



CITY OF MERRILL
CITY PLAN COMMISSION
AGENDA • TUESDAY SEPTEMBER 7, 2021

Regular Meeting

City Hall Council Chambers

5:30 PM

To attend remotely, call 413-357-2122 and PIN 316 153 509 #.

- I. Call to Order
- II. Minutes of previous meeting(s):
 1. Minutes of August 3, 2021 meeting
- III. Agenda items for consideration:
 1. Oral report from Building Inspector/Zoning Administrator Pagel on Certified Survey Maps
 2. Discussion of "Attractive Appearance" definition in Minimum Housing Code
 3. Discussion of repurposing items listed in Junk Ordinance
- IV. Public Hearing (will begin at 6:00 P.M.):
 1. Public hearing on proposed City of Merrill Zoning Ordinance Sec. 113-317, related to accessory uses or structures.
- V. Joint Session:
 1. Joint session with Historic Preservation Committee to consider amendments to the Historic Preservation ordinance. At a meeting on August 10th, 2021, the Common Council referred this to the Historic Preservation Committee/City Plan Commission.
- VI. Public Comment Period
- VII. Establish date, time and location of next meeting
- VIII. Adjournment



CITY OF MERRILL
CITY PLAN COMMISSION
MINUTES • TUESDAY AUGUST 3, 2021

Regular Meeting**City Hall Council Chambers****5:45 PM****I. Call to Order**

Alderman Hass called the meeting to order at 5:45 P.M.

Attendee Name	Title	Status	Arrived
Ryan Schwartzman		Present	
Ralph Sturm		Present	
Melissa Schroeder		Present	
Robert Reimann		Present	
Derek Woellner	Mayor	Remote	
Steve Hass	Aldersperson - Second District	Present	
Kyle Gulke		Present	

Others in attendance: City Administrator Dave Johnson, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Susanna Juon-Gilk, John Ader, Michael Caylor and City Clerk Bill Heideman. Merrill Productions was present to videotape the meeting.

II. Minutes of previous meeting(s):**1. Minutes of July 12, 2021**

City Clerk Heideman requested that he be allowed to amend the minutes by changing two name "typos" in the minutes (change John Mann to John Maas). Without objection, it was so ordered.

Motion (Schroeder/Schwartzman) to approve (as amended).

RESULT: APPROVED AS AMENDED

III. Agenda items for consideration:**1. Oral report from Building Inspector/Zoning Administrator Pagel on Certified Survey Maps**

Building Inspector/Zoning Administrator Pagel reported that he has approved one Certified Survey Map. That map was on Francis Drive, and was for the Merrill Area Housing Authority.

IV. Recess:

At 5:47 P.M., Alderman Hass announced a recess until 6:00 P.M., the scheduled time for the public hearing to begin. At 6:00 P.M., Alderman Hass called the meeting back to order.

V. Public Hearing (will begin at 6:00 P.M.):**1. Public Hearing on an amendment to the Historic Preservation Ordinance (Sec. 105-314 to Sec. 105-322).**

Attachment: 2021-08-03 City Plan Commission Minutes (7236 : Minutes of August 3, 2021 meeting)

A copy of the public hearing notice and the proposed ordinance were in the meeting packet.

At a meeting on July 7th, 2021, the Historic Preservation Committee referred the proposed ordinance to the City Plan Commission, so that a public hearing could be scheduled.

City Attorney Hayden read the public hearing notice.

Motion (Schwartzman/Sturm) to open the public hearing. Carried.

Building Inspector/Zoning Administrator Pagel gave a verbal synopsis of the proposed ordinance. It would make the Historic Preservation Committee an “advisory” committee rather than a “regulatory” committee, except in cases of demolitions.

Susanna Juon-Gilk raised concerns related to rescinding historic designations.

Motion (Schroeder/Reimann) to close the public hearing. Carried.

Building Inspector/Zoning Administrator Pagel answered questions from commission members. He also clarified a misconception related to the City being a Certified Local Government.

Mayor Woellner stated that he does not favor ceding the power to nominate potential historic structures. Kyle Gulke agreed, stating that he is in favor of committees being allowed to make nominations.

Motion (Woellner/Gulke) to amend the proposed ordinance to allow anyone to nominate potential historic structures. Carried.

Motion (Schwartzman/Schroeder) to change a \$150 fee to accompany nominations for historic structures. Property owners nominating their own property and Common Council members would be exempt from the fee. Motion carried.

Motion (Schwartzman/Schroeder) to recommend approving the ordinance, as amended, and refer it to the Common Council.

RESULT:	APPROVED & SENT TO COUNCIL	Next: 8/10/2021 6:00 PM
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VI. Public Comment Period

Susanna Juon-Gilk asked a question related to what would occur when a property owner wants to demolish a historic structure.

VII. Establish date, time and location of next meeting

The next meeting will be at the call of the Chairperson.

VIII. Adjournment

Motion (Schwartzman/Reimann) to adjourn. Carried. Adjourned at 6:30 P.M.

Sec. 105-242. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate means adequate as determined by the building inspector under the regulations of this article or adequate as determined by an authority designated by law or this Code. The term "adequately" means the same as adequate.

Apartment means one or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

Approved means approved by the building inspector under the regulations of this article or approved by an authority designated by law, this article or this Code.

Attractive appearance means an appearance which is in accordance with generally accepted professional practices for new construction within the city and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.

Basement means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Boardinghouse. See *Lodginghouse* and *lodging room*.

Building means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose. The term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this article, each portion of a building completely separated from other portions by an unpierced firewall shall be considered as a separate building.

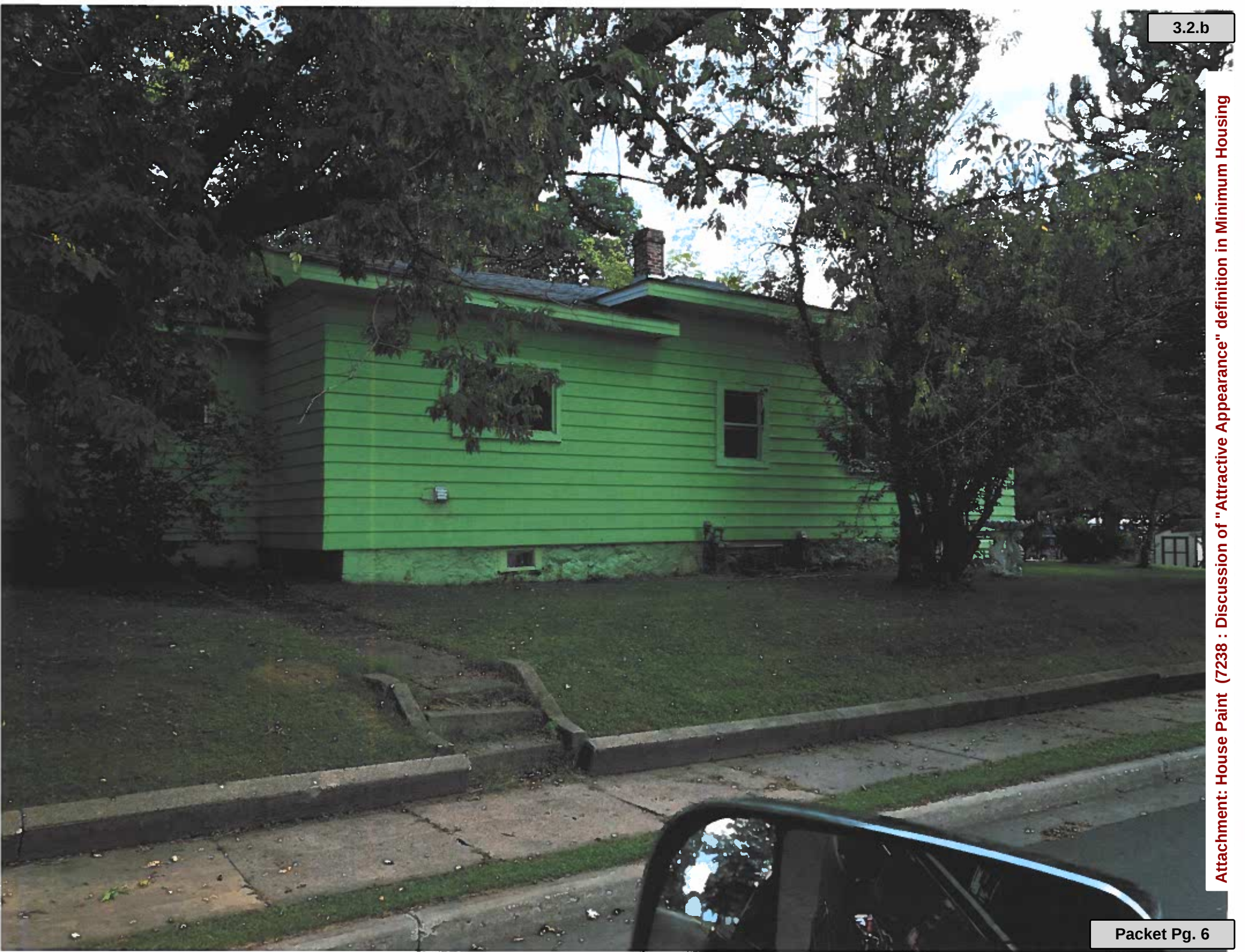
Capacity in persons means the maximum number of persons that can occupy a building, as determined by the required floor space per person as established in this article.

Compliance inspection means an inspection performed in conjunction with a lawful order of the common council or building inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

Dwelling means a place of abode, a residence, or a house for use by one or more persons, excluding hotels or motels.

Dwelling unit means one or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

















Attachment: Tire Bench (7239 : Discussion of repurposing items listed in Junk Ordinance)



Attachment: Tire Bench (7239 : Discussion of repurposing items listed in Junk Ordinance)

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARING

All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Tuesday, September 7, 2021**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

To attend remotely, call 413-357-2122 and meeting PIN 316 153 509 #

- 1.) Public hearing on the amendment to Zoning Code Ordinance Sec. 113-317, City of Merrill, Lincoln County, Wisconsin.

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: August 18, 2021

CITY OF MERRILL, WISCONSIN

By: _____
William N. Heideman
City Clerk

Attachment: Public Hearing Notice (7240 : Public hearing on zoning ordinance amendment)

Sec. 113-317. Accessory uses or structures.

- (a) *Principal use to be present.* An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) *Placement restrictions in residential district.* An accessory use or structure in a residential district may be established subject to the following regulations:
 - (1) *Accessory building number limits.* In any residential district, in addition to the principal building, a limit of two additional accessory buildings or structures may be placed on a lot.
 - (2) *Attached accessory buildings.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) *Detached accessory buildings.*
 - a. No detached accessory building shall occupy any portion of the required front yard, and the total area of all detached accessory buildings shall not occupy more than ten percent of the lot or parcel area.
 - b. Any accessory building, use or structure shall conform to the applicable height and other regulations of the district in which it is located, except as specifically otherwise provided herein, except that when an accessory building is located forward of the rear building line of the principal building it shall satisfy the same side yard requirements as the principal building.
 - c. No accessory building other than a garage in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than three feet from all lot lines and from any other building or structure on the same lot; except as provided in subsection (h) of this section. An accessory building shall be set back at least five feet from the rear corner of the main building; provided, alternatively, an accessory building in a residential zone must maintain a 30-foot setback from the front property line with an eight-foot setback from the side yard.
 - d. Existing accessory buildings may be rebuilt in their current location, with increased footprint or alternative design at the discretion of the Building Inspector. Property line determination is the sole responsibility of the homeowner. A Certified Survey Map (CSM) may be requested, at the discretion of the Building Inspector. In no event shall the footprint of the structure be more than 15 percent greater than the existing structure.
- (c) *Use restrictions in residential district.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (d) *Placement restrictions in nonresidential districts.* An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than ten feet to any side or rear lot line.
- (e) *Reversed corner lots.* When an accessory structure is located on the rear of a reversed frontage lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- (f) *Landscaping and decorative uses.* Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs, flowers and gardens.

(g) *Permanent accessory buildings.*

- (1) *Lot area and height.* Accessory buildings which are not part of the main building shall not occupy more than ten percent of the lot area, shall not be more than 15 feet high on average, and shall not be nearer than three feet to any lot line. In the R-IV and R-V districts, accessory buildings which are not a part of the main building shall be limited to ten percent of the lot area.
- (2) *Setback.* An accessory building shall be set back at least five feet from the rear corner of the main building; provided that such setback need not exceed 60 feet from the front lot line. Accessory buildings on corner lots shall not be nearer than ten feet behind the main building line, extended on the side of the lot abutting the other or side street. Where an accessory building has an entranceway fronting an alley, such entrances shall be located not less than ten feet from the nearest alley line, except an accessory building may be located not less than five feet from the nearest alley line provided no entranceway shall front an alley. The above height and area restrictions shall not apply to accessory buildings on farms of ten feet or more acres in area, but such accessory buildings shall not be closer than 100 feet to any lot line. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall be applied to the accessory building.
- (3) *Front yard setback.* An accessory building in residential zones or residential use properties must maintain a 60-foot setback from the front property line with a three-foot setback from the side yard or as a permissible alternative, an accessory building in a residential zone must maintain a 30-foot setback from the front property line with an eight-foot setback from the side yard.

(h) *Temporary accessory buildings.* Temporary accessory buildings such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the zoning administrator. There shall be an annual fee, as established by the common council from time to time and as indicated on the schedule of licenses and fees appearing in chapter 16 of this Code.(i) *Garages in embankments in front yards.* Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided as follows that:

- (1) Such private garage shall be located not less than five feet from the front lot line;
- (2) The floor level of such private garage shall be not more than one foot above the curb level; and
- (3) At least one-half the height of such private garage shall be below the mean grade of the front yard.

(j) *Outdoor lighting.* Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.(k) *Lawn accessories.* Paved terraces, patios, walks and purely decorative garden accessories such as pools, fountains, statuary, flagpoles, trellises, etc., shall be permitted in setback areas, but not closer than three feet to an abutting property line other than a street line.(l) *Retaining walls.* Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed five feet in height, and a terrace of at least three feet in width shall be provided between any series of such parallel walls and provided further that along a street frontage no such wall shall be closer than three feet to the property line.(m) *Temporary structures—Storage use and maintenance.* Any accessory structure used for storage, which does not meet the requirements of the uniform dwelling code, (i.e. tarp type structures), shall be deemed to be a temporary structure. Such temporary structures are not permitted to remain on any lot within the city for longer than 180 days in any 12-month period. Such temporary structures shall otherwise be safe, sanitary and fit for human use and not be so dilapidated or unsightly as to negatively affect surrounding properties.

Any person desiring to erect a temporary structure shall first register the plans for the structure with the zoning administrator. There shall be an annual fee, as established by the common council from time to time and as indicated on the schedule of licenses and fees appearing in chapter 16 of this Code, for such structure. Such structure must be registered with the zoning department and the applicable fee paid to the city.

- (n) *Shipping Containers, Semi Trailers, or Similar Structures.* Shipping Containers, semi trailers, or similar structures are permitted as storage facilities in an Industrial District only. Shipping Containers, semi trailers, or similar structures are permitted as temporary storage facilities in a Business or Thoroughfare Commercial District by Conditional Use or for a maximum of 30 days in a 12 month period. Shipping Containers, semi trailers, or similar structures are prohibited in Residential Districts or residential use properties. A special exception may be given by the Zoning Administrator for storage purposes for moving or permitted property renovation for a maximum of 30 days. The Zoning Administrator may extend the timeframe upon request of the property owner for special circumstances. Shipping Containers, semi trailers, or similar structures may not be modified or used for any other purpose than temporary storage. Any person or business that intends to place a shipping container, semi trailer, or similar structure on a property must register it with the zoning department prior to such placement and pay the applicable fees.
- (o) *Solid fuel-fired outdoor heating devices.*
- (1) *Public purpose.* The purpose of this subsection is to promote the health and well-being of the residents of the city.
 - (2) *Definitions.* The following words, terms and phrases, when used in this subsection (n), shall have the meanings ascribed to them in this subsection (n)(2), except where the context clearly indicates a different meaning:

Solid fuel-fired outdoor heating devices means an outdoor device designed or constructed for solid fuel combustion so that the usable heat derived is for the interior of buildings.
 - (3) *Prohibition.* The construction or use of solid fuel-fired outdoor heating devices within the city limits is prohibited.

(Ord. No. 2011-12, 12-13-2011; Ord. No. 2020-07, § 1, 2-11-2020)

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE:

Re: Amending Chapter 38, Article VII, Section 105-314 through 105-322 Historic Preservation

ORDINANCE NO. 2021-

Introduced: August 10, 2021

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 38, Article VII, Section 105-314 through 105-322 of the Code of Ordinances for the City of Merrill is amended to read as follows:

Sec. 105-314. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Committee means the historic preservation committee created under this article.

Historic permit means the permit issued by the building inspector approving the demolition of a historic structure.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or culture characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this article.

Streetview Perspective means a general overall example of the original exterior appearance of the building or structure from the street or sidewalk.

Sec. 105-315. Historic preservation committee.

A historic preservation committee is hereby created, consisting of five resident members, three citizen members, and two alderpersons. The Building Inspector shall serve on the committee as an ex officio nonvoting member. The mayor shall appoint the members of the committee, subject to confirmation by the common council. Of the initial citizen members so appointed, one shall serve a term of one year, one shall serve a term of two years, and one shall serve a term of three years. Thereafter, the term of each citizen member shall be three years.

Sec. 105-316. Historic structure designation criteria.

For purposes of this article, a historic structure designation may be placed on any building, of particular historic, architectural, archeological or cultural significance to the city which:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
- (2) Are identified with historic personages or with important events in national, state or local history;
- (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
- (4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or
- (5) Have yielded, or may be likely to yield, information important to prehistory or history.

~~(6) Nominations only by expressed written consent of the property owner.~~

Sec. 105-317. Powers and duties.

- (a) *Designation.* The historic preservation committee shall have the power, subject to section 105-318, to designate historic structures within the city limits. Such designations shall be based on section 105-316. Once designated, such historic structures shall be subject to all the provisions of this article.
- (b) *Advisory standards of construction, reconstruction, alteration, and demolition.*
 - (1) The historic preservation committee shall establish advisory historic preservation standards to be used to assist property owners on proposed alterations to a historic structure. The purpose of these advisory standards is to preserve a "Streetview Perspective" of the original character and structure.
 - (2) No owner or person in charge of a historic structure shall demolish all or any part of the exterior of such property unless a historic ~~preservation~~ permit has been granted by the historic preservation committee.
- (c) *Recognition of historic structures.* At such time as an historic structure has been properly designated, the historic preservation committee may cause to be prepared and erected on such property at the city's expense, a suitable plaque declaring that such property is an historic structure. Such plaque shall be so placed as to be easily visible to passing pedestrians.

Sec. 105-318. Procedures.

- (a) *Designation and rescission of historic structures.*
 - (1) *Designation.* The historic preservation committee may recommend or rescind such designation after application of the criteria in section 105-316 ~~and written request by any resident or property owner along with the nomination fee of \$150.00 as established by the Common Council. Property owners nominating their own property and Common Council members are exempt from the nomination fee.~~

- (b) *Appeal.* Any decision of the historic preservation committee may be appealed to the Zoning Board of Appeals under provisions of section 113.461.

Sec. 105-319. Interim control.

No building permit shall be issued by the building inspector for demolition or removal of a nominated historic structure from the date of the meeting of the historic preservation committee at which a nomination form is first presented until the final disposition of the nomination by the historic preservation committee.

Sec. 105-320. Conformance with regulations.

Every person in charge of a historic structure shall maintain same or cause or permit to be maintained in a condition consistent with the provisions of the City of Merrill Municipal Code. The Building Inspector is appointed as the enforcement official.

Sec. 105-321. Penalties.

Any person or persons violating any provisions of this article shall be subject to a general penalty as provided in section 1-7. Notice of violations shall be issued by the building inspector.

Sec. 105-322. Emergency conditions.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, the building inspector may order the remedying of these conditions without the approval of the committee. The building inspector shall promptly notify the chairman of the committee of the action being taken and include it on the next meeting agenda.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

Derek Woellner, Mayor

Attest:

William N. Heideman, City Clerk

Attachment: Ordinance on Historic Preservation (8260 : Joint session with Historic Preservation on ordinance)