Supporting members or brac-
43 es of all signs shall be constructed of ap-
44 proved materials.
- 45 (b) Covering Architectural Details.
46 Signs shall not cover architectural details
47 such as, but not limited to arches, sills,
48 moldings, cornices and transom windows.
49 It may be required that existing signboards
50 or sign bands be used for placement of
51 signs.
- 52 (c) Construction Standards.
53 The applicant shall be responsible for ob-
54 taining the necessary permits to comply
55 with Village and State building, electric
56 and WisDOT codes.

- 57 (d) Protection of the public.
58 The temporary occupancy of a sidewalk or
59 street or other public property during con-
60 struction, removal, repair, alteration or
61 maintenance of a sign is permitted provid-
62 ed the space occupied is roped off, fenced
63 off or otherwise isolated. The Zoning Ad-
64 ministrator shall be notified at least 24
65 hours in advance of such proposed ob-
66 struction.
- 67
- 68 (e) Sign Location Affecting Egress
69 No signs or any part thereof or sign an-
70 chors, braces, or guide rods shall be at-
71 tached, fastened, or anchored to any fire
72 escape, fire ladder, or standpipe and no
73 such sign or any part of any such sign or
74 any anchor, brace or guide rod shall be
75 erected, put up, or maintained so as to
76 hinder or prevent ingress or egress through
77 such door, doorway, or window or so as to
78 hinder or prevent the raising or placing of
79 ladders against such building by the Fire
80 Department, as necessity may require.

81 Sec. 66.0752 Color and Lighting

- 82 ~~(a) The Plan Commission shall approve and~~
83 ~~maintain appropriate sign colors. For all~~
84 ~~signs, the Zoning Administrator shall main-~~
85 ~~tain samples of the approved colors. Colors~~
86 ~~that are of the Neon or Fluorescent families~~
87 ~~may not be used as they do not promote~~
88 ~~the historic preservation of the Village.~~
- 89 (b) Signs shall not resemble, imitate or approx-
90 imate the shape, size, form or color of traf-
91 fic signs, signals or devices. Signs may be
92 illuminated, but non-flashing.
- 93 (c) Signs in residential districts shall not be il-
94 luminated.
- 95 (d) No sign shall be illuminated except as fol-
96 lows:
97 (1) Natural illumination or background
98 illumination from street lighting or
99 parking lot lighting.
100 (2) Shielded spotlights designed to fo-
101 cus the light only on the sign.
102 (3) The maximum permitted illumina-
103 tion on the face shall not exceed
104 five foot-candles.
- 105 (e) Searchlights may not be used in the Village
106 without a permit. The Plan Commission
107 may permit the temporary use of a search-
108 light for advertising purposes in business
109 districts, provided that the searchlight will
110 not be located in any public right-of-way,
111 will not be located closer than twenty feet

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0753 MEASURING SIGNS

SEC. 66.0754 MAINTENANCE OF SIGNS

- 1 to an adjacent property, and will not cause
2 a hazard to traffic or adjoining properties.
3 Searchlight permits shall not be granted for
4 a period of more than five days in any six-
5 month period. If, however, representatives
6 of federal, state or local government agen-
7 cies wish to operate a searchlight in the
8 Village for official business, no permit will
9 be required.
- 10 **Sec. 66.0753 Measuring Signs**
- 11 (a) Area of Sign.
12 Measurement of sign area shall be calcu-
13 lated as the sum of the area within the
14 smallest regular rectangle that will encom-
15 pass all elements of the actual sign face,
16 including any writing, logos, representa-
17 tions, emblems, or any figures or similar
18 characters, together with any material
19 forming an integral part of the display or
20 forming the backing surface or background
21 on which the message or symbols are dis-
22 played.
- 23 (b) Wall Sign.
24 For a sign painted on or applied to a build-
25 ing or to a freestanding wall, the area shall
26 be considered to include all lettering,
27 wording, and accompanying designs or
28 symbols, together with any background of
29 a different color than the natural color, or
30 finish material of the building or architec-
31 tural wall. The architectural wall shall be
32 subject to Plan Commission approval of
33 the site and landscaping plan. The main
34 supporting sign structure (i.e., brackets,
35 posts, foundation, etc.) shall not be includ-
36 ed in the area measurement.
- 37 (c) Letter Signs.
38 The gross surface area of a skeleton letter
39 wall sign consisting of individual letters
40 and/or symbols shall be determined by
41 calculating the horizontal length of the
42 combined areas of the smallest rectangles,
43 which encompass each word, letter, figure
44 and emblem on the sign by the vertical
45 height of the outside dimensions of the
46 whole sign.
- 47 (d) Two-sided Sign.
48 When a sign has two or more faces, the ar-
49 ea of all faces shall be included in deter-
50 mining the area, except that where two
51 faces are placed back to back and the an-
52 gle between the faces measures 45 degrees
53 or less, the total sign area shall be comput-
54 ed by measuring the square footage of a
55 single face. When the angle between sign
56 faces measures greater than 45 degrees, the
- 57 total sign area shall be computed by add-
58 ing the square footage of each face.
- 59 (e) Sign height.
60 Maximum or minimum sign height shall be
61 measured from the ground surface adjacent
62 to the center of the bottom of the structure
63 supporting the sign to the top of the sign
64 surface being regulated.
- 65 (f) Length of Lineal Building Front Foot.
66 The length of the front wall of the building
67 adjacent and parallel or closely parallel to
68 any abutting street or public right-of-way. If
69 the building is located on a corner lot then
70 the side of the building used for addressing
71 purposes shall be deemed the front of the
72 building. If the front of the building is un-
73 even then that portion of the building that is
74 adjacent and parallel to the abutting street
75 that is within 25 feet of the primary front
76 wall shall be included in the total length of
77 the lineal building front foot.
- 78 **Sec. 66.0754 Maintenance of Signs**
- 79 (a) Maintenance and repair.
80 Every sign, including, but not limited to
81 those signs for which permits are required,
82 shall be maintained in safe, presentable,
83 and good structural condition at all times,
84 including replacement of defective parts,
85 painting (except when a weathered or nat-
86 ural surface is intended), repainting, clean-
87 ing, and other acts required for the mainte-
88 nance of such sign.
- 89 (b) Compliance standards.
90 The Zoning Administrator shall require
91 compliance with all standards of this sec-
92 tion. If the sign is not modified to comply
93 with the standards outlined in this section,
94 the Zoning Administrator shall require its
95 removal in accordance with subsection (d)
96 of this section.
- 97 (c) Abandoned signs.
98 All signs or messages shall be removed by
99 the owner or lessee of the premises upon
100 which an on-premise sign is located when
101 the business it advertises is no longer con-
102 ducted or, for an off-premise sign, when
103 the lease payment and rental income are
104 no longer provided, unless there is evi-
105 dence that the owner or agent is marketing
106 the property for sale or lease. If the owner
107 or lessee fails to remove the sign, the Zon-
108 ing Administrator shall give the owner 30
109 days written notice to remove such sign.
110 Upon failure of the owner or lessee to
111 comply with this notice, the Village may
112 cause the sign to be removed and all costs
117

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0770 PROHIBITED SIGNS

SEC. 66.0770 PROHIBITED SIGNS

- 1 of such removal shall be collected as a 55
 2 special assessment on the next succeeding 56
 3 tax roll. 57
- 4 (d) Deteriorated or dilapidated signs. 58
 5 The Zoning Administrator shall give the 59
 6 owner or lessee of any premises on which 60
 7 a deteriorated or dilapidated sign is locat- 61
 8 ed, 60 days written notice to repair any de- 62
 9 teriorated or dilapidated signs and remove 63
 10 such condition, without enlarging or struc- 64
 11 turally altering such signs. (g) Unclassified signs:
 12 (1) If it is determined that such deterio- 65
 13 rated or dilapidated signs cannot be 66
 14 repaired without structurally altering 67
 15 or changing the sign, then the own- 68
 16 er or lessee of such sign shall obtain 69
 17 a permit from the Zoning Adminis- 70
 18 trator for such changes or altera- 71
 19 tions. 72
 20 (2) Upon failure of the owner or lessee 73
 21 to comply with the notice set forth 74
 22 in subsection (c) of this section, or 75
 23 in the event of the failure of the 76
 24 owner or lessee to obtain a permit 77
 25 as set forth in section 66.0750, [See 78
 26 page ~~115+14~~ the Village may 80
 27 cause the sign to be removed and 81
 28 all costs of such removal shall be 82
 29 collected as a special assessment on 83
 30 the next succeeding tax roll. 84
- 31 **Sec. 66.0770 Prohibited Signs** 85
 32 The following signs are prohibited in all districts: 86
- 33 (a) Abandoned signs. 87
 34 Any sign advertising or identifying a busi- 88
 35 ness or organization, which is either de- 89
 36 funct or no longer located on the premises. 90
 37 Exceptions are granted to landmark signs, 91
 38 which may be preserved and maintained 92
 39 even if they no longer pertain to the pre- 93
 40 sent use of the premises. 94
- 41 (b) Flashing, alternating, rotating or swinging 95
 42 signs or devices, whether illuminated or 96
 43 not, visible from the right-of-way. 97
- 44 (c) Floodlighted or reflection illuminated signs 98
 45 of which the light source is positioned so 99
 46 that its light sources is visible from a public 100
 47 right-of-way by the vehicular traffic or 101
 48 which the light source is visible from ad- 102
 49 joining property. 103
- 50 (d) Internally illuminated signs, neon and back 104
 51 lighted signs other than OPEN signs. 105
- 52 (e) Flashing signs, signs with an intermittent or 106
 53 flashing light source, signs containing mov- 107
 54 ing parts, and signs containing reflective 108
- elements, which sparkle or twinkle in the 109
 sunlight.
- (f) Electronic message centers, variable mes-
 sage signs that utilize computer generated
 messages or some other electronic means
 of changing copy, including displays using
 incandescent lamps, LED's, LCD's or a
 flipper matrix, unless located on P-1 zoned
 properties.
- (g) Unclassified signs:
 (1) That is a hazard or dangerous dis-
 traction to vehicular traffic or a nui-
 sance to adjoining residential prop-
 erty.
 (2) No sign shall resemble, imitate or
 approximate the shape, size, form
 or color of a traffic sign, signal or
 device.
 (3) No sign shall be located to interfere
 with the visibility or effectiveness of
 any official traffic sign or signal or
 with driver vision at the access
 point of any intersection.
 (4) No sign shall be erected, relocated
 or maintained to prevent free in-
 gress or egress from any door, win-
 dow or fire escape, and no sign
 shall be attached to a standpipe, fire
 escape or utility pole.
 (5) No sign shall contain, include or be
 illuminated by flashing light or by
 any light directed toward a neigh-
 boring residence, roads or high-
 ways.
 (6) No sign shall contain, include or be
 composed of any conspicuous ani-
 mated part.
 (7) No sign shall be painted on rocks.
- (h) Inflatable advertising devices or signs.
- ~~(i) Changeable copy signs, fixed or moveable,
 except for theaters, churches, schools or
 gas station price signs.~~
- ~~(j) Murals or other artwork painted or applied
 to a building shall be a conditional use and
 shall be reviewed and approved by the
 Plan Commission for location, size and
 material only without regard to artistic con-
 tent.~~
- ~~(k) Billboard signs larger than the maximum
 permitted square footage per face.~~
- ~~(l) Painted wall signs, which are painted di-
 rectly on the surface of the building.~~
- ~~(m) Signs taller than eight feet in height.~~
- ~~(n) No beacons or laser lights used for promo-
 tional display.~~

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0780 LEGAL NON-CONFORMING SIGNS

SEC. 66.0790 HISTORIC SIGNS

1] ~~(e)(1)~~ A "V" sign shall be prohibited unless the
 2 backs of both signs display no letters or
 3 symbols and are landscaped to screen their
 4 backsides.
 5 ~~(p)(m)~~ Reflective lights.
 6 ~~(p)(r)~~ Mobile signs unless permitted as a tempo-
 7 rary use.
 8 ~~(t)~~ ~~Signs on vehicles. No persons shall park~~
 9 ~~any vehicle or trailer on a public right of~~
 10 ~~way or public property or on private prop-~~
 11 ~~erties so as to be seen from a public right~~
 12 ~~of way which has attached thereto or lo-~~
 13 ~~cated thereon any sign or advertising de-~~
 14 ~~vice for the basic purpose of providing ad-~~
 15 ~~vertisement of projects or directing people~~
 16 ~~to a business activity located on the same~~
 17 ~~or nearby property or any other premises.~~
 18 ~~This section shall not prohibit "For Sale"~~
 19 ~~signs on vehicles for sale, provided the ve-~~
 20 ~~hicle is not parked on a public right of~~
 21 ~~way.~~
 22 ~~(s)(o)~~ No sign shall be located, erected, moved,
 23 reconstructed, extended, enlarged, con-
 24 verted or structurally altered in the Wet-
 25 land W-1 district.

26 **Sec. 66.0780 Legal Non-conforming Signs**

27 (a) Notification of non-conformance.
 28 Upon determination that a sign is non-
 29 conforming, the sign administrator shall
 30 use reasonable efforts to so notify, in writ-
 31 ing, the user or owner of the property on
 32 which the sign is located of the following:
 33 (1) The sign's non-conformity.
 34 (2) Whether the sign is eligible for
 35 characterization as a legal non-
 36 conforming sign or is unlawful.

37 (b) Signs eligible for characterization as legal
 38 non-conforming.
 39 Any sign located within the Village limits
 40 or located in an area annexed to the Vil-
 41 lage hereafter, which does not conform to
 42 the provisions of this chapter, is eligible for
 43 characterization as a legal non-conforming
 44 sign and is permitted, providing it also
 45 meets the following requirements:
 46 (1) The sign was covered by a sign
 47 permit prior to the date of adoption
 48 of the prior zoning ordinance, this
 49 ordinance or amendment.
 50 (2) If no permit was required by the Vil-
 51 lage at the time, the sign was erect-
 52 ed, and the sign was not changed or
 53 altered after the effective date of this
 54 ordinance or a prior zoning ordi-
 55 nance in a manner that under this

chapter would have caused a loss of
 non-conforming status.

(3) An existing sign located closer than
 ten feet to the street right-of-way in
 the B-3 district shall not be deemed
 non-conforming solely on that basis.

~~(4) Any existing pole sign as of No-~~
~~ember 13, 2004, taller than eight~~
~~feet shall be deemed non-~~
~~conforming after January 1, 2015~~
~~and may be replaced at its existing~~
~~height, but with the sign in compli-~~
~~ance with section 66.0710.~~

(c) Loss of legal non-conforming status.
 A sign loses its legal non-conforming status
 when any one of the following occurs:
 (1) The sign is structurally altered in
 any way, except for normal mainte-
 nance or repair, which tends to or
 makes the sign less in compliance
 with the requirements of this section
 then it was before alteration.
 (2) The sign is damaged to such an ex-
 tent that the cost to repair or recon-
 struct such sign exceeds 50 percent
 of the assessed value of the sign.
 (3) The design, logo or wording of the
 sign is altered.
 (4) The replacement of a non-
 conforming sign with an identical
 sign may be allowed, subject to ob-
 taining a permit. The new sign must
 utilize permitted materials.

(d) Legal non-conforming sign 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 in which
 the sign is located, from the provisions of
 this section regarding safety, maintenance
 and repair of the sign. All work, including
 repainting, requires a permit.

Sec. 66.0790 Historic Signs

(a) Signs of historic significance which make a
 contribution to the cultural, ~~or historic or~~
~~aesthetic~~ quality of the Village because of
 their unique construction materials or
 unique design, unusual age, prominent lo-
 cation within the Village, or unique crafts-
 manship from another period of time may
 be exempted from any or all size, height,
 animation, lighting, or setback require-
 ments of the section, when the Plan Com-
 mission finds the following conditions ex-
 ist:

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0791 COMPLIANCE

SEC. 66.0791 COMPLIANCE

- 1 (1) The sign is of exemplary technology,
2 craftsmanship, or design of the
3 period in which it was constructed;
4 uses historic sign materials (wood,
5 metal, or paint applied directly to a
6 building) and means of illumination
7 (neon or incandescent fixtures); and
8 is not significantly altered from its
9 historic period. If the sign has been
10 altered, it must be restored to its his-
11 toric function and appearance.
- 12 (2) The sign is integrated into the archi-
13 tecture of a period building.
- 14 (3) A sign not meeting the criteria listed
15 above may be considered if it
16 demonstrates extraordinary aesthet-
17 ic quality, creativity or innovation in
18 design.
- 19 (b) Historic signs are exempt from the re-
20 quirements of section 66.0780 "Legal Non-
21 conforming Signs." [See page 119+18]

22 Sec. 66.0791 Compliance

23 Except as otherwise authorized, no sign visible
24 from a state or county road, from any Village
25 street, from a private street, from a public parking
26 lot, from a private parking lot, from the water or
27 from any adjacent property shall be located,
28 erected, moved, repainted with different colors,
29 reconstructed, extended, enlarged or structurally
30 altered, including the placement of various com-
31 ponents of the sign, until a permit has been re-
32 viewed and approved by the Plan Commission or
33 designated representative and a permit has been
34 issued to the property owner or building occupant
35 by the Zoning Administrator. Signs located on a
36 property or location with multiple buildings or
37 businesses under common or separate ownership
38 shall not be exempt from the requirements of this
39 Code. Additions to and alterations of existing
40 signs and support structures require a new permit.

41 Note: This entire section was revised by Ordi-
42 nance 185-041211.

43

44



April 26, 2016

Wisconsin Act 391 “Property Rights Bill”, signed into law, pulls further authority away from local governments with regard to Zoning Codes.

Specifically, the Act requires a court to resolve any ambiguity in the meaning of a word or phrase in a zoning ordinance or shoreland zoning ordinance in favor of the free use of private property. Further, the Act directs courts to give agency decisions restricting a property owner's free use of land no deference when reviewing such a decision.

In effect, the State has just opened a Pandora’s Box for court challenges to local zoning ordinances. When a sitting US President can challenge the definition of the word “is”, there are by far more complex concepts that may be challenged in the Village’s Zoning Ordinances.

Our Zoning Ordinances, by nature, restrict the “free use” of private property. Act 391 places a check on local authority, by encouraging a private property owner to challenge the subtle meaning of words within our Zoning Code. Since the Act directs the Courts to interpret liberally in favor of the property owner for “free use”, it supersedes the Zoning Code, Plan Commission, Zoning Board of Appeals, and Village Board by providing a more sure remedy for the property owner through the Court System.

As we move through 2016, and work with our Zoning Code, I would ask the Plan Commission to consider the ramifications of Zoning that may unreasonably restrict a private property owners “free use” of their property. I would encourage you to ask questions such as:

- “Does this ordinance protect the public health, safety and welfare?”
- “How does this protect the public, and from what?”
- “Why are we regulating this?”
- “Do we have the resources to enforce this regulation?”
- “Is the regulation enforceable?”

And most importantly.....

- “If this goes to court, is it worth tax dollars to defend this ordinance?”

Respectfully Submitted,

Zeke Jackson
Village Administrator



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2015 Wisconsin Act 391
[2015 Assembly Bill 582]

**Property Rights, Shoreland
Zoning, Contested Case Hearings,
Administrative Rule
Promulgation Process, and
Deference Afforded Agency Legal
Interpretations**

2015 Wisconsin Act 391 does all of the following:

- Generally prohibits a local governmental unit from requiring a person to take certain actions with respect to real property, or pay a related fee, before purchasing, taking title to, or occupying the property.
- Prohibits a county from enacting a “development moratorium” as defined under current law.
- Prohibits a city, village, town, or county from prohibiting or unreasonably restricting the sale or transfer of title to any interest in real property.
- Requires a political subdivision to provide a method for landowners to receive written notice of potential action by the political subdivision that may affect the allowable use of the landowner’s property.
- Provides that a setback line from the ordinary high-water mark established by a professional land surveyor may be legally relied upon for purposes of development near a water body, in certain circumstances.
- Generally prohibits local regulation of the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a structure wholly or partially located in the shoreland setback area that is legally located there by operation of a variance granted before July 13, 2015.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

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- Requires an authority issuing building permits to send a copy of certain building permits related to shoreland projects to the county clerk.
- Allows the use of a flat roof on a boathouse as a deck if specified conditions are met.
- Makes other changes to shoreland zoning laws related to runoff control structures and utility equipment.
- Specifies that conditional use permits issued by a political subdivision need not be consistent with the political subdivision's comprehensive plan.
- Requires a court to resolve any ambiguity in the meaning of a word or phrase in a zoning ordinance or shoreland zoning ordinance in favor of the free use of private property.
- Prohibits a political subdivision from enacting a "down zoning ordinance" unless the ordinance is approved by at least two-thirds of the members of its governing body or is approved by the landowner (a down zoning ordinance decreases allowable development density or reduces permitted uses).
- Requires an economic impact analysis of a proposed administrative rule to include an analysis of the ways in which and the extent to which the proposed rule would place any limitations on the free use of private property, including a discussion of alternatives to the proposed rule that would minimize any such limitations.
- Allows the applicant one substitution of an administrative law judge overseeing a contested case hearing involving a contract, permit, or other approval issued or denied by the Department of Natural Resources or Department of Agriculture, Trade, and Consumer Protection.
- Directs courts to give agency decisions of law restricting a property owner's free use of the owner's property no deference when reviewing such a decision.

Effective date: April 28, 2016

Prepared by: Larry Konopacki, Principal Attorney

May 3, 2016

LAK:mcm;ty



2015 Assembly Bill 582

Date of enactment: April 26, 2016
Date of publication*: April 27, 2016

2015 WISCONSIN ACT 391

AN ACT *to renumber* 66.1001 (2m), 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 706.22 (2) (b) and 706.22 (3); *to amend* 59.69 (4) (intro.), 59.69 (4) (j), 59.69 (5) (f), 59.692 (1k) (a) 2., 59.692 (1k) (a) 4., 59.692 (1k) (b), 60.61 (2) (a) 6., 60.61 (4) (f), 62.23 (7) (am), 62.23 (7) (d) 4., 66.1001 (2m) (title), 66.1001 (4) (f), 66.10015 (title), 66.10015 (1) (a), 227.57 (10), 236.45 (2) (am) (intro.), 706.22 (title), 706.22 (2) (title) and 706.22 (2) (a) (intro.); and *to create* 59.692 (1h), 59.692 (1k) (a) 6., 59.692 (1p), 59.692 (7), 66.1001 (2m) (b), 66.10015 (1) (as), 66.10015 (1) (bs), 66.10015 (3), 66.1036, 227.137 (3) (g), 227.445, 227.57 (11), 700.28, 706.22 (2) (a) 2m., 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 895.463 of the statutes; **relating to:** government actions affecting rights to real property; the regulation of shoreland zoning; the contents of an economic impact analysis of a proposed administrative rule; the substitution of hearing examiners in Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection contested cases; the standard for judicial review of a state agency action or decision affecting a property owner's use of the owner's property; and the property tax treatment of unoccupied property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.69 (4) (intro.) of the statutes is amended to read:

59.69 (4) EXTENT OF POWER. (intro.) For the purpose of promoting the public health, safety and general welfare the board may by ordinance effective within the areas within such county outside the limits of incorporated villages and cities establish districts of such number, shape and area, and adopt such regulations for each such district as the board considers best suited to carry out the purposes of this section. The board may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The board may not enact a development moratorium, as defined in s. 66.1002 (1) (b), under this section or s. 59.03, by acting under ch. 236,

or by acting under any other law, except that this prohibition does not limit any authority of the board to impose a moratorium that is not a development moratorium. The powers granted by this section shall be exercised through an ordinance which may, subject to sub. (4e), determine, establish, regulate and restrict:

SECTION 2. 59.69 (4) (j) of the statutes is amended to read:

59.69 (4) (j) ~~The Subject to s. 66.10015 (3), the density and distribution of population.~~

SECTION 3. 59.69 (5) (f) of the statutes is amended to read:

59.69 (5) (f) The county zoning agency shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance or amendment that affects the allowable use of the property owned by the person. Annually, the agency shall inform residents of the county that they may add their names to

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

the list. The agency may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the county's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the county zoning agency completes a draft of a proposed zoning ordinance under par. (a) or if the agency receives a petition under par. (e) 2., the agency shall send a notice, which contains a copy or summary of the proposed ordinance or petition, to each person on the list whose property, the allowable use or size or density requirements of which, may be affected by the proposed ordinance or amendment. The notice shall be by mail or in any reasonable form that is agreed to by the person and the agency, including electronic mail, voice mail, or text message. The agency may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this paragraph may take effect even if the agency fails to send the notice that is required by this paragraph.

SECTION 4. 59.692 (1h) of the statutes is created to read:

59.692 (1h) If a professional land surveyor licensed under ch. 443, in measuring a setback from an ordinary high-water mark of a navigable water as required by an ordinance enacted under this section, relies on a map, plat, or survey that incorporates or approximates the ordinary high-water mark in accordance with s. 236.025, the setback measured is the setback with respect to a structure constructed on that property if all of the following apply:

(a) The map, plat, or survey is prepared by a professional land surveyor, licensed under ch. 443, after the effective date of this paragraph [LRB inserts date]. The same professional land surveyor may prepare the map, plat, or survey and measure the setback.

(b) The department has not identified the ordinary high-water mark on its Internet site as is required under s. 30.102 at the time the setback is measured.

SECTION 5. 59.692 (1k) (a) 2. of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

59.692 (1k) (a) 2. Except as provided in par. (b), requires any approval or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates, the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a nonconforming structure or a structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, if the activity does not expand the footprint of the ~~nonconforming~~ structure.

SECTION 6. 59.692 (1k) (a) 4. of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

59.692 (1k) (a) 4. Requires any approval or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates, the vertical expansion of a noncon-

forming structure or a structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, unless the vertical expansion would extend more than 35 feet above grade level.

SECTION 7. 59.692 (1k) (a) 6. of the statutes is created to read:

59.692 (1k) (a) 6. Prohibits placement in a shoreland setback area of a device or system authorized under par. (a) 5.

SECTION 8. 59.692 (1k) (b) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

59.692 (1k) (b) A county shoreland zoning ordinance shall allow an activity specified under par. (a) 2. to expand the footprint of a nonconforming structure or a structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, if the expansion is necessary for the structure to comply with applicable state or federal requirements.

SECTION 9. 59.692 (1p) of the statutes is created to read:

59.692 (1p) The department may not promulgate a standard and a county may not enact an ordinance under this section that prohibits the owner of a boathouse in the shoreland setback area that has a flat roof from using the roof as a deck if the roof has no side walls or screens or from having or installing a railing around that roof if the railing is not inconsistent with standards promulgated by the department of safety and professional services under ch. 101.

SECTION 10. 59.692 (7) of the statutes is created to read:

59.692 (7) (a) In this subsection, "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

(b) The construction and maintenance of a facility is considered to satisfy the requirements of this section and any county ordinance enacted under this section if any of the following applies:

1. The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

2. No department permit or approval under subd. 1. is required for the construction or maintenance and the construction or maintenance is conducted in a manner that employs best management practices to infiltrate or otherwise control storm water runoff from the facility.

SECTION 11. 60.61 (2) (a) 6. of the statutes is amended to read:

60.61 (2) (a) 6. ~~The Subject to s. 66.10015 (3), the~~ density and distribution of population.

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SECTION 12. 60.61 (4) (f) of the statutes is amended to read:

60.61 (4) (f) The town board shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance or amendment that affects the allowable use of the property owned by the person. Annually, the town board shall inform residents of the town that they may add their names to the list. The town board may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the town's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the town zoning committee completes a final report on a proposed zoning ordinance and the town board is prepared to vote on the proposed ordinance under par. (b) or if the town board is prepared to vote on a proposed amendment under par. (c) 1., the town board shall send a notice, which contains a copy or summary of the proposed ordinance or amendment, to each person on the list whose property, the allowable use or size or density requirements of which, may be affected by the proposed ordinance or amendment. The notice shall be by mail or in any reasonable form that is agreed to by the person and the town board, including electronic mail, voice mail, or text message. The town board may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this paragraph may take effect even if the town board fails to send the notice that is required by this paragraph.

SECTION 13. 62.23 (7) (am) of the statutes is amended to read:

62.23 (7) (am) *Grant of power.* For the purpose of promoting health, safety, morals or the general welfare of the community, the council may regulate and restrict by ordinance, subject to par. (hm), the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, subject to s. 66.10015 (3) the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This subsection and any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated. This subsection may not be deemed a limitation of any power granted elsewhere.

SECTION 14. 62.23 (7) (d) 4. of the statutes is amended to read:

62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed zoning action that may be taken under subd. 1. a. or b. or 2. that affects the allowable

use of the person's property. Annually, the city council shall inform residents of the city that they may add their names to the list. The city council may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the city's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the plan commission, the board of public land commissioners, or city plan committee of the city council completes action on any tentative recommendations that are noticed under subd. 1. a., proposed changes to a proposed district plan and regulations that are submitted under subd. 1. b., or proposed amendments that are submitted under subd. 2., and the city council is prepared to vote on the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, the city council shall send a notice, which contains a copy or summary of the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, to each person on the list whose property, the allowable use of which, may be affected by the tentative recommendations or proposed changes or amendments. The notice shall be by mail or in any reasonable form that is agreed to by the person and the city council, including electronic mail, voice mail, or text message. The city council may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this subdivision may take effect even if the city council fails to send the notice that is required by this subdivision.

SECTION 15. 66.1001 (2m) (title) of the statutes is amended to read:

66.1001 (2m) (title) EFFECT OF ENACTMENT OF A COMPREHENSIVE PLAN, CONSISTENCY REQUIREMENTS.

SECTION 16. 66.1001 (2m) of the statutes is renumbered 66.1001 (2m) (a).

SECTION 17. 66.1001 (2m) (b) of the statutes is created to read:

66.1001 (2m) (b) A conditional use permit that may be issued by a political subdivision does not need to be consistent with the political subdivision's comprehensive plan.

SECTION 18. 66.1001 (4) (f) of the statutes is amended to read:

66.1001 (4) (f) A political subdivision shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance, described under par. (c), that affects the allowable use of the property owned by the person. Annually, the political subdivision shall inform residents of the political subdivision that they may add their names to the list. The political subdivision may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the

political subdivision's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. At least 30 days before the hearing described in par. (d) is held a political subdivision shall provide written notice, including a copy or summary of the proposed ordinance, to all such persons whose property, the allowable use of which, may be affected by the proposed ordinance. The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision, including electronic mail, voice mail, or text message. The political subdivision may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person.

SECTION 19. 66.10015 (title) of the statutes is amended to read:

66.10015 (title) Limitation on development regulation authority and down zoning.

SECTION 20. 66.10015 (1) (a) of the statutes is amended to read:

66.10015 (1) (a) "Approval" means a permit or authorization for building, zoning, driveway, storm-water, or other activity related to land development a project.

SECTION 21. 66.10015 (1) (as) of the statutes is created to read:

66.10015 (1) (as) "Down zoning ordinance" means a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.

2. By reducing the permitted uses of the land, that are specified in a zoning ordinance or other land use regulation, to fewer uses than were allowed under its previous usage.

SECTION 22. 66.10015 (1) (bs) of the statutes is created to read:

66.10015 (1) (bs) "Members-elect" means those members of the governing body of a political subdivision, at a particular time, who have been duly elected or appointed for a current regular or unexpired term and whose service has not terminated by death, resignation, or removal from office.

SECTION 23. 66.10015 (3) of the statutes is created to read:

66.10015 (3) **DOWN ZONING.** A political subdivision may enact a down zoning ordinance only if the ordinance is approved by at least two-thirds of the members-elect, except that if the down zoning ordinance is requested, or agreed to, by the person who owns the land affected by the proposed ordinance, the ordinance may be enacted by a simple majority of the members-elect.

SECTION 24. 66.1036 of the statutes is created to read:

66.1036 Building permit for a shoreland structure. If an activity in a shoreland setback area to which s. 59.692 (1k) (a) or (b) applies requires a building permit, the city, village, or town that issues the building permit for that activity shall provide a copy of the building permit to the county clerk.

SECTION 28. 227.137 (3) (g) of the statutes is created to read:

227.137 (3) (g) An analysis of the ways in which and the extent to which the proposed rule would place any limitations on the free use of private property, including a discussion of alternatives to the proposed rule that would minimize any such limitations.

SECTION 29. 227.445 of the statutes is created to read:

227.445 Substitution of hearing examiner assigned by division of hearings and appeals. (1) A person who has applied for a contract, permit, or other approval from the department of natural resources or the department of agriculture, trade and consumer protection that is the subject of a contested case hearing for which the division of hearings and appeals has assigned a hearing examiner may file a written request with the administrator of the division of hearings and appeals in the department of administration, not later than 10 days after receipt of the notice under s. 227.44 (1), for a substitution of a new hearing examiner.

(2) No person may file more than one request under sub. (1) for a single hearing.

(3) Upon receipt of a request under sub. (1), the administrator of the division of hearings and appeals shall determine if the request was made timely and in proper form. If the request was made timely and in proper form, the administrator of the division of hearings and appeals shall transfer the matter to another hearing examiner and shall transmit to the new hearing examiner all materials relating to the matter.

SECTION 30. 227.57 (10) of the statutes is amended to read:

227.57 (10) ~~Upon~~ Subject to sub. (11), upon such review due weight shall be accorded the experience, technical competence, and specialized knowledge of the agency involved, as well as discretionary authority conferred upon it.

(12) The right of the appellant to challenge the constitutionality of any act or of its application to the appellant shall not be foreclosed or impaired by the fact that the appellant has applied for or holds a license, permit, or privilege under such act.

SECTION 31. 227.57 (11) of the statutes is created to read:

227.57 (11) (a) Upon review of an agency action or decision affecting a property owner's use of the property owner's property, the court shall accord no deference to the agency's interpretation of law if the agency action or

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decision restricts the property owner's free use of the property owner's property.

SECTION 32. 236.45 (2) (am) (intro.) of the statutes, as affected by [2015 Wisconsin Act 48](#), is amended to read:

236.45 (2) (am) (intro.) Ordinances under par. (ac) may include provisions regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land into less than 5 parcels, and, except as provided in s. 59.69 (4) (intro.) and subject to s. 66.1002, may prohibit the division of land in areas where such prohibition will carry out the purposes of this section. Such ordinances shall make applicable to such divisions all of the provisions of this chapter, or may provide other surveying, monumenting, mapping and approving requirements for such division. The governing body of the municipality, town, or county shall require that a plat of such division be recorded with the register of deeds and kept in a book provided for that purpose or stored electronically. "COUNTY PLAT," "MUNICIPAL PLAT," or "TOWN PLAT" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range, and county noted. When so recorded, the lots included in the plat shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or "TOWN PLAT," the name of the plat and the lot and block in the plat, for all purposes, including those of assessment, taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to:

SECTION 33. 700.28 of the statutes is created to read:

700.28 Prohibiting unreasonable restrictions on alienation of property. (1) In this section, "political subdivision" means a city, village, town, or county.

(2) A political subdivision may not prohibit or unreasonably restrict a real property owner from alienating any interest in the real property.

SECTION 34. 706.22 (title) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

706.22 (title) Prohibition on imposing time-of-sale, purchase, or occupancy requirements.

SECTION 35. 706.22 (2) (title) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY OF PROPERTY PROHIBITED.

SECTION 36. 706.22 (2) (a) (intro.) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

1m. Restrict the ability of an owner of real property to sell or otherwise transfer title to or refinance the property by requiring the owner or an agent of the owner to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain

actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

SECTION 37. 706.22 (2) (a) 1. of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 706.22 (2) (a) 1m. a.

SECTION 38. 706.22 (2) (a) 2. of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 706.22 (2) (a) 1m. b.

SECTION 39. 706.22 (2) (a) 2m. of the statutes is created to read:

706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real property by requiring the person or an agent of the person to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the person may complete the purchase of or take title to the property.

b. At the time of completing the purchase of or taking title to the property.

c. Within a certain period of time after completing the purchase of or taking title to the property.

SECTION 40. 706.22 (2) (a) 3. of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 706.22 (2) (a) 1m. c.

SECTION 41. 706.22 (2) (a) 3m. of the statutes is created to read:

706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to residential real property to take occupancy of the property by requiring the purchaser or transferee or an agent of the purchaser or transferee to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the purchaser or transferee may take occupancy of the property.

b. At the time of taking occupancy of the property.

c. Within a certain period of time after taking occupancy of the property.

SECTION 42. 706.22 (2) (b) of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 706.22 (2) (b) (intro.) and amended to read:

706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

1. Prohibit a local governmental unit from requiring a real property owner or the owner's agent to take certain actions with respect to the property not in connection with the purchase, sale, or refinancing of, or the transfer of title to, the property.

SECTION 43. 706.22 (2) (b) 2. of the statutes is created to read:

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706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise affect the responsibility, authority, or ability of a local governmental unit to enforce, a federal or state requirement that does any of the things a local governmental unit is prohibited from doing under par. (a).

SECTION 44. 706.22 (3) of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 706.22 (3) (a) and amended to read:

706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the ordinance, resolution, or policy does not apply and may not be enforced.

SECTION 45. 706.22 (3) (b) of the statutes is created to read:

706.22 (3) (b) If a local governmental unit has in effect on the effective date of this paragraph [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not apply and may not be enforced.

SECTION 46. 895.463 of the statutes is created to read:

895.463 Zoning ordinances. In any matter relating to a zoning ordinance or shoreland zoning ordinance

enacted or enforced by a city, village, town, or county, the court shall resolve an ambiguity in the meaning of a word or phrase in a zoning ordinance or shoreland zoning ordinance in favor of the free use of private property.

SECTION 47. Initial applicability.

(1) **ACTIONS AFFECTING LAND USE.** The treatment of sections 59.69 (5) (f), 60.61 (4) (f), 62.23 (7) (d) 4., and 66.1001 (4) (f) of the statutes first applies to an action taken by a city, village, town, or county that affects the allowable use of land on the effective date of this subsection.

(2) **DEVELOPMENT REGULATION AUTHORITY.** The treatment of section 66.10015 (1) (a) of the statutes first applies to a project for which the first request for approval is submitted on the effective date of this subsection.

(3) **DOWN ZONING.** The treatment of sections 59.69 (4) (j), 60.61 (2) (a) 6., 62.23 (7) (am), and 66.10015 (title), (1) (as) and (bs), and (3) of the statutes first applies to a down zoning ordinance that is enacted on the effective date of this subsection.

(4) **CONDITIONAL USE PERMITS.** The treatment of section 66.1001 (2m) (b) of the statutes first applies to a conditional use permit that is in effect on the effective date of this subsection.



Village of Sister Bay

COMMISSION REPORT

Meeting Date: 06/28/16

Item No.: 04

Activities:

Bay Shore Drive- Work on the project is complete, with only a few minor cleanup items remaining. Some painting has yet to occur, and traffic control signage needs to be "rebanding" (will be completed following the final inspection on June 25) so that it does not conflict with our new pole banners.

Sledding Hill- Pat Hockers has completed some top soil removal on the hill. His stone rake has been sent off to be repaired by Caterpillar, and he is waiting for the return of that piece of equipment so he can complete the work there.

Beach- the Spring inspection by JJR took place on June 16. Some items were discussed that need to be retouched, 1. Rock placement North of swim dock. 2. Sod subsidence North of Swim Dock. 3. Fencing/netting needs to be repaired, and will remain in place until the end of September, 2016. 4. Weeding and maintenance of the planting areas

Staff is working to develop some narrative signage for the Beach, so that visitors will have the opportunity to learn about some of the less obvious features of the project, such as the rain gardens, native plantings, and coarse sand placement.

Harbor View- Engineering work is 95% complete for the project. It is my understanding in talking to the developer that 2 lots are under contract.

Stony Ridge- Closing has taken place, and a preconstruction meeting is scheduled for June 20 to kick off the project.

Wayfinding Signage- We received our State Approved plans on June 16. We have 2 bids to date, and the Finance and Parks Committees will need to consider the bids that we have received. The project has evolved from when it was first discussed and conceptualized financially, and will take more resources than were originally budgeted if the totality of the project is to come to fruition.

Other Development- I've issued permits for single family homes on Cherrywood, Northwoods, and Westwood in the last 120 days. Its pretty impressive, given that there were only 4 single family permits issued total from 2013-2015.

The Mill Rd. West Property is set to close with Al Gokey on June 30. Al has indicated that he intends to pour foundations for the site later this fall.

Immediate Action- Staff has asked Mike Kahr to repair the swim dock and a section of J dock following damage from a storm earlier this year.

Code Enforcement

- Dogs in Park- I've asked a large number of patrons to kindly remove their dogs from the park in the last 2 weeks. Until signs are located in the Park, it will be difficult to enforce this ordinance. The Parks guys have ordered the signs, and are awaiting them for installation.
- I initiated an enforcement action on 2460 Cherrywood Ct due to construction workers spilling rocks and mud onto the public road; it was cleaned up, but not to my satisfaction.
- I am initiating action, as a result of some complaints on a number of properties due to their unkempt nature.

Respectfully submitted,

Zeke Jackson
Village Administrator