

Members noticed must notify the person who prepared agenda (see below) at least 24 hours before the meeting as to whether they will not be able to attend this meeting.

## **AMENDED**

### **AGENDA FOR THE PLAN COMMISSION**

**Date and Time:** Tuesday, October 18, 2016, **5:15 PM**  
**Location:** Council Chambers, Municipal Building, 135 4<sup>th</sup> Street, Baraboo, Wisconsin  
**Plan Comm Notices:** Mayor Palm, P. Wedekind, D. Thurow, R. Franzen, P. Liston, J. O'Neill, T. Kolb, K. Fitzwilliams  
**Others Noticed:** T. Pinion, E. Geick, Atty. A. Bolin, Tracy Papandrea, Mark Carlson, Church of the Nazarene, Brent Hesselberg, Wendy Banasik, Scott Zietlow, Library, and Media.

### **PETITIONERS OR REPRESENTATIVES MUST BE PRESENT OR SUBJECT WILL NOT BE HEARD BY THE COMMISSION!**

#### **1. Call to Order**

- a. Note compliance with the Open Meeting Law.
- b. Approve agenda.
- c. Approve September 20, 2016 meeting minutes.

#### **2. Public Invited to Speak** (Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.)

#### **3. Public Hearing**

- a. Public Hearing to consider the request of 1022 & 1024 Parkside LLC, c/o Tracy Papandrea, for a Conditional Use Permit to convert the two existing two-unit condominium to side-by-side single-family residential dwellings at 1016/1018 and 1022/1024 Parkside Avenue, City of Baraboo, Wisconsin.

#### **4. Old Business**

- a. Consideration of the Church of the Nazarene's request for a conditional permit use permit to allow a variable message sign in an R-1A Single-Family Residential zoning district, located in the SE ¼ of Section 26, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 1800 Crawford Street at 1800 Crawford Street, Baraboo

#### **5. New Business**

- a. Consideration of 1022 & 1024 Parkside LLC's request for a Conditional Use Permit to convert the two existing two-unit condominium to side-by-side single-family residential dwellings at 1016/1018 and 1022/1024 Parkside Avenue, City of Baraboo, Wisconsin
- b. Review and approve a four-lot Certified Survey Map for side-by-side single-family residential dwellings at 1016/1018 and 1022/1024 Parkside Avenue, City of Baraboo, Wisconsin for 1022 & 1024 Parkside LLC, c/o Tracy Papandrea.
- c. Review and recommendation on the annexation and zoning upon annexation of two parcels of land on the north side of the 1300 block of South Blvd (CTH W), located in the SW ¼ of the NE ¼ Section 3, T11N, R6E in the Town of Baraboo, totaling approximately 1.17 acres owned by KT Real Estate Holdings, LLC.

#### **d. Discussion of possible changes to the City of Baraboo Ordinances, Chapter 17, Subchapter III: Sign Code**

#### **6. Adjournment**

Phil Wedekind, Mayor Designee  
Agenda prepared by Kris Jackson, 355-2730, Ext. 309  
Agenda Posted by Kris Jackson on October 14, 2016

**PLEASE TAKE NOTICE**, that any person who has a qualifying as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 135 4th St., or phone 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

It is possible that members of, and possibly a quorum of members of, other governmental bodies of the City of Baraboo who are not members of the above Council, committee, commission or board may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above stated meeting, **other than the Council, committee, commission, or board identified in the caption of this notice.**

**FOR INFORMATION ONLY, NOT A NOTICE TO PUBLISH.**

**PLAN COMMISSION ITEM SUMMARY**  
**October 18, 2016**

**SUBJECT: CONSIDERATION OF THE CHURCH OF THE NAZARENE'S REQUEST FOR A CONDITIONAL PERMIT USE PERMIT TO ALLOW A VARIABLE MESSAGE SIGN IN AN R-1A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, LOCATED IN THE SE ¼ OF SECTION 26, T11N, R6E, CITY OF BARABOO, SAUK COUNTY, WISCONSIN AT 1800 CRAWFORD STREET AT 1800 CRAWFORD STREET, BARABOO.**

**SUMMARY OF ITEM A (Old Business):** This item is a follow-up to last month's discussion of the proposed variable message sign. The Church of the Nazarene is requesting a Conditional Use Permit for a 12 sq ft electronic variable message sign that is part of their monument sign on Madison Avenue. It is my understanding this sign will be very similar to variable message sign at Community First Bank on 8<sup>th</sup> Avenue. Following is an excerpt from the definitions section of our Zoning Code:

Electronic Variable Message Sign. A sign that displays messages where the message may be changed electronically, either by using a frame by frame display or by scrolling the message. This sign shall not change the message displayed at intervals of less than two seconds, not shall a scrolling message travel at a rate slower than 16 light columns per second or faster than 32 columns per second. This sign shall only display letters or numbers of no art animations or graphics may be displayed. This sign shall not contain, include or be illuminated by lights or illuminations that flash, scintillate, blink, flicker, vary in intensity, nor shall such signs be illuminated to a degree of brightness that is greater than necessary for adequate visibility, using standards applied by the Wisconsin Department of Transportation.

For comparison sake, the following is a summary of the DOT's standards for variable message signs as contained in Section 84.30(4)(bm) Stats, which basically says the message must be:

- completely static while displayed
- be displayed for 6 seconds or more
- change within 1 second
- lighted only to the brightness needed to make it visible, so that it is not hazardous to motorists – must not flash

**COMPLIANCE/NONCOMPLIANCE:**

Pursuant to Section 17.37 – *Conditional Use Review and Approval*, I have found the application to be complete and have reviewed it for compliance with the ordinance.

**ACTION: Approve / Deny Conditional Use Permit (with certain conditions?)**

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**SUBJECT: CONSIDERATION OF 1022 & 1024 PARKSIDE LLC'S REQUEST FOR A CONDITIONAL USE PERMIT TO CONVERT THE TWP EXISTING TWO-UNIT CONDOMINIUMS TO SIDE-BY-SIDE SINGLE-FAMILY RESIDENTIAL DWELLINGS AT 1016/1018 AND 1022/1024 PARKSIDE AVENUE, CITY OF BARABOO, WISCONSIN WITH A CORRESPONDING FOUR-LOT CERTIFIED SURVEY MAP.**

**SUMMARY OF ITEMS A & B:** Tracy Papandrea is the owner of both of these two-unit Condominiums and is interested in dissolving the Condominiums and converting them to more conventional duplexes, or side-by-side single-family attached dwellings.

**COMPLIANCE/NONCOMPLIANCE:**

Pursuant to Section 17.37 – *Conditional Use Review and Approval*, I have found the application to be complete and have reviewed it for compliance with the ordinance. The proposed side-by-side dwellings satisfy the six requisite conditions of Section 17.37(9)(a), which includes a requirement for the corresponding CSM.

**ACTION: Approve / Deny Conditional Use Permit (with certain conditions?)**  
**ACTION: Approve / Conditionally Approve / Deny CSM**

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**SUBJECT: REVIEW AND RECOMMENDATION ON THE ANNEXATION AND ZONING UPON ANNEXATION OF TWO PARCELS OF LAND ON THE NORTH SIDE OF THE 1300 BLOCK OF SOUTH BLVD (CTH W), LOCATED IN THE SW ¼ OF THE NE ¼ SECTION 3, T11N, R6E IN THE TOWN OF BARABOO, TOTALING APPROXIMATELY 1.17 ACRES OWNED BY KT REAL ESTATE HOLDINGS, LLC.**

**SUMMARY OF ITEM C:** TKT Real Estate Holdings, LLC has petition for annexation of their property, which is located immediately west of the new Kwik Trip Convenience Store at 1330 South Blvd. Although these parcels are occupied by a few pole shed buildings, the buildings are vacant. They reportedly intend to develop the property as an expansion to the new Kwik Trip store and plan to install a diesel fueling island. I have included a preliminary site plan that will be the subject of a future review.

The surrounding properties are all zoned B-3, Highway Oriented Business so it would seem appropriate to zone this property B-3 too.

**COMPLIANCE/NONCOMPLIANCE:**

The City Clerk has found the annexation petition to be complete.

**ACTION: Forward the Petition to the Common Council with a recommendation to Approve / Deny the annexation and recommend an appropriate Zoning Classification upon annexation.**

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**SUBJECT: DISCUSSION OF POSSIBLE CHANGES TO THE CITY OF BARABOO ORDINANCES, CHAPTER 17, SUBCHAPTER III: SIGN CODE.**

**SUMMARY OF ITEM D:** In 2015, the United States Supreme Court found that a town's sign ordinance was unconstitutional since it restricted signs based on the content of the sign. The case stated that any content-based regulations of speech in the sign code are subject to strict scrutiny and therefore, most likely unconstitutional. Content based restrictions may be those that restrict expression because of its message, its ideas, its subject matter, or its content. Content based restrictions may be found even if the law merely defines regulated speech by its function or purpose. These laws are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Therefore, the City of Baraboo's Sign Code needs to be reviewed for possible content based restrictions and changes should be made in order to ensure that our code is constitutional. As a starting point, I have attached the sign code with language struck that may be problematic.

In a concurring opinion of the US Supreme Court Case, Justice Alito found that the following would be content neutral regulations of signs. I provide these as examples and ideas of how signs may be regulated.

“Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.” [Reed v. Town of Gilbert, 135 S. Ct. 2218, 2233 \(U.S. 2015\)](#)

## Minutes of Plan Commission Meeting September 20, 2016

**Call to Order** – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Phil Wedekind, Dennis Thurow, Pat Liston, Jim O’Neill, Tom Kolb, and Kate Fitzwilliams (arrived at 5:19 p.m.). Roy Franzen was absent.

Also in attendance were Ed Geick, Atty. A. Bolin, Ray Bolton, Todd Frawley, Deb Nelson, Harry Nelson, David Mitchell, and Scott Ewing.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: Kolb moved, seconded by O’Neill to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Liston, seconded by O’Neill to approve the minutes of the August 16, 2016 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) There were no speakers.

### **Public Hearing**

- a. Public Hearing to consider request by Church of the Nazarene for a conditional use permit to allow a variable message sign in an R-1A Single-Family Residential zoning district, located in the SE¼ of Section 26, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 1800 Crawford Street, Baraboo – There were no speakers so the hearing was declared closed.
- b. Public Hearing to consider the request of HARDEB LLC for a conditional use permit to allow the construction of a new Type I Easting Establishment with a drive—thru and pickup service in a B-2 Central Neighborhood zoning district, located in the NW¼ of Section 35, T12N, R6E, City of Baraboo, Sauk County, Wisconsin at 844 8<sup>th</sup> Avenue – There were no speakers so the hearing was declared closed.

### **New Business**

- a. Consideration of the Church of the Nazarene’s request for a conditional use permit to allow a variable message sign in an R-1A Single-Family Residential zoning district, located in the SE¼ of Section 26, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 1800 Crawford Street, Baraboo – Mary Small, 514 7<sup>th</sup> Avenue, representing the Church of the Nazarene introduced herself to the Commission. Attorney Bolin said the request is for an on-premises electronic variable message sign, which would be 12 square feet and the sign requires a conditional use permit. Bolin said that the Commission can approve or deny the conditional use permit and they could apply conditions. Wedekind asked Small if this is in lieu of what the church already has, or a separate sign. Small stated that it is a separate sign and that the old sign has already been torn down. Bolin said that this sign would replace the old sign. O’Neill asked the difference between the signs. Small said that the current sign has to manually be changed and the new sign, the messages would be electronically changed by a computer inside the building. O’Neill said that he has concerns regarding the light illumination; especially during the winter months because it is a residential district and at night could be shining in citizens windows. He asked if it would be possible to turn the sign off at night by 10:00 p.m. Small said that the Pastor said that they would comply with whatever was necessary. O’Neill asked if the message would be steady or changing and Small replied that as far as she knew it would be steady as to what is going on at the time and then change for the following Sunday. Kolb said that the concern that he had is that there is another church and a funeral home in the area and he doesn’t want to start a precedent. Liston said that he has a hard time with these signs and doesn’t think that they belong in the City because he doesn’t feel that they add any aesthetic value to the City. He said that he agrees with Kolb with the other church and funeral home in the same area, if the Commission approves these it would be opening a can of worms in essentially a residential district. Liston asked if the neighbors had been reached out to regarding this Church’s request. Bolin stated that the neighboring properties were notified of the public hearing. Liston said that he can’t vote for this request. Kolb asked Small what the current lighting is on the existing sign and she did not know. A citizen who lives a block down from the church said that there is a light on the existing sign at night and she did receive notice of the public hearing, which is part of the reason that she was in attendance. She said that the light that is shining on the sign isn’t any brighter than is on the Redlin Funeral Home. She said that she that there is some light on it at night, she thinks it goes off at night and she is guessing about 10:00 p.m. Liston moved to deny the request for the conditional use permit for a variable message sign. O’Neill seconded the motion. One roll call vote for the motion, Aye – Liston, O’Neill. Nay – Thurow, Kolb, Fitzwilliams, and Wedekind. Motion failed 2-4. Kolb moved to approve the request for the conditional use permit for a variable message sign, providing that the light is on no longer than 9:00 p.m. and that the variable message is only changed on a special occasion, or weekly basis. Fitzwilliams seconded the motion. Liston said that he can’t vote for this and he feels that he doesn’t feel that they Commission has enough information, the person doing the sign isn’t in attendance; therefore, the Commission doesn’t know what they are voting on. O’Neill said that he opposed to the light and is not going to vote for it. Liston said that Small is in a terrible position, the person that should be here to explain what the sign is all about isn’t in attendance; therefore, how can the Commission vote on something that they have very little information on. Kolb stated that he would like a little more information. Kolb and Fitzwilliams withdrew their motion. It was moved by Fitzwilliams to postpone the request for a conditional use permit for a variable message sign for the Church of the Nazarene

until the next Plan Commission meeting, and that the person who knows all about the sign be in attendance. O'Neill seconded the motion. On roll call vote for the motion, Aye – Liston, O'Neill, Kolb, Wedekind, Thurow, and Fitzwilliams. Nay – 0. Motion carried 6-0.

- b. Consideration of HARDEB LLC for a conditional use permit to allow the construction of a new Type I Eating Establishment with a drive—thru and pickup service in a B-2 Central Neighborhood zoning district, located in the NW¼ of Section 35, T12N, R6E, City of Baraboo, Sauk County, Wisconsin at 844 8<sup>th</sup> Avenue –Ray Bolton, Architect with ADCI, 30 Wisconsin Dells Parkways, Lake Delton introduced himself to the Commission. He stated that Deb and Harry Nelson, the owners of the project and Todd Frawley were also in attendance. He stated that the Plan Commission had the drawings and said that the only thing that Engineer Pinion wanted was a sidewalk to the north; however, as they understand it, there is not enough space between the sidewalk and the property line (the curb); therefore, he decided not to require that. He said that the packet which has the rendering, site plan was submitted. He said that the Site Plan and Stormwater Management Plan have been submitted to Pinion. He said that the rendering that they are indicating shows the proposed site and location, there would be four tenants, Dominos is the only one sure tenant at this time and Mr. and Mrs. Nelson will operate that as owners. Wedekind asked if all will be filled at the same time, or just start with Dominos. Bolton said that the entire structure will be built and it will be unfinished on the inside for future tenants. Kolb asked if the rendering is the actual true colors, etc., and it was answered in the affirmative. Kolb asked what type of materials they were and Bolton stated stone and LP Smart Siding; the colors are listed on the elevations. Kolb asked if Pinion had approved the landscaping, lighting, and stormwater management plans and Bolton believed he did. Bolin said that Pinion did review everything submitted and was okay with it all. It was moved by Liston to approve the request for a conditional use permit to allow the construction of a new Type I Eating Establishment with a drive-thru and pickup service in a B-2 Central Neighborhood zoning district, located at 844 8<sup>th</sup> Avenue, subject to the City Engineer approving stormwater management plan, site plan, lighting, and landscaping plan. Bolin stated that there are two things that need to be done, approving the conditional use permit, which because there is a drive-thru, but also approving the site plan. Liston's motion was to approve the conditional use permit. Seconded by O'Neill. On roll call vote for the motion, Aye – Kolb, O'Neill, Liston, Fitzwilliams, Thurow, and Wedekind. Nay – 0. Motion carried 6-0
- c. Consideration of a site plan for a proposed multi-tenant retail building that will include a Type I Eating Establishment with a drive-thru and pick up service at 844 8<sup>th</sup> Avenue for HARDEB LLC – Liston moved to approve the site plan as presented. Thurow seconded the motion. Kolb said that he is surprised that this does not include sidewalk, this is a busy thoroughfare. It was stated is sidewalk along 8<sup>th</sup> Avenue, but none along 9<sup>th</sup> Avenue. Geick said that there is sidewalk along the north side of 9<sup>th</sup> Avenue, there just won't be sidewalk along the south side of 9<sup>th</sup> Avenue. Geick said that there is a still a question as far as student traffic and pedestrian traffic crossing the street, it is assumed that there is be quite of bit of that due to the fact that this will be a popular site and this is something that might be considered for the further by the developers working a crosswalk of something in there, which would be a wise and safe thing to do. It was stated that vehicles will only be allowed to turn right off of 8<sup>th</sup> Avenue to enter the property and right onto 8<sup>th</sup> Avenue when exiting. Fitzwilliams asked Nelsons if would be in charge of trying to fill the other tenant spots. Mr. Nelson said that they have outgrown their existing location, and Dominos Pizza is going through a reimage program and the current location is unable to comply with their standards. He said that inside will be like a pizza theater where customers will be able to watch their pizza being made. Mrs. Nelson said that it will be full sit-down restaurant. Geick said that this lot is an odd shape; however, he feels that they have a nice design that fits well with additional usually potentially in the future. O'Neill said that he likes the idea; however, feels that the Geick's idea of a crosswalk possibly should be made a condition. O'Neill asked if the street was marked for a crosswalk and if not how it could be done. Geick said that the owners could do it, or the City could do it at a later time. O'Neill said that he would like to add this as a condition to the approval. Liston said that the problem is that there could be five crosswalks and the kids won't use them. Nelson said that there were never any crosswalks at Culvers when they occupied their first location. O'Neill moved to amend the original motion to require a crosswalk. Liston didn't feel that it was the owner's responsibility to paint a crosswalk on a public street. The motion to amend dies for a lack of a second. On roll call vote for the motion, Aye – Thurow, Fitzwilliams, Liston, O'Neill, Kolb, and Wedekind. Nay – 0. Motion carried 7-0.
- d. Consideration of the Final Plat for the 2<sup>nd</sup> Addition to Pleasant View, a 10-lot residential subdivision on the east side of CTH T (Taft Ave) at Tillberry Drive, located in the SW¼ of the SW¼ of Section 30, T12N, R7E in the City of Baraboo, Sauk County, Wisconsin for D Mitchell LLC – David Mitchell, 901 Connie Rd, West Baraboo, and Scott Ewing, Grothman & Associates, 625 E. Slifer Street, Portage introduced themselves to the Commission. Attorney Bolin said that this is a follow-up review of the Final Plat for the 2<sup>nd</sup> Addition to Pleasant View. She said the Preliminary Plat was approved at the May 17<sup>th</sup> Plan Commission meeting and there have been no changes since then; therefore, it will be ten new lots as shown on the Plat. She said since the Preliminary Plat was approved, State Statutes do require that we approve the Final Plat if it was submitted within 36 months. Kolb moved, O'Neill seconded to approve the Final Plat for the 2<sup>nd</sup> Addition to Pleasant View as submitted. On roll call vote for the motion, Aye – Wedekind, Kolb, O'Neill, Liston, Fitzwilliams, and Thurow. Nay – 0. Motion carried 6-0.
- e. Review a Conceptual Development Plan in accordance with Step 2 of the PUD Process for the proposed redevelopment of the former Blue & White Motel Site, located on the southeast corner of Walnut and Mulberry Str5eet in an R-3 multi-family residential zoning district – Attorney Bolin said that this is an informal discussion, which is the second step of the PUD process, a review of the project so that they can get the Commissions input and come back with the final project. Scott Ewing said that property contains 3.41 acres and is located at the intersection of Walnut and Mulberry. He said that there are existing cottages on this property and they are proposing to create a PUD that would create a 5-lot subdivision plat. He said that is an existing house at the corner and another one to the south, the one on the intersection will remain a single-family

use. He said that Lots 1, 2, 3, and 4 would be for single family residential homes. He said Lot 5 is a larger, 2.42 acre lot. He said that at this time the existing zoning is R-3 which would allow 3500 square feet per unit, which would equate overall to like 44 units; however, Mitchell is only proposing a total of 16 units; 12 on the larger lot and then four single-family homes. Ewing then presented his proposal to the Commission showing a map of the current cabins and where a proposed 6-unit and three duplexes would go on Lot 5. He said that there is be a lot of parking, including underground parking. He then explained the proposed stormwater management. He said that this is what they feel the proposal looks good and is a good fit for this property. He said that the proposal does not over densify it; it is leaving green space and allowing a little more room. Kolb said that there was a proposal years ago that had a lot of density and he likes this concept better because there are fewer people, with the school and the amount of traffic in that area. Kolb also feels that the single family units enhance the area. David Mitchell stated those lots 1 and 2 and is single family and will front off of Mulberry, and lots 3 and 4 will be single family and will share a driveway fronting on Mulberry. Ewing stated that the PUD is more flexible because in an R-3 zoning it is limited to a 4-unit; however, they are proposing a 6-unit, because of how it is placed; it seems to be more efficient that way to build a structure. Mitchell added that the grade works well for getting the garages under the six-unit. Liston asked if these would be rental units or owned. Mitchell stated that they would be rentals. It was the consensus of the Commission was favorable to move forward with the project.

The meeting was adjourned at 6:43PM.

**Adjournment** - It was moved by Liston and seconded by Kolb to adjourn at 5:55 p.m. The motion carried unanimously.

Phil Wedekind,  
Mayor Designee



*First Church*  
OF THE NAZARENE

**LET GOD DIRECT  
OR REDIRECT  
YOUR STEPS**

Sunday School 9:00am Sunday Worship 10:00am & 6pm Wednesday Services 7pm



*First Church*  
OF THE NAZARENE

29" x 63" Unit  
2' x 5' LED Space

For Office Use:	Date		Date
Application given by _____	_____	Referred to Council	_____
Received by Bldg. Inspector	_____	Public Hearing Set	_____
Fee received by Treasurer	_____	Date Notices Mailed	_____
Building Insp. Certified	_____	Public Hearing Published	_____
Filed with City Clerk	_____	Public Hearing Held	_____
Referred for Staff Review	_____	Plan Meeting Action	_____

City of Baraboo  
 135 4th Street  
 Baraboo, WI 53913  
 (608) 355-2730 phone  
 608 355-2719 fax

**APPLICATION FOR CONDITIONAL USE PERMIT**

(A non-refundable \$250 fee must accompany this application upon filing.)

<b>FOR TREASURER USE ONLY</b>
Receipt # _____
Account # 100-22-4440

Date of Petition: September 6th, 2016

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the City of Baraboo Plan Commission as follows:

1. Name and address of each owner: (Please attach additional pages as necessary.)

1022 & 1024 Parkside LLC c/o Tracy Papandrea  
N28 W30628 Red Fox Court  
Pewaukee, WI 53072

2. Name and address of applicant if not an owner, describe interest in site.

\_\_\_\_\_

3. Address of site: 1016 Parkside Ave, Baraboo WI 53913 **AND** 1018 Parkside Ave Baraboo, WI

4. Tax parcel number of site: 2442-01743 / 2442-01742

5. A proposed certified survey map of the property to be used for the duplex must accompany this application.

6. Please describe with detail the impact of the requested side by side single family attached dwelling upon the following:

o The present density of the surrounding neighborhood.  
none - the property already exists, but is defined as a condo

o Whether the uses, values and enjoyment of other property in the neighborhood will be substantially impaired or diminished.

Value and use will be improved, as there can now be long term invested owners in the property,  
instead of more transient renters

- o Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the neighborhood.

No, it will not

7. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site (see section 17.37(2)(a) of City Code.)

1008 Parkside Ave / Troy Snow / Parcel	2745-07600
1018 Parkside Ave / 1022 & 1024 Parkside LLC /	2442-01742
1022 Parkside Ave / " " /	2442-01741

8. A scale map or survey map must be attached showing the following:
- a. Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands, and the present apparent use of the adjoining lands (single family residential, duplex, multifamily housing, etc.).
  - b. The approximate location of existing structures on the site, easements, streets, alleys, off street parking, driveways, existing street, and side and rear yards.

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

NOTICE TO PROPERTY OWNER: CONDITIONAL USE PERMITS, IF GRANTED, ARE SUBJECT TO A 10 DAY APPEAL WAITING TIME.

Dated : \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Property owner

\_\_\_\_\_  
Property owner

I certify that that I have reviewed this application for completeness.

Date: \_\_\_\_\_ Zoning Administrator: \_\_\_\_\_

For Office Use:	Date		Date
Application given by _____	_____	Referred to Council	_____
Received by Bldg. Inspector	_____	Public Hearing Set	_____
Fee received by Treasurer	_____	Date Notices Mailed	_____
Building Insp. Certified	_____	Public Hearing Published	_____
Filed with City Clerk	_____	Public Hearing Held	_____
Referred for Staff Review	_____	Plan Meeting Action	_____

City of Baraboo  
 135 4th Street  
 Baraboo, WI 53913  
 (608) 355-2730 phone  
 608 355-2719 fax

**APPLICATION FOR CONDITIONAL USE PERMIT**

(A non-refundable \$250 fee must accompany this application upon filing.)

**FOR TREASURER USE ONLY**  
 Receipt # \_\_\_\_\_  
 Account # 100-22-4440

Date of Petition: September 6th, 2016

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the City of Baraboo Plan Commission as follows:

1. Name and address of each owner: (Please attach additional pages as necessary.)

1022 & 1024 Parkside LLC c/o Tracy Papandrea  
N28 W30628 Red Fox Court  
Pewaukee, WI 53072

2. Name and address of applicant if not an owner, describe interest in site.

\_\_\_\_\_

3. Address of site: 1022 Parkside Ave Baraboo WI 53913 AND 1024 Parkside Ave. Baraboo, WI

4. Tax parcel number of site: 2442-01741 / 2442-01740

5. A proposed certified survey map of the property to be used for the duplex must accompany this application.

6. Please describe with detail the impact of the requested side by side single family attached dwelling upon the following:

o The present density of the surrounding neighborhood.  
none - the property already exists, but is defined as a condo

o Whether the uses, values and enjoyment of other property in the neighborhood will be substantially impaired or diminished.

Value and use will be improved, as there can now be long term invested owners in the property, instead of more transient renters

- o Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the neighborhood.

No, it will not

7. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site (see section 17.37(2)(a) of City Code.)

1018 Parkside Ave / 1022 & 1024 Parkside LLC / Parcel - 2442 - 01742  
1024 Parkside Ave / " " " " / Parcel 2442 - 01740  
1032 Parkside Ave / Rodolfo Lopez / Parcel 2745 - 07300

8. A scale map or survey map must be attached showing the following:
- a. Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands, and the present apparent use of the adjoining lands (single family residential, duplex, multifamily housing, etc.).
  - b. The approximate location of existing structures on the site, easements, streets, alleys, off street parking, driveways, existing street, and side and rear yards.

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

NOTICE TO PROPERTY OWNER: CONDITIONAL USE PERMITS, IF GRANTED, ARE SUBJECT TO A 10 DAY APPEAL WAITING TIME.

Dated : \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Property owner

\_\_\_\_\_  
Property owner

I certify that that I have reviewed this application for completeness.

Date: \_\_\_\_\_ Zoning Administrator: \_\_\_\_\_

Sheet 1 of 2 sheets

# SAUK COUNTY CERTIFIED SURVEY MAP No. \_\_\_\_\_

Located in Klein Condominium and Lots 74 and 75, Parkside  
Subdivision, SW1/4-SE1/4, Section 2, T11N, R6E, City of  
Baraboo, Sauk County, Wisconsin.

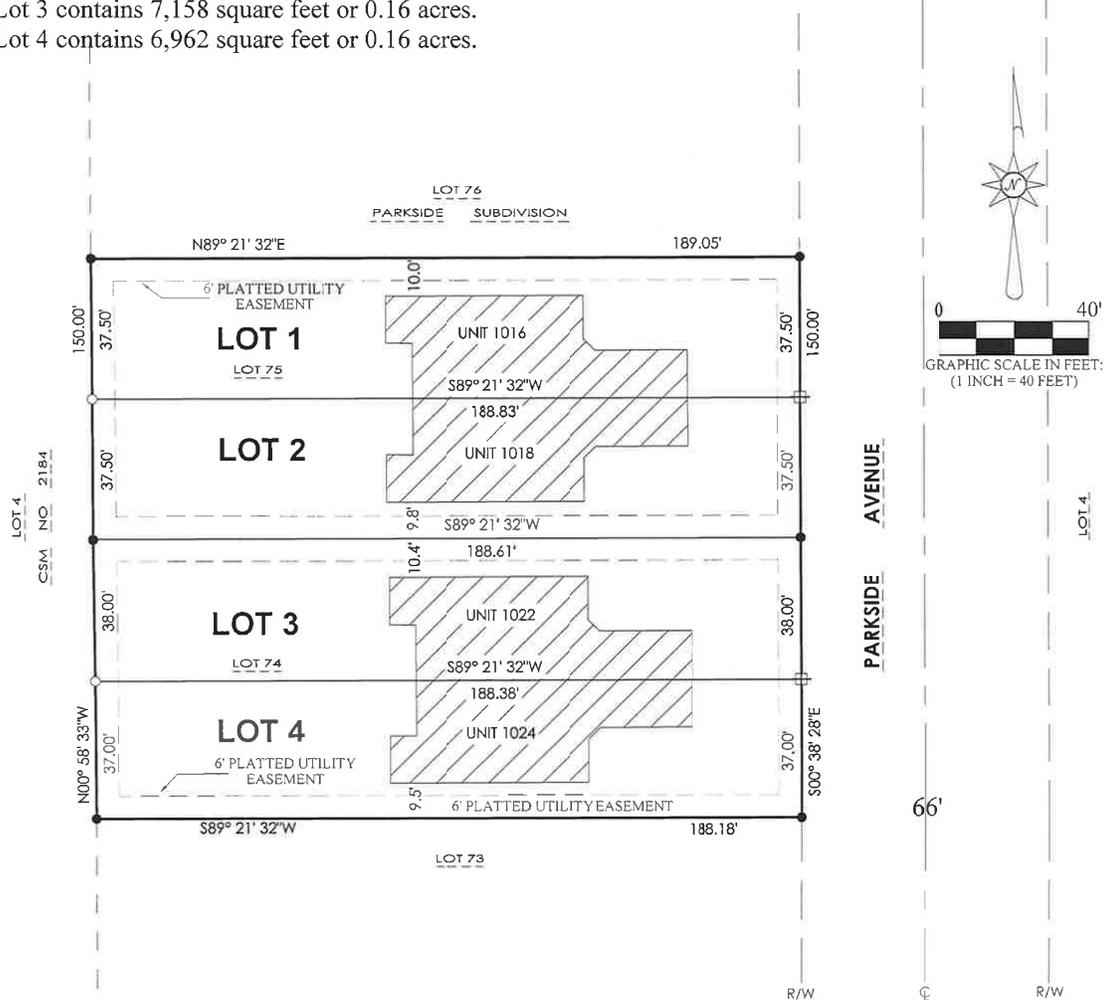
Client and Owner: 1022 & 1024 Parkside, LLC, N28 W30628 Red  
Fox Court, Pewaukee, WI, 53072

Carlson Surveying, Div. of General Engineering, P O Box 340,  
Portage, WI, 53901  
Phone (608) 742.2169

Bearings are referenced to north line of Lot 75, Parkside  
Subdivision and made to bear N89°21'32"E.

- = Found 3/4" round iron rod
- = Set 3/4"x18" round iron rod weighing 1.5#/lin. Ft.
- ⊕ = Chiseled cross in concrete driveway

Lot 1 contains 7,084 square feet or 0.16 acres.  
Lot 2 contains 7,074 square feet or 0.16 acres.  
Lot 3 contains 7,158 square feet or 0.16 acres.  
Lot 4 contains 6,962 square feet or 0.16 acres.



**SURVEYOR'S CERTIFICATE:**

I, Mark C. Carlson, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land located in Klein Condominium and Lots 74 and 75, Parkside Subdivision, SW1/4-SE1/4, Section 2, T11N, R6E, City of Baraboo, Sauk County, Wisconsin bounded by the following described line:

Beginning at the northwest corner of said Lot 75; thence N89°21'32"E along north line of said Lot 75, 189.05 feet to northeast corner of Lot 75; thence S0°38'28"E along east line of said Lots 75 and 74, 150.00 feet to southeast corner of said Lot 74; thence S89°21'32"W along south line of said Lot 74, 188.18 feet to southwest corner of said Lot 74; thence N0°58'33"W along west line of said Lots 74 and 75, 150.00 feet to the point of beginning.

Said described parcel contains 0.64 acres, and is subject to 6 foot utility easements from Parkside Subdivision as shown and other easements of record.

That I have complied with the provisions of Chapter 236.34 Wisconsin Statutes, A-E 7 of the Wisconsin Administrative Code and the subdivision regulations of the City of Baraboo and Sauk County to the best of my knowledge, information and belief in surveying, mapping and dividing the same.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have made such survey under the direction of Tracy Papandrea.

\_\_\_\_\_  
Date Mark C. Carlson

**CITY OF BARABOO APPROVAL:**

RESOLVED that the certified survey map, attached hereto and filed with the City of Baraboo, 1022 & 1024 Parkside, LLC is hereby approved by the Plan Commission and Common Council of the City of Baraboo, Wisconsin.

Approved by: Plan Commission and Common Council  
City of Baraboo, Wisconsin

\_\_\_\_\_  
City Engineer Mayor

I hereby certify that the foregoing resolution was adopted by the Plan Commission and Common Council of the City of Baraboo, Wisconsin on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
City clerk

City of Baraboo  
135 4th Street  
Baraboo, WI 53913  
(608) 355-2700 phone  
(608) 356-9666 fax

PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
Pursuant to Section 66.0217(2) WI Statutes

<b>For Office Use Only</b> A non-refundable fee of \$350 must accompany this petition. Fee Paid \$ _____ Receipt # _____
---

To: The Mayor and Common Council  
City of Baraboo, Wisconsin

We, the undersigned, constituting all of the owners and electors of the following described territory proposed for annexation to the City of Baraboo, petition the Mayor and Common Council of the City to annex in accordance with Section 66.0217, Wis. Stats. to the City of Baraboo, Sauk County, Wisconsin the territory described below presently located in the Town of BARABOO, Sauk County, Wisconsin.

SEE ATTACHED EXHIBIT "A"

The territory to be annexed is contiguous to the City of Baraboo.

To current population of the territory to be annexed is 0.

All territory proposed to be annexed is located in Sauk County, Wisconsin.

A copy of scale map showing the area proposed for annexation is attached hereto and incorporation by reference. The zoning classification requested upon annexation is AG/COMMERCIAL

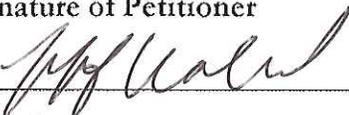
Signature of Petitioner	Address	Date of Signing	Status
 JEFFREY J. WROBEL	1626 OAK ST - LACROSSE, WI 54603	10/4/16	VP/CFO OF KWIK TRIP, INC
OWNER: KT REAL ESTATE HOLDINGS, LLC			ITS MANAGER

EXHIBIT "A"

PARCEL I:

Lot One (1) of Certified Survey Map No. 1861 as recorded in the office of the Register of Deeds for Sauk County, Wisconsin in Volume 7 of Certified Surveys on page 1861, as Document No. 502243.

(Located in the SW 1/4 NE 1/4 of Section 3, Township 11 North of Range 6 East, Town of Baraboo and also encompassing Lot 1 of the Plat of Baraboo Industrial Park, Sauk County, Wisconsin)

TAX ROLL PARCEL NUMBER: 002-0056-00000

ADDRESS PER TAX ROLL: E11162 COUNTY ROAD W, BARABOO

PARCEL II:

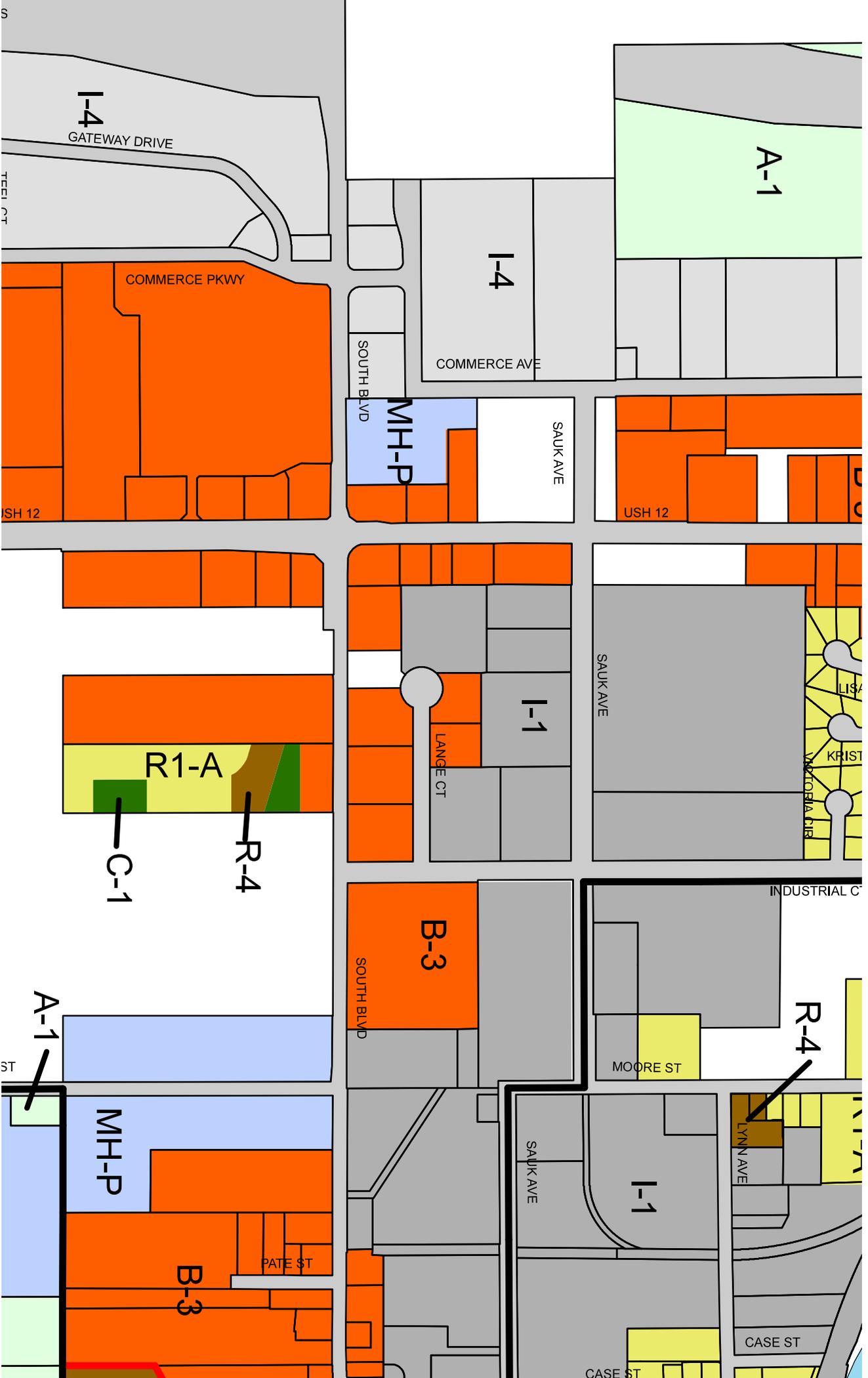
A parcel of land in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Three (3), Township Eleven (11) North of Range Six (6) East, which is bounded by a line described as follows: Beginning at a point on the South line of the said Southwest Quarter of the Northeast Quarter, which point is 547.5 feet East of the Southwest corner of said forty, thence North 300 feet, thence East 80 feet, thence South 300 feet, thence West 80 feet to the point of beginning.

TAX ROLL PARCEL NUMBER: 002-0050-10000

ADDRESS PER TAX ROLL: SOUTH BOULEVARD, BARABOO







I-4  
GATEWAY DRIVE

COMMERCE PKWY

I-4

COMMERCE AVE

SOUTH BLVD

MH-P

SAUK AVE

A-1

SH 12

USH 12

R1-A

C-1

R-4

I-1

LANGE CT

SAUK AVE

LIS

KRIST

MOTOLA CIR

B-3

SOUTH BLVD

INDUSTRIAL C

R-4

MOORE ST

ST

A-1

MH-P

LYNN AVE

I-1

SAUK AVE

PATE ST

B-3

CASE ST

CASE ST

**Kwik  
TRIP**

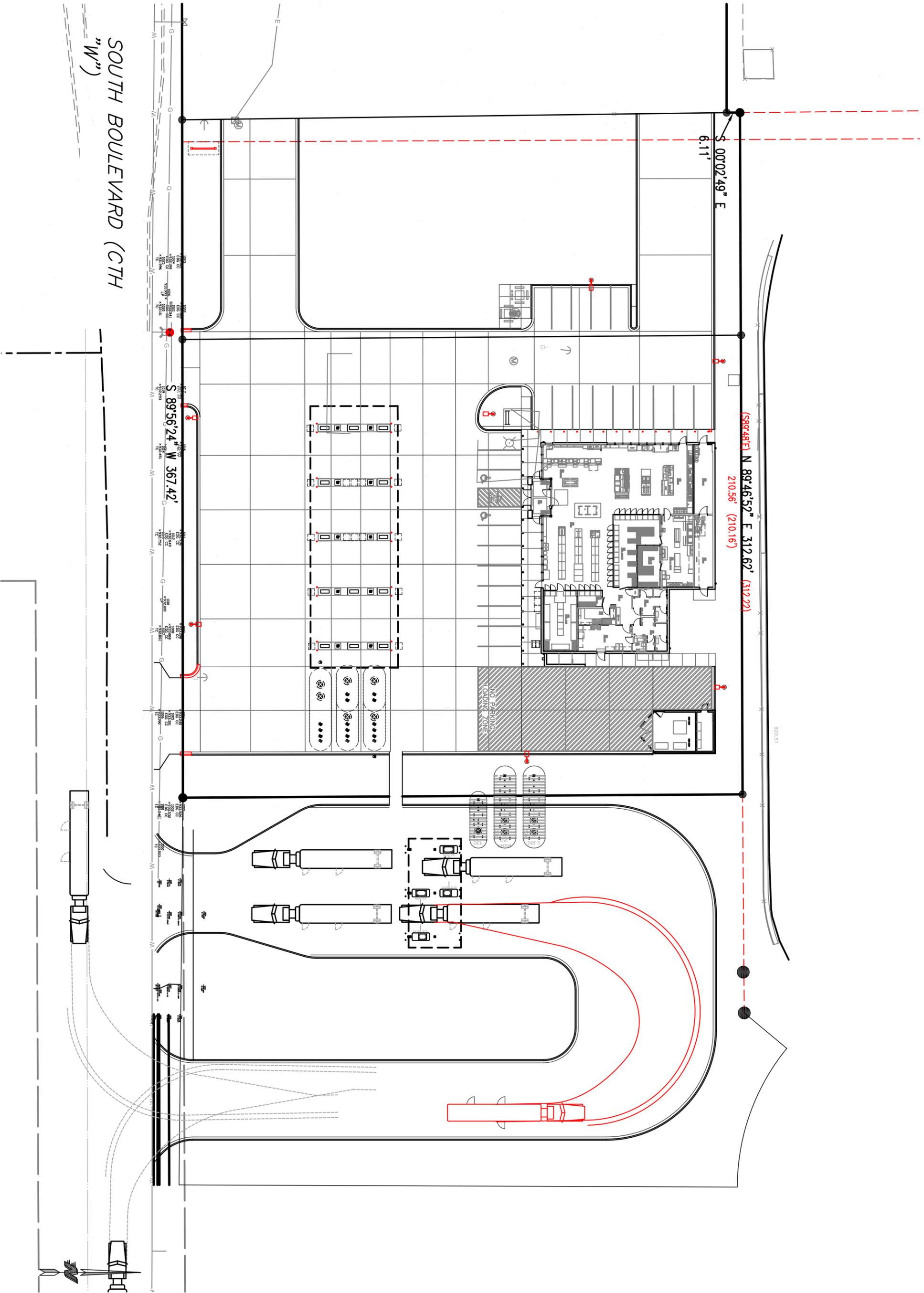
**Kwik  
Star**

KWIK TRIP, Inc.  
P.O. BOX 2107  
1626 OAK STREET  
LA CROSSE, WI 54602-2107  
PH. (608) 781-8988  
FAX (608) 781-8980

855 SIDE DIESEL ADDITION  
CONVENIENCE STORE #855  
WITH SIDE DIESEL ADDITION  
1330 SOUTH BLVD.  
BARABOO, WI.

#	DATE	DESCRIPTION

DRAWN BY	SZETLOW
SCALE	1" = 40'-0"
PROJ. NO.	0001
DATE	2016.06.28
SHEET	SP1





**CITY OF BARABOO  
ZONING CODE CHAPTER 17**

**SUBCHAPTER III: SIGN CODE**

**17.80 REGULATION OF SIGNS** (1905  
05/13/97, 2424 11/11/2014)

(1) PURPOSE OF SUBCHAPTER.

- (a) This Subchapter is adopted under the Zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Code. The purpose of this Sign Regulation Subchapter is to provide the legal framework and minimum standards for regulating and controlling the design, number, size, quality of materials, construction, location, electrification, movement, motion, lighting, installation and maintenance of all signs, awnings and canopies in the City of Baraboo in order to:
1. Balance the right of individuals to identify their businesses and activities and convey their messages, and the right of the public to be protected against the unrestricted proliferation of signs;
  2. Further the objectives of the City Comprehensive Zoning Plan.
  3. Protect and safeguard the public health, safety, welfare and to maintain and enhance the aesthetic environment.
  4. Improve pedestrian and traffic safety.
  5. Facilitate the creation of an attractive and harmonious community.
  6. Protect property values.
  7. Promote economic development and growth.
  8. Preserve the right of free speech exercised to the use of signs containing non-commercial messages.
  9. Minimize the possible adverse affects of signs on nearby public and private property.
  10. Enable the fair and consistent enforcement of sign restrictions.
  11. Establish a permit system to assure that signs are only erected, placed, established, painted, created and maintained

in the City in conformance with the standards, procedures, exemptions and other requirements of this Subchapter.

- (b) This Subchapter recognizes the need for well-maintained and attractive sign displays within the community.
- (c) This Subchapter authorizes the use of signs visible from the public right-of-way, provided the signs are:
1. Compatible with the zoning district regulations.
  2. Designed, constructed, installed and maintained to not endanger public safety or traffic safety.
  3. Legible, readable, visible and well-designed for the circumstances in which they are used; and
  4. Respectful of the reasonable rights of other advertisers.
- (d) Unless otherwise specified in this Subchapter, the term “sign” shall include a canopy and/or an awning, whether or not a canopy or awning is used for advertising purposes.
- (e) This Subchapter shall be interpreted in a manner consistent with the First Amendment guarantee of Free Speech.

(2) ADMINISTRATION OF SUBCHAPTER.

- (a) Building Inspector. The City Building Inspector shall record and file all applications for a sign permit with any accompanying plans and documents, make inspections of signs in the City of Baraboo and make such reports as the City may require. The Building Inspector may issue the requested permit if the sign permit application is approved.
- (b) Sign Inspection.
1. The Building Inspector shall inspect bi-annually, each sign regulated by this Ordinance for the purpose of ascertaining whether the structure is unsafe, in need of repair, not in conformance with the permit application, or

otherwise in violation of the provisions of this Ordinance.

2. If any sign is found to be an unlawful sign, the Building Inspector shall proceed as provided in §(16) Violations and Penalties of this Subchapter.

(3) SIGN PERMIT REQUIREMENTS.

- (a) Permit Required. Except as provided in §(11), all signs or devices, whether defined in this Subchapter or not, require a permit. It shall be unlawful for any person to erect, enlarge, relocate or structurally alter any sign within the City of Baraboo without first obtaining a sign permit from the Building Inspector and making payment of the required fee. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and its required permit fees.

(b) Application.

1. A sign permit application shall be filed with the Building Inspector. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance. Only the person who has submitted the sign application and paid the necessary fee shall be authorized to erect the sign. A permit may be taken out on behalf of the sign owner by a sign contractor; however, this shall not relieve the sign contractor from complying with the regulations of this Subchapter.
2. No permit is required for sign work limited to repainting, change of copy, message or face panel, or doing routine maintenance and repair which does not entail structural change.

- (c) Required Information. The sign permit application shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Name and address of the building, structure, and property to which or

upon which the sign is to be affixed or erected and the tax parcel number of the real estate where the sign is to be erected;

3. Name, address, and telephone number of person, firm, corporation or association erecting sign;
4. Name, address, telephone number, and the written consent of the owner or lessee, if different from the applicant, of the building, structure and real estate to which or upon which the sign is to be affixed or erected;
5. A scale drawing of the proposed sign indicating the dimensions, the materials to be used, lettering, colors and type of illumination, if any, and the method of construction and attachment;
6. A scale site drawing of the proposed sign location, location of lot lines, existing buildings, and existing signs on the same property;
7. A scale site drawing of all adjoining properties to the proposed sign location including lot lines, existing buildings, and existing signs;
9. A description of the mechanical workings of any illuminated information to be displayed;
10. Calculations and other sufficient evidence showing how the structure and design of the sign satisfies the requirements of this Subchapter;
11. Payment of required fees;
12. Such other information as the Building Inspector shall require to show full compliance with this and other laws and ordinances of the City.

- (d) Temporary Sign Permit. A temporary sign permit for an on-premise sign less than twelve (12) square feet may be issued by the Building Inspector as provided in §(12) of this Subchapter.

- (e) Permit Fees. See City's Official Fee Schedule. A double permit fee may be charged by the Building Inspector if a sign is erected, moved, altered, enlarged or used before a required permit is issued. Such double permit

fee shall be for the purpose of reimbursing the City for the additional administrative costs incurred in connection with issuance of the permit and such double fee shall not release or relieve the applicant from full compliance with this Subchapter, nor from liability for the payment of a forfeiture or abatement as provided in Sub. (16) of this Sign Code.

(f) Assignment of Sign Permit. A current and valid sign permit shall be freely assignable to a successor as owner of the lot or premises or holder of a business license for the same premises, subject only to filing an application with the Building Inspector on such form as the Building Inspector may require and paying any applicable fee. This assignment shall be accomplished by filing such application and paying the applicable fee and shall not require approval.

(4) **INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE.** Any person who applies for a sign permit or who undertakes, in whole or in part, the erection, enlargement, alteration, removal, relocation, or maintenance of a sign and/or related work shall agree in the sign application to defend, hold harm-less and indemnify the City of Baraboo, its officers, agents and employees from any and all claims and/or causes of action for bodily injury, death or property damage arising out of or resulting from such sign or sign work.

(5) **LIABILITY AND DISCLAIMER.** The issuance of a sign permit and the inspections and the reports and findings issued pursuant to this Subchapter shall not be deemed as an assumption of any liability by the City. The owner of any building, structure or real estate upon which a sign is erected or maintained shall be liable for any damages and injuries that may be caused to persons or properties by reason thereof. The City makes no representation or warranty, express or implied, as to the accuracy or thoroughness of any inspection or findings made pursuant to this Subchapter and the City disclaims any liability or responsibility whatsoever by reason thereof.

(6) **GENERAL PHYSICAL REQUIREMENTS AND TYPES OF SIGNS.** The following on-premises signs for businesses shall be considered to be signs which are located on or attached to a structure on the premises being served and are subject to the conditions set forth in this Subch. (2035 11/28/2000)

(a) On-premises Freestanding Signs. On-premises freestanding signs shall be limited to a total of one freestanding sign per lot or parcel. The maximum gross surface area of the freestanding sign shall be one square foot of sign area for every linear foot of lot frontage on adjacent public streets, up to a maximum of square footage visible from any single viewing point. The freestanding sign shall be located entirely on the subject property, and may not protrude over any property line or public right-of-way. The exposed base of freestanding signs shall be concealed by evergreen landscaping. Freestanding signs shall not be located in the required vision triangle of an intersection or driveway, or create a traffic hazard for any other reason.

1. Pylon signs shall not be permitted after December 1, 2000.
2. Ground signs shall have a maximum height of 8 feet and a maximum area of 500 square feet.
3. Freestanding canopy signs shall be limited to the canopy fascia and may not extend above, below, or beyond the fascia, and shall have a maximum area of 60 square feet.

(b) On-Premise, On-Building Signs. On-premise, on-building signs shall be limited to building facades facing a public street or which have a distinct customer entrance. Such signs shall not exceed in area 20% of the gross area of the façade upon which they are placed. All on-building signs that project more than 4 inches from the wall face shall provide a minimum vertical clearance of 10 feet between its

1

lowest point and the finished ground area directly below that point, except that fabric awning and building canopy signs that do not cover a vehicle circulation area may reduce this minimum to 8 feet, and no such projecting signs shall be located closer than 3 feet from the inside face of a curb or other street pavement edge. No on-building signs may employ supports resting on a sidewalk or public right-of-way. The following additional requirements shall also apply:

1. Fabric awning signs of canvas, Mylar, vinyl or similar lightweight fabrics and weigh less than 450 pounds inclusive of supports.
2. Building canopy signs or metal, hard plastic, or similar non-fabric materials and weigh less than 450 pounds inclusive of supports.
3. Projecting signs that exceed 450 pounds inclusive of supports shall be located a minimum of 5 feet from rights-of-way or otherwise project over a public driveway, alley, street, or thoroughfare. Such signs shall require the granting of a conditional use permit.
4. Roof signs shall be prohibited.
5. On-premise wall signs shall be permitted.

- (c) On-Premises Informational Signs. On-premises informational signs shall be limited per the following regulations specific to each sign type. The maximum area of any business name, logo, or other information conveying business identification on on-premises informational signs shall be limited to one square foot:

- 1.
2. Such on-premises variable message signs shall be limited to 12 square feet of gross surface area for each sign, and shall be further limited to a maximum of one such sign per lot for each public street frontage. Such signs may be placed at the right-of-way

line of the highway or street, but shall not infringe upon or protrude into the right-of-way. Such signs shall require the granting of a conditional use permit.

4.

(7) CONSTRUCTION SPECIFICATIONS.

- (a) Wind Pressure and Dead Load Requirements. All signs, canopies and awnings shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area and shall be constructed to receive dead loads as required by the Wisconsin Administrative Code.
- (b) Supporting Members or Braces. Supporting members or braces of all projecting or wall signs, awnings or canopies shall be constructed of galvanized iron, properly treated steel, copper, brass or other non-corrosive, non-combustible material. All projecting signs, awnings and canopies, if placed at a right or other angle to the wall or roof of any building, shall be attached by such non-corrosive metal bolts, anchors, cable or other metal attachments as shall insure permanent and safe construction and shall be maintained from rust or other defects. Every means or device used for attaching any sign, awning or canopy shall extend through the walls or roof of the building should the Building Inspector determine that the safe and permanent support of such sign, awning or canopy so requires. A sign, awning or canopy shall also be securely anchored by wall plates to the inside of the walls or to bearings anchored by wall plates to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector.
- (c) Plans. At the time of permit application, the Building Inspector may require written plans for footings for sign supports, method of sign attachment, and engineering specifications and calculations.

(8) INSTALLATION AND MAINTENANCE.

- (a) Safety. All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task. This Subchapter recognizes that the improper or unsafe performance of sign contractors is often caused by their use of inadequate equipment and that such improper performance will endanger the public safety. Therefore, the Building Inspector may deny a sign permit if the sign

contractor does not have or does not arrange for use of adequate equipment. It shall be a violation of this Subchapter if the contractor fails to use proper equipment in the erection and maintenance of signs.

(b) Installation Standards. All signs shall be designed, installed and erected in accordance with the following standards:

1. All signs shall comply with the applicable provisions of the City Building Code and Electrical Code at all times.
2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Subchapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(c) Maintenance and Repair. Every sign, including, but not limited to, those signs for which permits are not required, shall be maintained in compliance with applicable Building and Electrical Codes and this Subchapter at all times and in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting, repainting, cleaning and other acts required for the maintenance of said sign. If any sign is not timely modified to comply with the standards set forth in this Subchapter, the Building Inspector may require its removal.

(d) Protection of the Public. The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, if expressly authorized by the Building Inspector, provided the space occupied is roped off, fenced off or otherwise isolated.

(e) Obstruction to Doors, Windows or Fire Escapes. No sign, canopy or awning shall be erected, enlarged, relocated, or maintained so as to prevent free ingress to and egress from any door, window or fire escape. No sign, canopy or awning of any kind shall be attached to a standpipe or fire escape. No sign, canopy or awning shall be erected or maintained so as to hinder or prevent ingress or egress through any door, doorway or window or so as to hinder or prevent the raising or placing of ladders by the Fire Department. Signs, awnings and canopies proposed to be installed over the

public right-of-way shall be approved and inspected by the Fire Department prior to installation.

(9) ABANDONED SIGNS. All abandoned signs shall be promptly removed by the owner or lessee of the premises upon which a sign is located. If the owner or lessee fails to remove an abandoned sign, the Building Inspector shall cause such sign to be removed pursuant to sec. (16) of this Subchapter.

(10) PROHIBITED SIGNS. The following signs shall be prohibited within all zoning districts in the City of Baraboo:

(a) Abandoned Signs. See §9 of this Subchapter.

(b) Flashing, Animated, Alternating, Rotating or Swinging Signs. Flashing, scintillating, animated, alternating, blinking, traveling, rotating or swinging signs or devices, whether illuminated or not, visible from the public right-of-way. The electronic message sign is not a prohibited sign under this Subsection provided such sign complies with the regulations of this Subchapter.

(c) Floodlighted Signs. Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property and signs which violate §10(j).

(d) Traffic Hazards. No sign shall:

1. Obstruct free and clear vision at any street intersection.
2. Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
3. Be a hazard or dangerous distraction to vehicular traffic.
4. Make use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character in a manner that interferes with, misleads, or confuses traffic or imitates, or resembles in shape, size, copy, or color an official traffic sign or signal.
5. Obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering a public street or right-of-way.

6. Be of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public right-of-way.

- (e) Off-Premise Signs. Such signs are prohibited, except for temporary signs permitted by §12 of this Subch.:(2035 11/28/2000, 2436 10/13/2015)

**Rationale and Findings:** The City of Baraboo Plan Commission and Common Council find that the purpose and rationale of prohibiting off-premise signs or signs advertising a business, person, activity, goods, products, facilities, or services not located on the lot, or an adjoining lot, upon which the sign is located or directs persons to a different location from where the sign is located, is that this prohibition is necessary in order to further several governmental interests:

1. The general public interest of reducing visual clutter caused by off-premise advertising signage within the City which the City has determined is a significant cause of unsafe traffic conditions; and
2. The public interest served by furthering the implementation of the purposes of this Subchapter and the City of Baraboo Comprehensive Master Plan in terms of limiting or reducing an appearance of strip commercial development - of which advertising signs are a primary contributor; and
3. The general public interest served by enhancing the aesthetics of the Baraboo Valley and the City of Baraboo and the unique beauty of this City caused by the Baraboo Bluffs thereby improving the appearance of this City.

Further, the City of Baraboo advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages that are to be portrayed on such advertising signs – namely distributed print media, broadcast media, a point-of-purchase display, and is narrowly defined so as to limit said

prohibition to commercial speech on exterior signage.

A special exception is granted for the Baraboo School District for sporting stadiums and outdoor athletic facilities for four (4) off-premise advertising signs that are visible from Draper Street. Such off-premises signs shall be allowed with a valid sign permit, without regard to size or percentage of area covered, provided that such signs were installed prior to September 1, 2015. This special exception shall expire June 30, 2020, for off-premises signs, and June 30, 2030, for the signage relating to Flambeau Field. After these respective dates, all non-conforming and prohibited signs shall be removed.

A special exception is also granted for off-premise advertising that is visible from a public street that appears upon the Baraboo School District's scoreboard. This special exception shall not expire. All signs under this special exception require a valid sign permit.

- (f) Inflatable Advertising Devices or Signs. Inflatable advertising devices or signs which are used off premises.
- (g) Billboards.
- (h) Unsafe Sign. No sign shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.
- (i) Obscene Signs. No sign shall display any matter that is obscene.
- (j) Unclassified Signs.
1. Signs which are a hazard or a nuisance to occupants of any adjoining or nearby property because of intensity, brilliance, glare or other annoying characteristics.
  2. Signs which are erected or maintained upon trees or utility poles or painted or drawn upon rocks or other natural features.
  3. Except as allowed by §17.80(6) of this code, signs that are more than 100 square feet in gross surface area on any facing side. (2035 11/28/2000)
  4. Signs which have more than two faces visible at one time.
  5. Signs which are portable or movable signs.
  6. Signs which are painted on or attached to a semi-trailer that is continuously parked in

a street yard (as defined by the City Zoning Code) solely for advertising purposes for more than 30 consecutive days in a calendar year.

7. A swinging sign.

(k) Pylon Signs after December 1, 2000.  
(2035 11/28/2000)

(l) Roof Signs. (2035 11/28/2000)

(11) **SIGNS NOT REQUIRING A PERMIT.**  
Signs are permitted in all zoning districts without a sign permit provided they comply with the restrictions and specifications set forth in this section and in §§6, 7, and 8.

(a) Flags. Flags, emblems or insignia of any nation, political subdivision, college or university or corporate flags.

(b) Governmental Signs. Signs for control of traffic and other regulatory purposes, danger signs, warning signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of public duty;

(c)

(d) No Trespassing and No Dumping Signs.  
No trespassing and no dumping signs shall be a standard eighteen (18) inches by twenty-four (24) inches;

(e) Public Notices. Official notices posted by public officers or employees in the performance of their duties;

(f) Public Signs. Signs required as specifically authorized for public purpose by any law, statute or ordinance.

(g)

(i) Temporary Window Signs. In business and industrial districts, the inside surfaces of any window may be used for attachment of temporary signs. Temporary window signs may not cover more than 25% of the area of any single windowpane. Such signs shall not be placed on door windows or other windows needed to be clear for pedestrian safety. (2035 11/28/2000)

(j) Bulletins. Temporary signs not exceeding four (4) square feet in gross surface area pertaining to events of civic, philanthropic, educational and religious organizations, provided such signs are posted no more than thirty (30) days before said event and removed within ten (10) days after the event.

(12) (k) **REGULATION OF TEMPORARY SIGNS.** (1941 07/28/98)

(a) Temporary Signs Located on Private Property. The following temporary signs may be displayed only in a Business Zoning District (B-1, B-2, and B-3) for up to thirty (30) days at a time during no more than two different periods per calendar year, provided such temporary signs shall be located entirely on private property, shall not obstruct building exits and a temporary sign permit is issued by the Building Inspector and the permit fee is paid. Each such thirty (30) day period shall require a new permit and fee.

1.

2. **Banners and Pennants.** Banners, flags, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or gas filled figures (which are temporary signs or devices of paper, fabric, plastic, or other flexible materials) Banners shall not exceed the lesser of one hundred (100) square feet in gross surface area or twenty percent (20%) of the area of the wall on which they are placed.

3.

(b) Temporary Signs or Banners on Public Property. No sign or banner shall be located, displayed or encroach in or upon any public street, right-of-way, park or place except as permitted in Sec. 17.80(6) of this Subchapter and as provided in this subsection.

1.

2. **Circus World Museum Sign.** A temporary sign or banner may be displayed across Water Street by the Circus World Museum provided that the Circus World Museum executes a sign encroachment agreement with the City. This sign may be displayed continuously between

April 1<sup>st</sup> and November 1<sup>st</sup> of each year.

3. Signs in City Parks. A temporary sign(s) or banner(s) may be displayed in a City park provided that the sign or banner advertises a special event to be held or being held within the park and that the sign or banner further satisfies the following pre-conditions:

- a. A temporary sign permit is granted by the Parks and Recreation Commission, and
- b. Any sign or banner displayed in any City park or ball field advertising a tournament shall only be erected on the day the tournament begins and shall be

removed promptly by the tournament sponsor on the day the tournament ends, and

- c. No sign or banner shall exceed one hundred (100) square feet in gross surface area.
- d. The sign or banner must be safely secured and maintained at all times.

(13) TYPES OF SIGNS. See Subsection 17.80(6) of this Code for General Physical Requirements and types of Signs. (2035 11/28/2000)

(14) ZONING DISTRICT REQUIREMENTS. (2035 11/28/2000)

<b>ZONING DISTRICTS</b>	<b>TYPES OF PERMITTED SIGNS (Refer to (6) for Specific Rules) The following on-premises signs shall be permitted:</b>
<b>Residential Districts:</b> R-1, R-2, R-3, R-4, R-5, MH, MHP	<ul style="list-style-type: none"> <li>• Ground signs Wall signs</li> <li>• All on-premises informational signs for Development area identification signs for all uses</li> <li>• Home occupation per §17.08(52)</li> </ul>
<b>Business Districts:</b> B-1	<ul style="list-style-type: none"> <li>• Ground signs for uses</li> <li>• All on-building signs for all uses</li> <li>• All on-premises signs for all uses</li> </ul>
<b>Business Districts:</b> B-2, B-3	<ul style="list-style-type: none"> <li>• All free-standing signs for all uses</li> <li>• All on-building signs for all uses</li> <li>• All on-premises signs for all uses</li> </ul>
<b>Business Districts:</b> I-1, I-2, I-3, I-4	<ul style="list-style-type: none"> <li>• All free-standing signs for all uses</li> <li>• All on-building signs for all uses</li> <li>• All on-premises signs for all uses</li> </ul>
<b>Agricultural Districts:</b> A-1, A-2	<ul style="list-style-type: none"> <li>• All free-standing signs for all uses</li> <li>• All on-building signs for all uses</li> <li>• All on-premises signs for all uses</li> </ul>
<b>Conservancy District:</b> C-1	<ul style="list-style-type: none"> <li>• All on-premises signs for all uses</li> </ul>

(15) NONCONFORMING SIGNS. (2035 11/28/2000)

- (a) Notification of Nonconformance. Not later than December 31, 1997, the Building Inspector shall survey the City of Baraboo and inventory all signs and shall prepare and maintain a current file of all lawful and unlawful non-conforming signs in the City in accordance with the procedures set forth in §17.15(6) of the Zoning Code. Upon determination that a sign is non-conforming, the Building Inspector shall use reasonable efforts to notify,

in writing, the owner of the sign and/or the owner of the property on which the sign is located of the following:

- 1. The non-conformity of the sign.
- 2. Whether the sign is eligible for characterization as a legal non-conforming sign or is unlawful.

(b) Nonconforming Signs.

- 1. Any sign legally existing as of May 13, 1997, that does not conform to the provisions of this Subchapter and any Pylon sign legally existing as of

December 1, 2000, that does not conform to the provisions of this Subchapter, shall be eligible for characterization as a nonconforming sign and shall be subject to the provision of Subsection (b), below. Non-conforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Subchapter. See (c) below.

2. Business signs on the premises of a nonconforming use or building may be continued as provided in §(c) below, but new signs for such uses shall not be allowed, nor expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other signs existing as of December 1, 2000.
3. Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed as provided in §(c) below. Closing businesses must remove their signs within 60 days of closing.
4. Signage not in compliance with the provisions of this Section shall be subject to the provisions of §(c) below.
5. Whenever there is a change in sign use (excluding off-premise signs), the sign owner, or the owner of the property on which the sign is located, the new sign user, owner, or new property owner, shall forthwith notify the Zoning Administrator of the change. No sign permit is required unless there is a modification of the sign face or sign structure.
6. No sign shall be eligible for nonconforming status unless the sign meets the following requirements:
  - a. The sign was erected pursuant to the issuance of a proper sign permit.

- b. No permit was required under applicable law for the sign in question and the sign was in all respects in compliance with the applicable law at the time the sign was erected and has since been maintained in compliance with the applicable codes of the city.

(c) Removal of Non-Conforming Signs.

1. Alteration of Signs.
  - a. For the purpose of this Subchapter, alteration of a sign is considered to be any change in the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting, including, but not limited to: changing the message (except for marquee or off -premise advertising signs), symbols, color, material, height, location, or any other alterations as determined by the Zoning Administrator.
  - b. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premise advertising sign.
  - c. For a period extending 10 years from December 1, 2000, a tenant sign which comprises part of a group sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire group sign, or any of its parts, into compliance with the provisions of this Subchapter.
2. Damage to Sign. Any sign damaged by any cause to such extent that the cost to repair or reconstruct said sign exceeds 50% of the assessed value of the sign as of the date of damage shall be removed. If City, County, or State records do not show an assessed value for the nonconforming sign, then the assessed value shall be determined by an appraisal conducted by the City Assessor using the date of the damage as the date of valuation.
3. Defective Nonconforming Sign. Any non-conforming sign that

fails to conform to the provisions of this Subchapter regarding maintenance and repair or abandonment or any nonconforming sign that is dangerous or defective shall be removed.

4. Discontinuance. If a nonconforming sign is not openly, actively, and actually used for a continuous period of at least 12 consecutive months, such nonconforming sign shall be deemed to be discontinued and terminated and said sign shall be removed.

5. Relocation. A nonconforming sign shall not be relocated within the City.

(d) Maintenance and Repair of Legal Nonconforming Signs. Nothing in this Subchapter shall relieve the owner or user of a nonconforming sign or the owner of the property on which such sign is located from the provisions of this Subchapter regarding abandonment, safety, maintenance, and repair of signs.

(e) Burden of Proof. Any person claiming that a sign is a lawful conforming sign or a legal non-conforming sign shall bear the burden of showing or providing such legal status. The determination shall be made by the Zoning Administrator and the decision may be appealed to the Zoning Board of Appeals.

(16) VIOLATIONS AND PENALTIES.

(a) It shall be unlawful to erect, enlarge, alter, repair, use or move any sign in violation of any of the provisions of this Subchapter. In case of any violation, the City Council, the Building Inspector, or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of this Subchapter or to cause an unlawful sign to be removed.

(b) Except as provided in §§(c) and (d) below, whenever an order of the Building Inspector has not been fully performed after written notice thereof has been issued to the owner of the property on which an unlawful sign is located or to the owner of an unlawful sign or to the sign contractor of an unlawful sign, the City Council, the Building Inspector, or the City Attorney may institute appropriate legal actions or proceedings, including, but not limited to, proceedings to recover a forfeiture and/or proceedings to prohibit or enjoin such owner, permittee or sign

contractor from erecting, enlarging, altering, repairing, moving or using a sign covered by the order of the Building Inspector, and said proceedings may be consolidated in one action or commenced as separate actions concurrently, or at different times. In all cases, the City's remedies shall be cumulative. The written notice of a violation shall state the nature of the violation, the date of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made. The time limit set for correcting violations shall take into consideration a reasonable period of time to correct the violation or deficiency and/or whether prior notice has been issued or given to the violator. The time limit shall be no greater than fifteen (15) days nor less than twenty-four (24) hours. Notice of a violation shall be deemed made upon mailing such notice by certified mail, return receipt requested, or by personal delivery, or by posting the notice on the property and mailing the notice to the violator by first class mail. When notice is mailed, it shall be sent to the owner of the property on which the sign is located at the address as shown on the City's current tax assessment roll for the parcel subject to the notice or to the owner of the sign if the name and address of the sign owner is clearly and conspicuously stated on the sign itself. (2139 01/27/04)

(c) Any unlawful sign is hereby declared to be a public nuisance under Chapter 10 of The City Codes and the City may, in addition to seeking a forfeiture and/or remedial action as provided in this subsection, commence a Court action for the abatement of the public nuisance as provided in §10.07 of The City Codes. If the City proceeds with the commencement of an abatement action under §10.07, the notice provisions of that section shall apply to the abatement proceedings.

(d) Whenever the Building Inspector shall find a sign that violates the provisions of any of the following sections:

1. Section 17.80(12)(a) Temporary Signs located on private property.
2. Section 17.80(12)(b) Temporary Signs or banners on public property.
3. Section 17.80(10)(e) Off-Premises Signs

He/she shall give notice of such violation as provided in this subsection to the owner and/or occupant of the property where the sign is located and/or to the owner of the unlawful

sign. Notice of a violation shall be deemed made upon mailing such notice by certified mail to the address shown on the current City of Baraboo Property Tax Assessment Roll or by personal delivery, or by posting the notice on the property and mailing notice thereof to the violator by first class mail. If the unlawful sign is not permanently removed within five (5) days after notice, the Building Inspector or a Police Officer shall be authorized to issue a citation to the violator. Any person who violates this section shall be entitled to only one five (5) day notice to cure within a calendar year and after providing one such five (5) day notice to cure to a violator, the Building Inspector or a Police Officer shall be authorized to issue a citation to the violator immediately upon discovering any second or subsequent violation of any of the foregoing subsections within a calendar year. Each day that a violation of any of the foregoing subsections continues shall be deemed a separate offense. In addition, an action to abate such an unlawful sign may be commenced as provided in §(c). (2139 01/27/04)

(e) Any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this Subchapter shall be subject to a penalty as provided in §25.04 of The City Codes. Every owner of the property on which an unlawful sign is located, and every owner of an unlawful sign and every sign contractor who erected, enlarged, moved, improved, altered, repaired or placed an unlawful sign on any land within the City in violation of this Subchapter and every permit holder of an unlawful sign shall be subject to a penalty as provided in §25.04 of this Code. The Building Inspector shall promptly report all such violations to a police officer and a police officer shall issue a citation to the violator. The property owner, sign owner, permit holder and sign contractor may be held jointly and severally liable for any violation of this Subchapter. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(17) APPEALS. Any appeal from the decision, order or determination of the Building Inspector under this Subchapter shall be made to and filed with the Zoning Board of Appeals

pursuant to §17.44 of The City Zoning Code. Each of the provisions of §17.44 of the City Zoning Codes shall apply to an appeal under this Subchapter.

(18) SEVERABILITY AND CONFLICT. If any section, subsection, sentence, clause or phrase of this Subchapter is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, sub-section, sentence, clause or phrase or portion thereof and to this extent, the provisions of this Sub-chapter shall be severable. If any provision of this Subchapter is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance of The City Codes, the provisions which establishes the higher standard shall prevail.

(19) DEFINITIONS. The definitions contained in the City Zoning Code shall apply to this Subchapter, except the following definitions shall apply in this Subchapter.

(a) Abandoned Sign. A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed; also, a sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services or facilities are no longer available.

(b) Animated sign. Any sign which uses movement or change in lighting to depict action or to create a special effect or scene.

(c) Awning. Movable or fixed shelter supported entirely from the exterior wall of the building and composed of rigid or non-rigid materials or fabrics except for the supporting framework.

(d) Banner. A long, narrow flag hung over a street or entrance; also, a sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state, municipal or organizational flags shall not be considered banners.

(e) Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also,

any light with one or more beams that rotate or move.

- (f) Billboard. Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted thereon, or for the affixment, attachment, or support of printed poster, or other advertising matter and constructed, erected and located on any premises and used for purposes other than advertising the business conducted on such premises or in such building or structure. Usually has a gross surface area larger than one hundred (100) square feet in area.
- (g) Building Inspector. That person, including his or her authorized agent, charged with the responsibility to see that the signage in the community is installed and maintained in compliance with this Subchapter, along with any other duties assigned by the City of Baraboo.
- (h) Canopy (or Marquee). A permanent roof-like shelter extending from part or all of a building face, constructed of some durable material such as metal, glass, plastic or other structural protective cover over a door, entrance, window or outdoor service area and includes a sign attached to or constructed in or on said canopy or marquee.
- (i)
- (l) Double-Faced Sign. A sign with copy on two (2) parallel faces that are back to back, facing opposite directions.
- (m) Electronic Variable Message Sign. A sign that displays messages where the message may be changed electronically, either by using a frame by frame display or by scrolling the message. This sign shall not change the message displayed at intervals of less than two seconds, not shall a scrolling message travel at a rate slower than 16 light columns per second or faster than 32 columns per second. This sign shall only display letters or numbers of no art animations or graphics may be displayed. This sign shall not contain, include or be illuminated by lights or illuminations that flash, scintillate, blink, flicker, vary in intensity, nor shall such signs be illuminated to a degree of brightness that is greater than necessary for adequate visibility, using standards applied by the Wisconsin Department of Transportation.
- (n) Erected. This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.
- (o) Flag. A piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge to a staff or cord and used as a symbol of a nation, state or organization. This term does not include a pennant or banner.
- (p) Externally Illuminated Signs.
- (q) Face of Sign. The entire area of a sign on which copy could be placed.
- (r) Flags or Pennants. Devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires.
- (s) Flashing Sign. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.
- (t) Freestanding/Ground Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- (u) Frontage. The length of the property line of any one (1) premise parallel to and along each public right-of-way it borders.
- (v) Governmental Sign. Any sign used for posting legal notices, identification of streets, traffic regulation, notice of danger or other emergencies or the posting of notice of trespassing. Expand Definition – Any sign required by federal, state, or City law or to protect a provided governmental interest.
- (w) Gross Surface Area. The area of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section, module or face, all areas shall be totaled. Any irregular-shaped sign area shall be computed using the actual sign face.
- (x) Ground Sign. A freestanding sign installed directly on the ground and which is not attached to any building or structure.
- (y) Height of the Sign. The vertical distance measured from the ground or finished surface at the base of a sign to the highest point of such sign.

- (z) Inflatable Sign. Any advertising structure which is filled with a nonflammable gas or air under pressure.
- (aa) Internally Illuminated Sign. Any sign in which the source of illumination is an integral part of the sign.
- (ab) Legal Non-Conforming Sign. A sign that did meet code regulations when it was originally installed but does not meet current code regulations.
- (ac) Lot. A taxable parcel of land as shown in the records of the Sauk County Treasurer and being within official city limits and abutting a public street.
- (ad) (ae) Non-conforming Sign. An unlawful sign.
- (af) Obscene Sign. Any sign which displays any matter in which the dominant theme of the materials taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (ag) Off-Premises Sign. A sign which advertises a business, person, activity, goods, products, facilities or services not located on the lot, or on an adjoining lot, upon which the sign is located or directs persons to a different location from where the sign is located.
- (ah) On-Premises Sign. Any sign identifying or advertising a business, person, activity, goods, products, facilities or services located on the lot, or on an adjoining lot, upon which the sign is installed.
- (ai) Operational Sign. A sign designating an entrance, exit, service area, restroom or other such signs relating to the functional operation of a building or lot without further elaboration of display.
- (aj) Pennant. Any lightweight plastic, fabric, or other material, whether or not contain a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (ak) Permanent Sign. A sign placed, installed or attached to a building or erected on a lot and which will remain for more that thirty (30) days.
- (al) Portable Sign. A sign which is not permanently mounted to the ground or a structure and which is designed to be moved.
- (am) Premises. A lot.
- (an)
- (ao) Projecting Sign. A sign, normally double-faced, which is attached perpendicular to and projects from a structure or building fascia more than six inches.
- (ap) Pylon Sign. A sign which is supported by one (1) or more freestanding uprights or poles and is not attached to any building.
- (aq)
- (as) Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (at) Rotating Sign. See Animated Sign.
- (au) Sandwich Board Sign. A hinged or unhinged A-frame portable sign which is temporary and portable in nature. Such a sign is also considered to be a ground sign and a portable sign.
- (av) Sign. Any device, fixture, painting, drawing, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- (aw) Sign Contractor. Any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business that the sign advertises.
- (ax) Sign Structure. Any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
- (ay)
- (az) Swinging Sign. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(ba) Temporary Sign. Any sign that is used only temporarily and is not permanently mounted for the purpose of promoting or announcing a special event or for special informational purposes.

(bb) Unlawful Sign. Any sign, canopy or awning, erected, enlarged, altered, repaired, used or moved in violation of any provision of this Subchapter, or which contravenes this Subchapter, or which the Building Inspector may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous Code was not obtained.

(bc) Wall Sign. Any Sign attached parallel to, but within 6 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

(bd) Window Sign. Any sign, picture, symbol, or combination thereof, designed to communicate that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window

(20) SPECIAL EXCEPTIONS. (2272 01/08/08)

(a) A special exception to the requirements of this Sign Code is granted for the placement of an awning on the building located at 522 Oak Street, and presently used as Corner Drugs and the Village Booksmith, meeting the following requirements:

1. The edge of the awning shall not be closer to the edge of the curb than eighteen inches.
2. Not more than two support posts shall be utilized, each to be centered not closer than 24 inches back from the edge of the curb, are allowed upon the sidewalk.
3. The awning framework and valance shall maintain a minimum height of eight feet above the sidewalk.

4. All other requirements of §17.80(6)(b) pertaining to awnings shall be met.

**Pages 318-399 Reserved**

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