



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

## PLANNING COMMISSION MEETING

Markesan City Hall

February 8, 2023

6:00 pm

### AGENDA

Call to Order

Roll Call

New Business:

- Discussion and Action To Clarify the Interpretation of “Ordinance Sections 400-115(A) and 400-115(B) Permitted and Prohibited Signs” to permit R-3 Mobile Home Park District to Install Signs on a R-3 Zoned Property
- Discussion and Action to Update “ Chapter 299 - Sex Offenders” to Comply with Federal Law
- Discussion and Action to Review and Correct the Definition of “Accessory Building” (Ordinance 400-7)

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 920-398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: City Hall    [www.markesanwi.gov](http://www.markesanwi.gov)  
Post Office    ERGO Bank

Dated February 3, 2023  
Elizabeth Amend, Clerk-Treasurer

## Chapter 400. Zoning

### Article XXIII. Signs

#### § 400-115. Permitted and prohibited signs.

- A. All signs are prohibited in the Conservancy (CON) and all Residential (R-1) Districts, except the following:
- (1) Signs not requiring a permit.
  - (2) Signs over windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed one foot in height and three feet in length.
  - (3) Agricultural signs pertaining to the sale of agricultural products of a farm. Any sign shall be located upon the farm which it advertises and shall not exceed 32 square feet in area on all sides for any one farm.
  - (4) Signs for churches, synagogues and similar places of worship and instruction, including parsonages, are allowed in all Residential (R-1) Districts and are subject to this article.  
[Added 1-14-2020 by Ord. No. 255] ✓ ADD (R-3)
- B. Signs are permitted in the Agricultural (A), General Commercial (C-1), Highway Commercial (C-2) and Industrial (I-1) Districts, subject to the following restrictions:
- (1) Wall signs painted on, attached to or placed against the exterior walls of a building shall not extend more than 18 inches outside of a building's wall surface, shall not exceed 200 square feet in area for any one premises and shall not exceed 20 feet in height above the mean center line street grade; all such signs if on-premises shall conform to the criteria herein for such on-premises signs.
  - (2) Projecting signs. Canopy signs shall be on-premises signs and the area of copy shall not exceed 200 square feet.
  - (3) Freestanding signs shall not exceed 200 square feet in area per facing for on-premises signs and shall not exceed 200 square feet in area per facing for off-premises signs.
  - (4) All shoreland signs visible to lake or stream users at any time of the year shall not exceed 100 square feet in area per facing on each side. All shoreland signs shall be on-premises regardless of the amount of water frontage.
  - (5) No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic sign, traffic signal or other traffic device nor shall any sign make use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," "ENTER," "EXIT," "OPEN" or use any other word, phrase or symbol or character in such a manner as to interfere with, mislead or confuse traffic. "ENTER," "EXIT" and "DRIVE-IN" signs may be allowed by permit of the Common Council for use where such signs significantly aid the flow of traffic and provided further that the business

## Chapter 299. Sex Offenders

### Article I. Child Safety Zones

[Adopted by Ord. No. 211 (Ch. 12, Sec. 12.14, of the 1991 Municipal Code)]

#### § 299-1. Purpose.

This article is a regulatory measure aimed at protecting the health and safety of children in the City from the risk that convicted sex offenders may re-offend in locations where children tend to congregate or be regularly present. The City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by State law near schools, day-care centers and other places children frequent. The City finds and declares that in addition to schools, libraries and day-care centers, children congregate or play at public parks.

#### § 299-2. Definitions.

As used in this article and unless the context otherwise requires, the following terms shall have the meaning indicated:

##### **CRIME AGAINST CHILDREN**

Any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

940.225(1)	First Degree Sexual Assault
940.225(2)	Second Degree Sexual Assault
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment — Victim was a minor and not the offender's child
940.31	Kidnapping — Victim was a minor and not the offender's child
944.01	Rape (prior statute)
944.06	Incest
944.10	Sexual intercourse with a child (prior statute)
944.11	Indecent behavior with a child (prior statute)
944.12	Enticing child for immoral purposes (prior statute)
948.02(1)	First Degree Sexual Assault of a child
948.02(2)	Second Degree Sexual Assault of a child

948.025	Engaging in repeated acts of sexual assault of the same child
948.05	Sexual exploitation of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.075	Use of a computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.095	Sexual assault of a student by school instructional staff
948.11	Exposing child to harmful material felony, Subsections (2)(a) or (am)
948.12	Possession of child pornography
948.13	Convicted child sex offender working with children
948.30	Abduction of another's child
971.17	Not guilty by reason of mental disease — of an included offense
975.06	Sex crimes law commitment

#### **PERSON**

A person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or crime against children, or otherwise required to register as a sex offender under § 301.45, Wis. Stats.

#### **RESIDENCE**

The place where a person sleeps, which may include more than one location, and may be mobile or transitory.

#### **SEXUALLY VIOLENT OFFENSE**

Shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.

### **§ 299-3. Child safety zones.**

- A. No person shall enter or be present upon, or be within 1,000 feet of the closest point of, any real property upon which there exists any facility used for or which supports a use of the following:
- (1) A public park, parkway, parkland, park facility.
  - (2) A public swimming pool.
  - (3) A public library.
  - (4) A recreational trail.
  - (5) A public playground.
  - (6) A school for children.
  - (7) Athletic fields used by children.
  - (8) A movie theatre.
  - (9) A day-care center.
  - (10) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school.
  - (11) Aquatic facilities open to the public.

(12) A church, synagogue, mosque, temple or other house of religious worship (collectively "church").

(13) Any facility for children, which means a public or private school, a group home as defined in § 48.02(7), Wis. Stats., a residential care center for children and youth as defined in § 48.02(15d), Wis. Stats., a shelter care facility as defined in § 48.02(17) Wis. Stats., a foster home as defined in § 48.02(6), Wis. Stats., a day-care center licensed under § 48.65, Wis. Stats., a day-care program established under § 120.13(14), Wis. Stats., a day-care provider certified under § 48.651, Wis. Stats., or a youth center as defined in § 961.01(22), Wis. Stats. [Amended 4-14-2015 by Ord. No. 233]

B. A map, as amended from time to time, depicting the locations of the real property supporting above enumerated uses, and the one-thousand-foot restricted areas surrounding thereof, shall be kept on file in the Police Department for public inspection. The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above enumerated use(s).

## § 299-4. Child safety zones exceptions.

A person is not in violation of § 299-3 above and the enumerated uses may allow such person on the property supporting such use or within the one-thousand-foot restricted area surrounding thereof, if any of the following apply:

A. The property supporting an enumerated use under § 299-3 above also supports a church lawfully attended by a person as a congregation member and the following conditions apply:

(1) Entrance and presence upon the property, or within the one-thousand-foot restricted area surrounding thereof, occurs only during hours of worship or other religious program/service as posted to the public.

(2) Written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person.

(3) The person shall not participate in any religious education programs, which include individuals under the age of 18.

B. The property supporting an enumerated use under § 299-3 above also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property or within the one-thousand-foot restricted area surrounding thereof subject to the following conditions:

(1) Entrance and present upon the property, or within the one-thousand-foot restricted area surrounding thereof, occurs only during hours of activity related to the use as posted to the public.

(2) Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return of the attendance by the person.

C. The property supporting an enumerated use under § 299-3 above also supports a polling location in a local, state or federal election, subject to the following conditions:

(1) The person is eligible to vote.

(2) The designated polling place for the person is an enumerated use.

(3) The person travels directly to and enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate;

and the person vacates the property, and the one-thousand-foot restricted area surrounding thereof, immediately after voting.

- D. The property supporting an enumerated use under § 299-3 above also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property, or within the one-thousand-foot restricted area surrounding thereof, supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.
- E. The person is on the property which the person's residence is located and that property is located within the one-thousand-foot restricted area surrounding a property supporting an enumerated use under § 299-3 above only if the person's residence has continuously been on such property since prior to the adoption of this article.
- F. The person is actually engaged in travel to or from the person's residence excepted under § 299-3 above only under the following conditions:
  - (1) There is no other route upon a City highway available to the person which avoids entering a restricted area under § 299-3 above.
  - (2) The person does not stop, linger, loiter, wander, stroll or stand for a period of time or take any other action which would be inconsistent with the purpose of continuing the immediate pursuit of travel to or from the person's residence.
- G. The person is on a City highway while actually engaged in interstate travel, so long as the person does not stop, linger, loiter, wander, stroll or stand for a period of time or take any other action, which would be inconsistent with the purpose of continuing the immediate pursuit of such interstate travel.
- H. The presence of the person is necessitated by an emergency situation in which property or human life are in jeopardy, and the prompt summoning or rendering of aid is essential.
- I. The person is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution facility.
- J. Under a permit granted by the Common Council upon recommendation from the Chief of Police or his designee. A permit shall only be issued upon a determination that the permitted activities of the person will not likely lead to a disruption of the stated purpose of this article. The Chief of Police, or his designee, shall establish an application process and permit form consistent with this purpose, which process and permit form shall be approved by the Common Council. The Chief of Police, or his designee, shall have the power to revoke or temporarily suspend a permit issued hereunder, if, in his or her opinion, the activities of the permit holder are not in compliance with the terms and conditions of this article or the permit granted, or circumstances have changed from the date of initial permit issuance whereby the permitted activities will constitute an unreasonable safety hazard to the general public or will otherwise lead to a disruption of the stated purpose of this section. Further, any permit granted hereunder may be revoked or temporarily suspended by the Chief of Police, or his designee, if the permit holder commits a crime or violates any other City ordinance as a result of or during the permitted activities hereunder. The decision of the Chief of Police, or his designee, to revoke or suspend a permit hereunder shall be final, subject only to review by the Common Council under Ch. 68, Wis. Stats.

## § 299-5. Violations and penalties.

Persons violating this article shall be subject to the general penalty provisions set forth in § 1-3 of the Code of the City of Markesan.



Betsy Amend <bamend@markesanwi.gov>

---

## RE: Accessory Building

1 message

---

Tim Tripp <ttripp@generalengineering.net>  
To: Betsy Amend <bamend@markesanwi.gov>  
Cc: Lukasz Lyzwa <llyzwa@generalengineering.net>

Tue, Jan 31, 2023 at 1:28 PM

Lukasz,

Good afternoon. I was in Markesan this morning and discussed this with Betsy. We really need you to weigh in on this.

We reviewed what seemed to be all the relevant code sections to Accessory Buildings: 400-7, -9, -23, -24, -37, -39, -41\*, -43

(\* does not reference accessory buildings, but its lack of mentioning them when compared to -37 sheds light on the following interpretation)

In the past due to some neighbor complaints, we have enforced one accessory structure like a garage, shed, carport, etc per property. This was based on the use of "shed" in its singular form. It does not say "sheds". The ordinances referenced above are not consistent with their use of singular and plural structures. Compare 400-37 & -39 with 400-41 & -43.

My thought is that the number of accessory structures is not the deciding factor. It appears the number of accessory structures is governed by the 400-23. They are limited to the rear yard and cannot occupy more than 30% of the rear yard. This means that there is no limit of the number of accessory structures as long as their total square footage does not exceed 30% of the rear yard.

400-23 also excludes attached garages from the 30% limit and that it be located in the rear yard.

If this is the correct interpretation than the ordinance definition does not have to change.

Lukasz, please comment on this as soon as possible. The board meeting is in the next couple of days.

*Timothy Tripp*

Building Inspector | **General Engineering Company**

916 Silver Lake Drive | PO Box 340 | Portage, WI 53901

P 608-742-2169 | C 608-617-6873

ttripp@generalengineering.net

www.generalengineering.net

## **ACCESSORY BUILDING**

A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.



## **GARAGE**

### **A. PRIVATE**

An accessory building or space for the storage of motor-driven vehicles shall be a maximum of 900 square feet and a maximum of 16 feet in height.

[Amended by Ord. No. 203]

### **B. PUBLIC**

Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

### **C. STORAGE**

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding two tons' capacity shall be stored in any storage garage.

## Chapter 400. Zoning

### Article VIII. R-1 Single-Family Residential District

#### § 400-37. Permitted uses.

- A. One-family dwellings.
- B. Attached garages shall be a maximum of 1,200 square feet with a maximum of three overhead doors.  
[Amended by Ord. No. 203]
- C. Garden and yard equipment shed, 160 square feet maximum.
- D. Churches, synagogues and similar places of worship and instruction, including parsonages.