

PLAN COMMISSION MEETING MINUTES September 12, 2018

Call to Order Plan Commission Meeting: The meeting was called to order by Chairperson Tom Winker order at 7:00 p.m. Pledge of Allegiance recited. Quorum established. Verification of compliance with WI Open Meetings Law.

Also In Attendance: Plan Commission members Larry Bares, Matt Fuller, Dennis Dimmer and Charlie Parks, Jim Hubing, John Riordan, Al Weyker, Secretary Ginger Murphy, Rick Kania-SEWRPC. John Paulus, Al Poull, excused. Tom Bichler (7:14)

Minutes: Motion by Bares/Fuller to approve the July 18, 2018, minutes; motion carried.

Impact of Act 367: Rick Kania, SEWRPC, was in attendance to provide clarification of Act 367 and suggest revisions to the Zoning Ordinance. He stated the Town's ordinance is in pretty good shape, but zoning issues have arisen that require regulation. Policies need to be in place for fair treatment across the board. Rick stressed importance that decisions need to be written, clarified, and recorded. The most restrictive code always applies. Although as time goes on, new statutes are stating that the town cannot be more restrictive resulting in federal trumps state, state trumps county, county trumps local.

Each zoning district lists allowable uses and allowable conditional uses in the zoning ordinance. It used to be that you could allow a conditional use in one area and not in another if it didn't fit. Not anymore. The conditional use applies for all land within that zoning district. Conditions must be reasonable, common sense, and apply to all. Policy statements are created for uses that do not fit in the zoning districts. The applicant must prove their cause. Public safety, health, welfare and prosperity must always be considered as well as consistent decision making. Conditional Use Permits run with the property. Uses not listed in the ordinance are prohibited.

Zoning Board of Appeals decisions: The applicant must prove a hardship that is not self-imposed. Special exception/modification could be included in the ordinance.

Substandard lots: Ordinance needs to exclude the requirement that existing, nonconforming lots cannot be sold with common ownership. Sale of such lots could require a variance. Rick presented a model ordinance to consider for revisions.

Other issues to address for ordinance modification:

- Specify the number of atypical pets (TAddison good example)
- Storage areas in residential
- Shared driveways
- Unpaid property taxes: should the Town withhold building permits
- Lighting issues
- Bed & breakfast establishments
- Wording in case-by-case review of height variances (most requested variance). Review process more objective. Restrict the height of the side walls. Need more discussion and documentation regarding the use of the space even though the ordinance also states exceeding height does not create livable space. Maybe define livable and usable. Approve for guest quarters but not for rent.

Rick offered SEWRPC's assistance for revisions and provided minor changes that need to be made in the ordinance. Tom Winker asked Charlie Parks and Matt Fuller to address the necessary ordinance revisions and report their findings at the next Plan Commission meeting.

Motion Dimmer/Fuller to adjourn at 8:45.

Respectfully Submitted,
Ginger Murphy