



136 North Monroe Street
Waterloo, Wisconsin 53594-1198

NOTICE OF A CITY OF WATERLOO PLAN COMMISSION PUBLIC MEETING

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held to consider the following:

MEETING: PLAN COMMISSION
DATE: Tuesday February 27, 2024 **TIME:** 6:00 p.m.
LOCATION: 136 N. MONROE STREET, MUNICIPAL BUILDING COUNCIL CHAMBERS

PLAN COMMISSION REGULARLY SCHEDULED MEETING

- 1) CALL TO ORDER AND ROLL CALL
- 2) APPROVAL OF MEETING MINUTES: January 23, 2024
- 3) CITIZEN INPUT (3-Minute Time Limit)
- 4) OLD BUSINESS
 - a. Temporary Structures Ordinance Review
 - b. Murals in Downtown District Ordinance Review
- 5) NEW BUSINESS
- 6) FUTURE AGENDA ITEMS & ANNOUNCEMENTS
- 7) ADJOURNMENT

Jeanne Ritter, Clerk/Deputy Treasurer

Members: Leisses, Quimby, Kuhl, Crosby, Chadwick, Empey & Renforth

Posted, Distributed & Emailed: 02/23/2024

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noted. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

WATERLOO PLAN COMMISSION – Minutes January 23, 2024
[a digital meeting recording also serves as the official record]

PLAN COMMISSION REGULARLY SCHEDULED MEETING

- 1) CALL TO ORDER AND ROLL CALL. Mayor Quimby called the meeting to order at 6:00 pm. Commissioners attending: Renforth, Crosby, Empey, and C.Kuhl . Remote: none Absent: Chadwick and Leisses. Others in attendance: Clerk Ritter.
- 2) APPROVAL OF MEETING: October 24, 2023 Motion [Kuhl/Crosby] VOICE VOTE: Motion carried.
- 3) CITIZEN INPUT - none
- 4) OLD BUSINESS –
 - a. Temporary Structures Motion for staff to begin working on [Crosby/Renforth] VOICE VOTE: Motion carried.
 - b. Murals in Downtown District Motion for staff to begin working on [Kuhl/Crosby] VOICE VOTE: Motion carried.
- 5) NEW BUSINESS - none
- 6) FUTURE AGENDA ITEMS & ANNOUNCEMENTS: Duquaine still moving ahead. 333 Portland Rd should be receiving offer/drawings.
- 7) ADJOURNMENT [Kuhl/Empey] VOICE VOTE: Motion carried. 6:30 pm

Jeanne Ritter, Clerk/Deputy Treasurer

§385- Temporary Structures

Definition Temporary Structure means a structure of any size with a frame of steel or other material covered by plastic, polyurethane, vinyl, canvas or any other flexible sheeting material.

Temporary Structures shall be allowed in any zoning district for up to one week (3 times a year) without a permit. For longer periods not exceeding 6 months shall need a permit issued by City Hall. The fee for the structure shall be determined by the City Council.

No more than one allowed at any such time.

Shall not be placed on a public right-of way

Temporary structures must remain in good and clean condition, free from rust, peeling paint or other visible deterioration.

Set backs? Rear and front yard set backs 10 ft side yard 3 ft

Set on hard surface or grass, ok?

Maximum Size limits 8ft wide by 9ft high and 16 ft in length

500-76.1 Temporary Shelter City of Bayfield

A temporary shelter shall be allowed in any zoning district for up to one week without a permit and for longer periods of time, not exceeding six months, upon application to the Plan Commission for a temporary shelter permit and the granting of such a permit by the Plan Commission. Waterfront zoned properties may obtain an extension upon written request at no additional fee. The application shall describe the proposed temporary shelter and its proposed location, use, and duration, and any permit issued shall specify the type of temporary shelter, and the location, use, and duration thereof, authorized by the permit. In determining whether to issue such a permit, the Plan Commission shall consider the factors listed in § **500-35**. The fee for a temporary shelter permit shall be set by the Common Council. Temporary shelters shall be allowed only as provided in this section.

ORDINANCE# 2-10-2014
TOWNSHIP OF WATERFORD
RACINE COUNTY, WISCONSIN

AN ORDINANCE DEALING WITH POLYSTRUCTURES/POLYSHELTERS

THE TOWN BOARD of the Township of Waterford, at its duly noticed monthly meeting does hereby adopt an Ordinance to read as follows:

1. "Polystructure" and "Polyshester" means a structure of any size with a frame of steel or other material which is covered by plastic, polyurethane, vinyl, canvas or other similar flexible sheeting material.
2. No person, firm, partnership, corporation, or any other entity shall install or place, or cause to install or place, any Polystructure or Polyshester within the Township of Waterford. Any Polystructure or Polyshester in existence at the time this Ordinance goes into effect must be removed from this Township within six(6) months from the date this Ordinance goes into effect.
3. The Town of Waterford Police Department shall enforce this Ordinance and has the authority to issue citations for non-compliance.
4. The forfeiture for violation of this Ordinance shall not exceed \$100.00 plus Court Costs. Each day of violation shall constitute a separate offense.

PASSED AND ADOPTED THIS 10th day of February, 2014, to take effect upon posting/publication as required by law.



THOMAS W. HINCZ
Town Chairman

ATTEST: 
TINA MAYER
Town Clerk

Sec. 70-131. Polystructures/canopies/tents.

- (a) *Prohibition.* Polystructures/canopies/tents used for storage purposes shall be prohibited in all residential districts. Those currently existing in the residential districts that have permits and meet the dimensional regulation of the zoning ordinance may remain until the structure is removed.
- (b) *Definition.* "Polystructures/canopies/tents" are defined as any structure having a frame of steel or other materials, which is covered with plastic, polyurethane, vinyl, canvas or other similar flexible sheeting material.
- (c) *Temporary location.* Polystructures/canopies/tents may be located as a temporary structure within the city for a period not exceeding 30 days in duration from time of erecting to time of removal. Such structures shall be individually limited to the duration time period established herein. Such temporary structures may not be located on a specific piece of property more than two times in any given one-year period. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.

(Ord. No. 17-2008, §§ I, II, 10-6-2008)

§ 660-28. Temporary structures.

- A. Intent. The purpose of this section is to establish minimum requirements for the construction and placement of those structures intended for use for a period of less than 180 days and to safeguard the public health, safety, comfort and general welfare of the residents by ensuring that a temporary structure does not create an undesirable impact to nearby properties.
- B. Use.
 - (1) Temporary structures shall not be used for vehicular storage, RV or trailer storage, marine equipment or for general storage purposes.
 - (2) Temporary structures shall not occupy any on-site parking spaces so as to reduce the number of parking spaces required by § 660-41 of this chapter. Nor shall such structures interfere with drive aisles, site ingress/egress, vision triangles, required setbacks, or required buffer yards.
 - (3) Temporary structures used for purposes of outdoor display and sales of merchandise shall only be permitted in the B2 and PB Districts.
- C. Number. Only one temporary structure may be erected on a property at any one time unless additional structures are approved for special events by the City.
- D. Time limits.
 - (1) No temporary structure may be erected for more than 72 hours without first obtaining a permit.
 - (2) No temporary structure may remain in place for more than 180 days in any twelve-month period.
- E. Other conditions.
 - (1) Temporary structures must be affixed to the ground or a structure to prevent the wind from relocating the structure.
 - (2) Temporary structures greater than 400 square feet in floor area and erected for more than 180 days are regulated by the Wisconsin Building Code, require a building permit and must comply with all Zoning Code regulations.
- F. Permit. A permit shall be required for all temporary structures, unless otherwise exempt. The owner or tenant must contact the Zoning Enforcement Officer and provide the name and address of the applicant, and the description and location of the structure to be erected prior to installation.
- G. Exceptions. Tents or flies of less than 400 square feet in floor area, erected for recreational purposes.
- H. Fees. No permit fee shall be required for a temporary structures erected for recreational purposes when located on property used for residential purposes.
- I. Application requirements. Prior to the issuance of a permit to erect any temporary structure, the Code Enforcement Department shall approve all applications for the proposed temporary structure. The application shall contain the following:
 - (1) Application must be made on the forms provided by the Code Enforcement Department requesting approval and the term of said use.
 - (2) A site map of the subject property showing all lands for which the temporary structure is

§ 660-28 proposed as well as all other lands within 200 feet of the boundaries of the subject property. § 660-29

- (3) The site map shall clearly indicate the existing structures on the subject property and its environs including all utilities, all lot dimensions, setbacks for the temporary structure, a graphic scale, and a North arrow.
- (4) A written description of the proposed temporary use describing the type of activities and the type of structures proposed for the subject property.

J. Approval. The Code Enforcement Department must review the completed application in accordance with Subsection I of this section. A permit will be issued for any temporary structure that meets the requirements of this section.

§ 660-29. Temporary uses.

A. General provisions.

- (1) A permit shall be required for temporary uses allowed in this chapter, except that temporary uses operated or sponsored by a governmental entity and located on a lot owned by that entity do not require a permit, but shall otherwise be subject to the requirements of this chapter.
- (2) The applicant shall submit a site plan or other suitable description to the Zoning Enforcement Officer, with any required permit fee. As a condition of permit issuance, the Zoning Enforcement Officer may require conformance with specific conditions regarding the operation of the temporary use as may be reasonably necessary to achieve the requirements of this chapter. If the Zoning Enforcement Officer finds that the applicable requirements have not been met, he may revoke the permit and may require the cessation of the temporary use. Where a permit for a temporary use has been revoked, no application for a new permit shall be approved within six months following revocation.
- (3) All temporary uses, including but not limited to those enumerated in Subsection B below shall comply with the following requirements:
 - (a) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience and general welfare, either on or off the premises.
 - (b) Temporary uses shall comply with all requirements of the Municipal Code.
 - (c) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, or egress from buildings on the lot or on adjoining property.
 - (d) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City Council authorizes the use of City-owned property or right-of-way.
 - (e) When a permit is required for a temporary use, the Zoning Enforcement Officer shall make an assessment of the number of parking spaces reasonably needed for the permanent uses on the lot where the proposed temporary use is to be located and the availability of other public and private parking facilities in the area. The Zoning Enforcement Officer may deny the permit for a temporary use if he finds that its operations will result in inadequate parking being available for permanent uses on the same lot that are not connected with the business proposing the temporary use.
 - (f) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner; shall be kept free of litter, debris, and other waste

§ 660-29 material, and all storage shall comply with the regulations outlined in §§ 660-22 and § 660-29 660-84.

(g) Signs for a temporary use shall be permitted only in accordance with Article VI, Signage.

B. Permitted temporary uses.

- (1) Temporary outdoor sales. Temporary outdoor sales shall be limited to three events within one calendar year per lot. These events shall be restricted to the following time limits: one event of not more than 90 days, and two events of not more than 30 days each.
- (2) Public markets, farmers markets, and farm stands. Public markets, farmers markets, and farm stands shall be regulated in accordance with Chapter 512, Public Market, of the Code of the City of Lake Mills.
- (3) Outdoor arts, crafts and plant shows, exhibits and sales. Outdoor arts, crafts and plant shows, exhibits and sales conducted by a nonprofit or charitable organization shall be permitted in any nonresidential zoning district, and may be conducted in addition to the time limits for outdoor sales areas for a period of not more than seven days.
- (4) House, apartment, garage and yard sales. House, apartment, garage and yard sales are allowed in any residential district, when the offering for sale includes personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted; in addition, personal possessions of other neighborhood residents may also be offered for sale. Such uses shall be limited to a period not to exceed three consecutive days, and no more than two such sales shall be conducted from the same residence in any twelve-month period. A permit or prior approval of the City shall not be required for such uses.
- (5) Temporary outdoor entertainment.
 - (a) Temporary outdoor entertainment shall be permitted as part of a community festival or an event hosted by the City, park district, school district, or other governmental body, or as a temporary accessory use to a private business use. When temporary outdoor entertainment is conducted as part of a community festival or event, no permit is required; when conducted as an accessory use to a business use, a permit is required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (b) The application for a permit for temporary outdoor entertainment shall be submitted a minimum of 30 days before the date that the outdoor entertainment event is to commence. A combined permit may be substituted for temporary use and temporary outdoor entertainment permits under this section. The applicant is encouraged to meet with the City staff to discuss the application and coordinate services that may be provided by the City. The Zoning Enforcement Officer may refuse to issue a permit for temporary outdoor entertainment when the application is received less than 30 days before the date that the entertainment is to commence, if he finds that there is inadequate time to review the application and arrange for the provision of necessary City services.
 - (c) A permit for temporary outdoor entertainment accessory to a business use shall be limited to a maximum of three days. The maximum cumulative time any business shall conduct temporary outdoor entertainment operations shall be 15 days per calendar year. The hours of operation shall be set in the permit.
- (6) Temporary contractor trailers and real estate model units. Temporary contractor trailers and real

§ 660-29

estate sales trailers or model units shall be permitted in any zoning district when accessory to a construction project for which a building permit or site development permit has been issued. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, as the case may be. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.

§ 660-29

Sec. 133-1000. Portable outdoor storage units.

- (a) *Applicability.* The standards within this section apply to portable outdoor storage units in all zoning districts, except that subsections (d) through (f) of this section shall apply only in residential zoning districts.
- (b) *Definition.* The term "portable outdoor storage unit" means a portable storage container with more than 216 cubic feet of storage space designed and used primarily for temporary storage and/or transportation of household goods and other such materials that is kept outdoors and not affixed to a foundation. The term "portable outdoor storage unit" does not include storage sheds constructed of wood, plastic or steel which are located on a permanent or temporary foundation, are not intended to be moved or relocated on a regular basis, and are in compliance with all village setback and other requirements. The term "portable outdoor storage unit" also does not include construction trailers or temporary storage units utilized by contractors or developers incidental to the ongoing construction of structures, public improvements or utilities, or other aspects of property development.
- (c) *Permitted locations and uses.*
- (1) Portable outdoor storage units shall not be placed in or on a public right-of-way, including public sidewalks and public terrace areas, or on other public property, except by the public entity that owns the property;
 - (2) Portable outdoor storage units shall only be placed on lots by the owner or lessee of the lot;
 - (3) Portable outdoor storage units shall be placed on a hard, all-weather surface, such as concrete or asphalt (with gravel allowed for institutional uses in the joint planning area or the expanded extraterritorial zoning area);
 - (4) Portable outdoor storage units shall not be placed in such a location or fashion as to impede or obstruct the flow of drainage or obstruct emergency, vehicle, pedestrian, or utility access to or through the lot or adjacent area or lots;
 - (5) The following minimum setbacks from lot lines shall apply to portable outdoor storage units:
 - a. Front yard setback, ten feet;
 - b. Rear yard setback, ten feet;
 - c. Side yard setback, three feet;
 - (6) Portable outdoor storage units shall be used only for temporary storage of personal goods and belongings. Portable outdoor storage units shall not be used for occupancy or sleeping, housing of animals, or housing or storage of hazardous, flammable, or unlawful materials or substances. Portable outdoor storage units shall be closed and secured from unauthorized access at all times when not under the direct supervision of the lot owner or lessee.
- (d) *Maximum duration of placement.* No portable outdoor storage unit shall be placed on the same lot for more than 30 consecutive days, except that the village zoning administrator may allow an extension of no greater than 90 additional days if he determines that a legitimate need has been established.
- (e) *Maximum number.* Not more than one portable outdoor storage unit shall be placed on any lot at any one time, nor shall there be a portable outdoor storage unit placed on any lot more than three times in any calendar year.
- (f) *Maximum size.* No portable outdoor storage unit shall exceed eight feet in width, nine feet in height, or 16 feet in length.
- (g) *Maintenance.* All portable outdoor storage units shall be maintained in a good and clean condition, free from rust, peeling paint, or other visible deterioration.

(Ord. No. 15-3, 2-16-2015)

Waunakee

Created: 2022-07-19 14:04:46 [EST]

(Supp. No. 5)

ORDINANCE NO. 1018
ORDINANCE PERTAINING TO PERMIT REQUIREMENTS FOR
MEMBRANE STORAGE STRUCTURES AND RECREATIONAL VEHICLES
USED AS STORAGE STRUCTURES IN RESIDENTIAL NEIGHBORHOODS

THE COMMON COUNCIL OF THE CITY OF SPARTA, MONROE COUNTY, WISCONSIN,
DO ORDAIN AS FOLLOWS:

Section 1. Article XII of Section 12 of the Code of City Ordinances is hereby added and reads as follows:

Sec. 12-500 Definitions

“Membrane Storage Structure” shall mean a temporary accessory structure consisting of a frame that is covered with a plastic, fabric, canvass, or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles and other personal property; which term shall also apply to accessory structures commonly known as hoop houses, canopy covered carports, and garages; but shall not apply to greenhouses or temporary tents or canopies used for limited time special events such as weddings, festivals, graduations or farmers markets.

Sec. 12-501 Any of the following storage facilities or structures located on a residential property for a period between 30 and 90 days within a 365-day period must apply for and be granted a permit from the City of Sparta. The fee for said permit shall be \$20.

(1) Membrane Storage Structures as defined in 12-500 and are longer than 20 feet or wider than 10 feet.

Sec. 12-502 If any of the storage facilities listed in Sec. 12-501 are to be located on a residential property for more than 90 days, any permit must be approved by the Planning Commission prior to being granted.

Sec. 12-503 Any storage facilities listed in this Section must be located in the side or back yards of a residential property which has a primary dwelling structure. Said storage facilities must have a minimum set back of 10 feet from any property line and must not be in the front yard or street-side yard of the property.

Section 2. This ordinance amendment shall be in full force and effect following its passage and publication as provided by law.

Dated this 10th day of May, 2023.

OFFERED BY:

Alderman Jim Church

PASSED this 10th day of May, 2023.

Jennifer Lydon, City Clerk

APPROVED BY:

Kevin Riley, Mayor

Manitowoc

Mural

Means a non-commercial work of art generally attached to a building or painted directly on a wall; a one-of-a-kind original artwork that is sited in a manner accessible to the public, utilizing appropriate media to ensure longevity, and which has been approved as public art by the city of Waterloo.

Public Arts Permit

Need form and fee amount

Applicability and Intent

The City of Manitowoc recognizes the value of public art in promoting civic pride, attracting visitors, developing vibrant spaces within the City and showcasing the City's culture and history. The City seeks to encourage the installation and maintenance of high-quality public artwork by establishing regulations for the location, design and maintenance of temporary and permanent artworks throughout the City.

Artwork

Includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass, but would not normally include landscaping, paving, architectural ornamentation or signs, unless such elements are an essential component of the artwork itself.

Public art

Shall mean any artwork displayed for two weeks or more in or on City-owned property, in an area open to or viewable by the public, on the exterior of any City-owned facility, or on non-City property open to or viewable by the public if the artwork is installed or financed, in whole or in part, with City funds or grants procured by the City, or if the artwork is owned by, donated to, or on loan to the City.

Public Arts Permit Required.

No person shall install, construct or cause to be installed or constructed, public art within the City without first applying for and obtaining a **public arts permit**.

Public Art Review Criteria.

A request for a public arts permit may be made to the city clerk by any organization, club, business, City official or employee, or any individual member of the public, by filing an application with the city clerk who shall review all proposals for conformance with the following criteria:

Murals, Sculptures, Monuments, Fountains and Similar Art.

1. *Must be larger than 100 square feet; ??*
2. The surface sought to be painted must be structurally stable;
3. Must be fully funded. Such funding may be private, public, or through a public/private partnership;
4. Must be conceptually compatible with the immediate environment of the site and with the architectural or historical character of the site
5. Must further the following City goals:
 - A. Enrich the public environment for residents and visitors through the incorporation of the visual arts;
 - B. Increase the livability and artistic richness of the community;

6. The owner of property on which the mural is to be painted shall commit to keep the mural unchanged and otherwise maintained for at least five years and commit that an anti-graffiti coating will be applied to the mural. *Such commitment shall be indicated on an ~~easement~~ agreement which shall be recorded with the city Register of Deeds;*

7. Artistic considerations include but are not limited to:

A. Scale is appropriate to surroundings;

B. Content will be judged first on community-wide relevance, historic value and artistic merit. Content exhibiting short-term relevance, including political campaigning or most forms of advertising, will not be considered. Advertising specific to the history or community importance of the building where the mural is proposed, which meets the above-stated criteria, may be considered.

Process.

- (a) Submit application and project proposal to City clerk.
- (b) Application is reviewed for compliance by the **planning commission**
- (c) Building owner provides notarized public art ~~easement~~ agreement to **planning commission**
- (d) Artist agrees in writing to terms of public art ~~easement~~ agreement.
- (e) Applicant notifies the City Clerk when public art installation is complete and provides digital images of completed work.

Public Art Easement Conditions.

Each public art agreement shall contain at least the following conditions:

- (a) Duration of agreement shall be *not less than five years;*
- (b) Termination shall be allowed by either party after the initial five-year term;
- (c) Termination shall be allowed within the initial five-year term upon request of the building/property owner if for the following reasons:
 1. Required as a condition of sale or refinance of property;
 2. The property will be substantially remodeled or altered in a way that precludes continuance of the public artwork;
 3. Circumstances materially change such that continuation of the public artwork impedes the reasonable use and enjoyment of the property;
- (d) City may terminate the agreement at any time; ???*
- (e) Grantor of agreement, or other approved person, is identified as responsible for maintaining the public artwork and penalties for failure to maintain are provided.

Penalties.

Any public art erected or installed in violation of this section shall subject the property owner to a forfeiture of not less than \$50.00 nor more than \$1,000. Upon notice or observation of noncompliant public art, the **clerk** shall issue written notice to the property owner to immediately remove the public art at issue. If the property owner fails to comply with the removal order, the City shall remove or cause to remove the public artwork at the property owner's expense.

Any public art erected or installed on public property shall be removed by the City. Such art shall be stored by the City for 30 calendar days. Thereafter, if the artwork is unclaimed, the City shall dispose of such art as it deems appropriate. The City is not responsible for damage or loss arising out of the City's removal activities. Any costs incurred by the City for removal and storage of noncompliant public artworks shall be the responsibility of the artist or person claiming ownership of such artwork.

Murals. All proposed murals shall be subject to review and approval of the Plan Commission; following Plan Commission approval, a sign permit is required. The Plan Commission shall approve, conditionally approve or deny a proposal for a mural. *Commencement of an approved mural shall begin within six months from the date of Plan Commission approval or the approval shall be null and void.* The following shall apply to any mural, whether existing at the time of adoption of this chapter or proposed:

(1) The mural has attributes that enhance visual enjoyment.

(2) The mural exemplifies high artistic quality.

(3) The mural does not create a public safety issue, such as a distraction to drivers.

(4) The mural content will not adversely affect the public welfare or morals or include hostile or negative connotations or representations.

(5) The content of a mural may not include graphics or text to advertise a business, product, brand, or service, except for the bona fide historic recreation of vintage advertising.

(6) The location of the mural shall consider the nature of adjacent land uses.

(7) *Lighting in any manner shall be prohibited.*

(8) The mural shall be kept in good condition for the life of same, taking care to address color fading, degradation of materials, and vandalism. Where a mural becomes marked with graffiti, the property owner is responsible for the prompt removal of the **graffiti as required by City Code § (create code)** The mural shall be removed when it becomes unsightly and/or is not maintained. Where the mural is not maintained, the City can require that the mural be covered with opaque paint in a color complementary to the building on which the mural is located or some other appropriate material.

Fond du Lac

Title 7. License and Regulation

Chapter 07. Exterior Regulations

Division 1. Mural Regulations

7.07.11. Intent.

- A. The City of ~~Onalaska~~ recognizes the value of art in promoting civic pride, attracting visitors, developing vibrant spaces within the City and showcasing the City's culture and history. The City seeks to encourage the installation and maintenance of high-quality public artwork by establishing regulations for the location, design and maintenance of temporary and permanent artworks throughout the City. ~~Murals will be created by artists of diverse cultural traditions and backgrounds. The intent of this division is to aid artists and others in understanding issues surrounding the creation of a mural and to apprise parties involved in mural projects of the permit process.~~

7.07.12. Mural permit procedure.

- A. Permit required.** No person shall place a mural on any property unless the express permission of the owner or operator of the property has been obtained and a mural permit has been issued from the Planning Department as provided herein. A mural is considered a semipermanent hand-produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, weather-treated wood, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic expression, including, but not limited to, painting fresco, etching or mosaic *greater than 24 square feet in size.*
- B. Permit application.**
1. Applicants for a mural permit must complete and return an application form furnished by the Planning Commission. At the time the application is submitted, a fee shall be paid as set forth on the City of ~~Onalaska~~ Fee Schedule, which shall be reviewed annually.
 2. All mural permit applications shall contain, but not be limited to, the following information:
 - a. A plan showing the existing lot and building dimensions and indicating the proposed location of the mural, along with a picture of the existing building.
 - b. Colored drawing/image of the proposed mural.
 - c. A description of the proposed maintenance schedule that includes a time frame for the life of the mural and method for removal, if applicable.
 - d. Written permission from the owner of the building to which the mural is intended to be applied, if the applicant is not the building owner.
 - e. An acknowledgement that the mural must be removed or covered if so ordered by the Planning Commission or **PH&S** inspection for failure to maintain the mural or for the mural reaching a state of dilapidation.
 3. *A mural permit application for a mural which will be created on a medium that is not the building (i.e., painted on wood panels, metal, etc.) that will be attached to the building through an installation (including but not limited to adhesive, bolts, nails, screws, or other types of materials) must provide the following:*
 - a. *Written confirmation by the mural provider/installer that the structural integrity of the building wall will not be impaired that the mural is to be applied or affixed to.*

b. Information related to the design and materials used to adhere the mural to the building. The design, quality, material and loads shall conform to the requirements of Building Code, as amended. If required by the ~~Mural Review Team~~, PC engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer. Any plan revisions shall be supplied with a revision number and date.

4. Mural design standards.

- a. Murals must further the following City goals:
 - i. Enrich the public environment for residents and visitors through the incorporation of the visual arts;
 - ii. Increase the livability and artistic richness of the community;
 - iii. Increase public access to the arts; and
- b. Artistic consideration includes but is not limited to:
 - I Size of the mural is appropriate to the building size and surroundings; and
 - ii. Content will be judged first on community-wide relevance, historic value and artistic merit. Content exhibiting short-term relevance, including political campaigning or most forms of advertising, will not be considered. Advertising specific to the history or community importance of the building where the mural is proposed, which meets the above-stated criteria, may be considered.
- c. Explanatory wording relative to the mural may be incorporated into the mural. Artistic signatures are allowed **up to a maximum of two square feet in size.**
- d. The location and scale of the mural is in keeping with and will enhance the structure on which it is located.
- e. The proposed mural is well integrated with the building's facade and other elements of the property and enhances the architecture or aesthetics of the structure and/or wall.
- f. The proposed mural, by its design, construction, and location, will not have a substantial adverse effect on the abutting property or the permitted uses thereof.
- g. The proposed mural is not detrimental to the public health, safety or welfare.
- h. The proposed mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed.
- i. The maintenance schedule is reasonable for the mural and the structure on which it is applied/affixed.
- j. Murals that project from the wall surface, except for the minimum necessary protrusion to mount the mural to the wall or structure.
- k. *The mural shall not be painted directly onto brick, but may be attached by using an alternate medium (i.e., canvas, tile, metal panels, weather-treated wood, or similar materials with an approved attachment method) or may be otherwise applied by methods that will not cause damage to the structural integrity of the wall surface, including brick. New materials such as applied sheet graphics and appliques that can be removed readily from brick may be utilized. Other new materials can be utilized, provided they are found to be nondetrimental to the surface on which applied.*

5. Application to be reviewed for compliance with the mural design standards above and prohibited mural content (Section 7.07.13.A) by the ~~Mural Review Team~~, which shall include members of the ~~Planning, Inspection, Attorney and the Parks and Recreation Departments~~ by the PC as applicable within 30 days of a submitted, complete application.

C. **Permit issuance.** Provided the mural permit meets the technical and aesthetic standards of this chapter, the ~~Planning Department~~ Commission may approve and issue the mural permit. The mural permit will be valid for the specific design and one-time production of the presented mural. Any changes must be resubmitted to the Plan Commission ~~Department for review by the Mural Review Team~~. The mural permit is revocable by the ~~Planning Department~~ Commission if it is determined any time that the mural being installed does not comply with the information provided within the application. ****Requires council approval?**

- D. Permit expiration.** The construction timeline for an issued mural permit is valid for one year. If the approved mural has not been installed within one year of permit issuance, the mural permit shall expire. **Further, if construction of the mural permit has not commenced within 180 days of permit issuance, the mural permit shall expire. The mural permit shall also expire if it has been determined that the work authorized by the permit has been suspended, discontinued or abandoned for a continuous work permit of 180 days.**
- E. Special exception.** *Special exceptions to these mural regulations may be requested by completing a special exception application furnished by the Planning Department and returned to the Planning Department. At the time the application is submitted, a fee shall be paid as set forth on the City of Onalaska Fee Schedule, which shall be reviewed annually. The Plan Commission will consider the special exception request and make a determination to approve or deny the special exception and mural permit. If denied, an applicant may appeal to the Common Council to approve the special exception and mural permit.*

7.07.13. Additional regulations for murals.

A. Prohibited mural content. Murals are hereby prohibited from containing the following:

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging or intersecting traffic;
2. Murals which contain material that when taken as a whole:
 - a. Applying contemporary community standards, its predominant appeal is to a morbid, degrading, or excessive interest in sexual matters;
 - b. The average person would find the material depicts or describes sexual conduct in a patently offensive way; and
 - c. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.
3. Murals that are directed or may appear to direct to persons to incite or produce imminent lawless action and are likely to incite or produce such action.
4. Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.
5. Murals where the intended audience is commercial or actual/potential consumers and where the content of the mural is commercial in character, therefore becoming a sign. A mural is not considered a sign and signs are regulated through ~~Title 14, Sign Code.~~

B. Mural placement.

1. Murals are allowed in all commercial, industrial, public and semipublic and mixed-use zoning districts as ~~identified in Title 13, Unified Development Code.~~ Murals shall not be allowed in strictly residential zoning districts.
2. Murals are not permitted on the primary facade of a building. The primary facade is defined, for the purposes of this chapter, as the building elevation which directly faces an adjacent street right-of-way and is the primary customer entrance.

C. Mural installation and maintenance standards.

1. **Surface preparation.** Sand and high-pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district, a structure that has been locally, state, or federally designated as historic, or has been deemed eligible for future inclusion as historic structure. These treatments and similar can cause damage to historic building materials and shall not be used.
2. It shall be the responsibility of the property owner upon which the mural is placed to maintain the appearance of the mural. A mural that is permitted to remain in a condition of disrepair shall constitute a public nuisance as defined in ~~Chapter 2, Public Nuisances, of Title 12.~~
3. A mural's display surface shall be kept clean and neatly painted/maintained and free of corrosion and kept in good condition for the life of mural according to the maintenance schedule and responsibilities approved by the ~~Planning Department~~ and incorporated into the mural permit. A mural shall be deemed to be in a state of

disrepair when 25% or more of the display surface area contains peeling or flaking paint or is otherwise not preserved in the manner in which it was originally created.

4. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the Inspection Department all in the manner provided for in the mural permit. Murals subject to removal shall be provided a time limit of 30 days from the date of the written notice for such removal or covering. Additional time may be authorized by the Inspection Department for good cause or efforts to restore and/or preserve the mural to its original form.