

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
November 14, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on November 14, 2016. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessler; Deb Skarda; Jim Bandura; Judy Juliana; Bill Stoebig; John Skalbeck (Alternate #1); and Brock Williamson (Alternate #2). Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Kristina Tranel, Community Development Department.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE OCTOBER 10 AND 24, 2016 PLAN COMMISSION MEETING MINUTES.**

Judy Juliana:

Move to approve.

Wayne Koessler:

Second.

Tom Terwall:

**MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF OCTOBER 10 AND OCTOBER 24 AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

Mr. Chairman, I did receive one piece of correspondence from the Carol Beach Property Owners Association. And this is addressed to the Village regarding road repair on 90th Street. And I'll

just read the quick letter. It says the Board of Directors of The Carol Beach Property Owners Association would like to thank the many people who were involved in expediting the recent 90th Street road repair. We found the Village respectful and helpful in solving the safety issue as the road continued to deteriorate. Several residents have commented that the quality of the recently completed repair was excellent. And I wanted to pass along their thanks to both the public works department, its employees and all the many people who helped in facilitating this repair. We recently posted photographs of the repair along with our thanks to the Village of Pleasant Prairie on the Carol Beach property owners' Facebook page. You can find this by Carol Beach Owners in Facebook. Again, please accept our thanks from the Board and the many people who traverse this road on a daily basis. Respectfully submitted, Rosalie Villano [phonetic], President of the Carol Beach Property Owners Association.

Tom Terwall:

Motion to receive and file?

Wayne Koessler:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO RECEIVE AND FILE CORRESPONDENCE FROM THE CAROLS BEACH HOME OWNERS ASSOCIATION. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Approved.

## **5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for either of the items, both of which are public hearings, we would ask that you hold your comment until the public hearing is in effect so we can incorporate your comments as a part of the official record. However, if you wish to raise an issue not on the agenda now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Seeing none, we'll go ahead New Business.

Wayne Koessl:

Mr. Chairman, could I make a citizens' comment please?

Tom Terwall:

Please do. You're a citizen, right?

Wayne Koessl:

Right. I don't know how many realize that Michael Pollocoff got the Impact Award from the Kenosha Area Business Alliance. Well deserved, Mike.

**6. NEW BUSINESS:**

- A. PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AND TEXT AMENDMENTS for the request of Mike Gingerelli, of Asphalt Restoration Inc., agent for the First United Methodist Church located at 8405 104th Avenue to rezone the property from the I-1, Institutional District to the I-1 (PUD), Institutional District with a Planned Unit Development Overlay and to create the specific Planned Unit Development Ordinance to allow for the parking lot setback to be a minimum of 5 feet from the side property line adjacent to the parcel north of the Church property rather than 20 feet.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a consideration of Zoning Map and Text Amendments for the request of Mike Gingerelli, of Asphalt Restoration Inc., who is an agent for the First United Methodist Church located at 8405 104th Avenue. This is to rezone the property from the I-1, Institutional District to the I-1 (PUD), which is an Institutional District with a Planned Unit Development Overlay and to create the specific Planned Unit Development Ordinance to allow for the parking lot setback to be a minimum of 5 feet from the side property line adjacent to the parcel north of the Church property rather than 20 feet required.

The petitioner is requesting approval of the Zoning Text and Map Amendments for the proposed parking lot for the First United Methodist Church. Again, this property is located at 8405 104th Avenue, not street. A Zoning Map Amendment to rezone the property from the I-1, Institutional District to the I-1 (PUD) that Planned Unit Development Overlay is being proposed. And the Text Amendment is to create the specific PUD zoning regulations for this development to allow for the parking lot to be setback a minimum of five feet from the north property line.

The First United Methodist Church was established in Pleasant Prairie over 100 years ago. Over time, the improvements have been made to the building and site. However it has been recently identified that the gravel parking lot and concrete sidewalk needed updating. This project is for the repair then of the sidewalk, pavement of the parking lot, and creation of storm water management onsite.

The following modifications from the Zoning Ordinance as required and attached as part of the PUD.

- To reduce the required 20 foot setback to zero feet from the property line adjacent to 104th Avenue and north of the driveway.
- To reduce the required 20 foot setback to five feet from the north side property line and maintain a minimum of 20 feet from the south side and eastern rear property line.
- Institutional uses shall provide sufficient space to accommodate the maximum number of loading and unloading areas of at least 10 feet by 25 feet in order to maneuver on the site.

In consideration of the modifications to the Zoning Ordinance, the following is required and included in the PUD:

- A minimum one parking space per four seats in the principal place of worship, provided that the number of spaces required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking area. They don't have any of those designated other than they have a public park kitty corner across the street that does have some parking available to it.
- The size of each parking space shall measure nine feet by 18 feet.
- The aisle widths for two way traffic within the parking lot shall be a minimum of 24 feet between the ends of the parking spaces.
- The parking lot shall include 6 inches concrete curb and gutter, that profile.
- A minimum of 25 percent of the entire parcel shall be green landscaped space, and accessory landscape areas shall total no less than 5 percent of the parking lot surfaced area.

Well, as you know, this is an existing development area that has been in the Village for many, many years adjacent to 104th. As it currently exists, as you may know, there are some parking areas that are immediately adjacent to 104th Avenue directly west of the church proper. In order to get to those parking spaces, their gravel currently you kind of just pull right off the road into those gravel parking areas. And then the rest of the graveled parking lot area is just to the north of the existing church.

Again, when this property was identified so many years ago that when you look at the actual property description it has a legal description which brings that property to the center of the right of way -- or excuse me, the center of the roadway. So technically if you look at the right of way which is the red lined area for 104th Avenue, these parking spaces that I just described, as well as part of the driveway coming in, are all in the existing right of way.

So what the church is looking to do is, number one, to increase the number of parking spaces and extend this lot a little bit further to the east. And they're looking to pave the parking lot as well. The one complicating factor as they were looking at this expansion is that there is a pretty big discrepancy, about four or five feet, of grade elevation change between their northeast corner where their proposed parking lot is and the adjacent land to the north. So they're in the process of working with an engineer and with their surveyor in order to determine exactly how they can make that transition and whether some additional curbing, it's a retaining wall, additional grading, storm sewer, they're trying to just finalize some of those details.

They are looking for direction, however, at this time from the Plan Commission and the Village Board prior to investing those additional funds into the engineering plans. Which, again, they intend to do this project later or sometime next spring rather than later this fall. So they would like to just get this positive direction from the Board and the Plan Commission prior to making that large investment. Again, this is an old country church in Pleasant Prairie. And I'm not sure how many members they have. Maybe Mike can express that to us, but they're trying to get some direction from the Village before they move forward. This is a matter of public hearing, and Mike is here in the audience if he'd like to add and make any further presentation. He'd be happy to answer any questions that you might have.

Tom Terwall:

Mike?

Mike Gingerelli:

Hello, my name is Mike Gingerelli. I live at 10525 82nd Street, Pleasant Prairie. What's happening is with this parking lot the church only has so much money. And what's happening is we're trying to put a parking lot together. And what's happening is because of the cost of either curb or gutter or -- to put it this way, if we were going to do it like it's out there right now the retaining wall costs more than the parking lot, and the church does not have the money.

So with that being said, we've been going back and forth numerous times, and they're trying to help me whichever way they can. So what we've come up with is the latest one is we are not going to extend the parking lot to the east. We're going to just pave the existing gravel lot that they have on the north side, and pave the front which is the west side which will accommodate approximately 26 cars. We have a membership of approximately 50 people, 60 people.

What's happening is I'm just trying to -- this time of year it's almost virtually impossible to get these contractors to get me quotes and prices. And I was trying to beat the deadline, and I was pulling my hair out trying to do it. It didn't work. So rather than go into a frenzy we're going to postpone the project until springtime. We just would like your permission to install a parking lot. If you have any questions please ask away.

What's happening is basically we want to raise the north edge to keep the water completely off the neighboring properties. We're going to incorporate a swale. Then we're going to do extensive grading back where the parking lot ends. They've got quite a sizeable backyard that we're going to do a lot of extensive grading to create a natural swale to go to the wetlands and force the water out in the back. If you have anything else just ask.

Michael Serpe:

Mike, before you sit down, any objections from the neighbors on doing this?

Mike Gingerelli:

The one neighbor -- there's two neighbors that Pleasant Prairie asked me to get permission from. I got permission from the more northern neighbor. The one that's directly next to us he rents the property out, and he's not returning phone calls and so forth. And what's happening is I kind of

feel like I'm being put on the spot with that idea because coming in front of Pleasant Prairie Board to get this approved, and if anybody has any problems with it they can come and address them here in the forum.

And I believe -- because what happened was I put together a letter for these folks to sign. The one neighbor signed it, and then I was told that I was misleading people. I didn't know actually how I was doing that because I was indicating that we were going to increase the pitch to keep the water off their property. So I didn't understand quite how I was misleading them. But apparently I was trying to be nice and convincing, but in my zealously it came to that.

Michael Serpe:

Thank you. How many times a month is that parking lot used normally?

Mike Gingerelli:

Four.

Michael Serpe:

Every Sunday only and no other special functions?

Mike Gingerelli:

Yes. Well, we have a pork chop dinner and a pet blessing.

Michael Serpe:

Okay, all right.

Tom Terwall:

Jean, have we corresponded with the adjacent property owners?

Jean Werbie-Harris:

We sent notification to the adjacent and abutting property owners within 300 feet.

Tom Terwall:

And we have not heard back either?

Jean Werbie-Harris:

I have not.

--:

[Inaudible] property owner on the north [inaudible].

Mike Gingerelli:

Oh, good. Joe Villano was trying to contact you before me. And we were just trying to get the property where it would benefit you, because it seems like the general low spot in that whole entire area falls on your back property.

--:

My concern is [inaudible].

Jean Werbie-Harris:

We need to have him come up to the microphone.

Mike Gingerelli:

We're going to try to address that.

--:

[Inaudible].

Michael Serpe:

Sir, sir, sir you have to come up.

Jean Werbie-Harris:

I need to have him come up and introduce himself and then you can go back and forth through the Chairman.

Tom Terwall:

Name and address first of all.

Leo Gillis:

Hi, Leo Gillis, property owner on 104th Avenue, 8355 104th Avenue. And I am on the north side of the church. And, as you said, there is a drop from the church's parking lot and into my property. And I get all the runoff as it is now. But with gravel a lot of it is able to seep in. So once you put blacktop or cement on there it's all going to run off. And I get a pond in my backyard as it is. And I have enough trouble keeping my basement dry. So my concern would be to make sure that they at least concave that driveway so that the water goes at least 25 feet past my house before it goes into my backyard.

I've lived with the pond 30 years there now so I mean I can do it. But that's my concern. I'd just like to make sure that that's going to be taken care of. Something about the retaining wall I

thought that was a good idea actually. But if it's going to be too costly for the church, like I say, if you can make the runoff go straight down toward the back I have no problem with the improvements.

Tom Terwall:

Thank you.

Michael Serpe:

I have another question, Tom, if I could. Did engineering look at this yet?

Jean Werbie-Harris:

They did. And I was just talking to Matt, and maybe he'd like to come up, and he can explain to you exactly what he discussed with them.

Matt Fineour:

For the proposal for the parking lot the drainage right now does go from the parking lot to the east of the parking lot, and then it curves around and goes onto the property to the north. When they're looking at paving the parking lot we had the kinds of same concerns as the gentleman that just came up. We suggested that they contact the two properties to see if they would be agreeable to that additional runoff going onto their property. If they're not agreeable, then what the church needs to do is create a swale from their parking lot directly east to the wetland area so it takes all that drainage and actually divert it so it does not go on the neighboring properties, it just goes back to the wetland areas.

Right now they're working on a plan to try to achieve that. Like we mentioned before there is a little bit of topographic issues as far as some changes in grade that they need to work through to accommodate that. But right now that's where they're trying to get to is to create a design where that swale goes to the east to the wetlands.

Tom Terwall:

As far as you're concerned it's doable?

Matt Fineour:

It's doable, yeah.

Tom Terwall:

Thank you. Anybody else wishing to speak? This is a matter for public hearing. Yes, Jean?

Jean Werbie-Harris:

I just wanted to note that Peggy drew the red line on the PowerPoint there to show you where the water would need to go in order to hit those wetlands lying to the east of this property.



Tom Terwall:

And the property to the east is wetlands there, correct?

Jean Werbie-Harris:

Part of it, correct.

Jim Bandura:

Just a quick question for Mike. You said that you're not going to do the back part of the paving?

Mike Gingerelli:

No. What happens is -- what's happening right now because we're not going to go an additional 45 feet to the east that's going to save us practically half the cost of the retaining wall which makes getting the retaining wall half way feasible now. Instead of being \$28,000 it could possibly be down to \$14,000. So I'm hoping that a couple more pork chop dinners and so forth will get us to that point. So, please folks, when the tickets are being sold help your local cause here.

What happens is I've been in the paving industry since 1972 with my father. And what happens is even if this Commission and Planning Commission was not even in existence, its rule of thumb for a paving contractor to always keep the water away from the neighbor. It's a rule of thumb by us and that's what I live by. And I would make sure, and with Matt's help, of course, too, that that water will go into the back. We would pitch it up properly as much as possible that's needed, get that water shot in the back, and we'll be doing nothing but doing work for Pleasant Prairie and improving the properties around it and solving Leo's problem.

Jean Werbie-Harris:

So just to confirm, Mike, the ten, five on the north and five on the south, those ten extra spaces you will not be paving?

Mike Gingerelli:

Right. Actually it's going to be -- I believe on that north edge there should be approximately 17 stalls, right where you are straight back, a little bit further, right to there I believe it is. It's just past that concrete where the handicaps are.

Jean Werbie-Harris:

Yeah, there would be five and five that would not be built.

Mike Gingerelli:

We were going to try to vacate the front and add it into the back, but the cost just got way out of hand. We're just a tiny church.

Jean Werbie-Harris:

So you are, in fact, requesting to pave the area in front.

Mike Gingerelli:

Right, and that's why we wanted you to draft the letter that I might have to vacate it in the future when it came up about road widenings and so forth.

Michael Serpe:

I have one more question for Mike. In the event that your membership gets larger and you're going to need additional parking, are you going to be able to add onto the back with what you're doing now?

Mike Gingerelli:

When it's all said and done and this parking lot is constructed we should be able to add on as needed because we'll be all set.

Michael Serpe:

Okay.

Mike Gingerelli:

I don't know if we're going to be hitting any larger. We're trying to salvage the numbers that we have. It is true. Believe me we're trying to get extra folks in there. We need the support.

Tom Terwall:

You guys do a good job on the pork chop dinner. I can attest to that.

Mike Gingerelli:

Thank you.

Tom Terwall:

Anybody else wishing to speak? Further comments from Commissioners?

Michael Serpe:

I'd move approval of the Zoning Map and Text Amendment.

Wayne Koessl:

I'll second that subject to the conditions of staff.

Michael Serpe:

Yes.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND TEXT AMENDMENTS AS OUTLINED SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Mike Gingerelli:

I want to thank you folks on the Board. And rest assured that it's going to be scrutinized every inch of the way by myself besides the Village. So I'm hoping to make everybody very, very happy.

Tom Terwall:

Thank you.

Mike Gingerelli:

Thank you, folks.

Tom Terwall:

Thank you.

**B. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS: to amend Article VII of the Village Zoning Ordinance entitled Home Occupation to a new Article entitled Business Licenses; to amend Section 140.1 of the Village Zoning Ordinance related to Temporary Uses; to amend the definition for Home Occupation in Section 420-152 and to amend Section 420-27, 420-28 and 420-29 of the Village Zoning Ordinance related to zoning fees.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item B is consideration of several Zoning Text Amendments: to amend Article VII of the Village Zoning Ordinance entitled Home Occupation to a new Article entitled Business Licenses; to amend Section 140.1 of the Village Zoning Ordinance related to Temporary Uses; to amend the definition for Home Occupation in Section 420-152 and to amend Section 420-27, 420-28 and 420-29 of the Village Zoning Ordinance related to zoning fees.

On March 23, 2015, the Plan Commission adopted Resolution #05-08 and #05-11, and this was to initiate a petition to the Village to re-evaluate the Temporary Use Permits requirements, Home Occupation requirements and associated fees or definitions and definitions of a new Business License Ordinance. The following amendments are proposed. To start with:

1. Article VII of the Village Zoning Ordinance (Chapter 420) is being recreated and amended. Article VII is being renamed from Home Occupation to Business License. The home occupation provisions have been in effect in the Village since 1984.

There are various types of Pleasant Prairie licenses and permits that are required by various government entities at the federal, state and local levels. This zoning license is the basic type of license that is required for all home based and non-home based businesses in Pleasant Prairie.

This article is not a regulation of occupation but rather to verify locations of active business operations, to obtain emergency contact information in order to notify and provide efficient public safety services to the business, to support economic development activities and to verify compliance with the site and operational zoning regulations of the Village. The information gathered from the business license application and the annual renewal is essential to performing the community's public safety and public works related services. The information obtained from the business license application and the annual renewals is also important to the community for the purposes of its overall economic development business attraction and retention strategy insofar as the Village will be able to track and maintain an accurate listing of all active businesses, relevant contact information, employment counts and anticipated employment growth projections on an annual basis.

All businesses in the Village shall obtain and maintain an annual business license for any home based or non-home based businesses operating in the Village pursuant to the requirements of this article. If more than one business is located within a building, each business is required to obtain a separate business license. Properties with more than one principal building or more than one principal building address are required to obtain a separate business license for each principal building on the property.

Home Based Business. A business license is required for any home based business. This section of the ordinance has been modified and updated to ensure that home based businesses located within any home within a residential, agricultural or conservancy zoning district, provided that such use conforms to the standards and conditions set forth in this section, conforms to the Municipal Code requirements and maintains an active and continuous Village business license.

In general, a home based business is an accessory use located on the property and conducted so that a typical neighbor would not be aware of said use other than for a sign as herein permitted.

The standards and conditions for home based businesses in this section are intended to ensure compatibility with other permitted adjacent uses and to maintain the residential character of the neighborhood or underlying zoning district. A home based business and/or regularly occurring activity is a business activity which results in a product being produced or service being performed and is conducted in whole or in part in the principal or accessory building on the property and is clearly subordinate to the residential use of the dwelling and property.

A community living arrangement, within a single family or two family dwelling as defined in this chapter with 15 or fewer persons, is not classified as a home based business and is exempt from this section; however it is required to obtain a business license pursuant to section 420-42. And just to note, any references in the Village Ordinances currently to a home occupation shall also be referred to as a home based business as defined in Section 420-41. See also the attached the amended definition of a Home Occupation is now Home Based Business in Section 420-152.

The regulations for home based businesses have remained very similar to the existing regulations we currently have. However further clarification has been provided for vehicles and equipment associated with a home based businesses. The existing requirement that reads no construction equipment shall be parked on or about the property has been changed to read no construction equipment or construction related vehicles or trailers shall be parked or stored on the property. In addition, the following requirement has been added: No commercial construction or delivery vans, trucks, semi-trucks/semi-trailers, truck cabs, box trucks, buses, trailers or any vehicle licensed or rated to be in excess of 7,000 pounds shall be parked or stored on the property.

As before, permitted home based business include: Artists, sculptors or photographers.

- Arts and crafts.
- Bookkeeping or tax preparer.
- Classes of instruction in areas such as music and dance, provided that no more than two students are on the premises at any one time.
- Child or adult care with eight or fewer children or adults in the A-2, A-3, R-1, R-2, R-3, R- 4, R-4.5, R-5, R-6, R-7, R-8, R-12 and C-2 Districts, subject to obtaining any required state permits/licenses.
- Dressmaker or seamstress.
- Hairdressers, provided that no more than two patrons are on the premises at any one time.
- Manicure/pedicure, provided that no more than two patrons are on the premises at any one time.
- Office facilities of a salesman, sales representative, or manufacturer representative, provided that no retail or wholesale transactions are made in person on the premises.
- Office facilities of an accountant, architect, writer, attorney, broker, engineer, insurance agent, interior designer, land surveyor, marketing analyst, or word processor or real estate sales.
- Office facilities of a minister, rabbi, priest, or other clergy.
- Office facilities to repair electronic or communication equipment.
- Telephone or mail order including internet sales.
- Telemarketing.
- Transcriber.
- Sales and distribution of products manufactured on or off the premises where the marketing of said products is through home-oriented sales on an appointment basis only.

The home based businesses that are prohibited include:

- Restaurants/taverns.
- Clinics.
- Construction businesses with outdoor storage.
- Kennels.
- Sale of explosives or fireworks.
- Tattoo parlors.
- Taxidermy.
- Massage therapists.
- Repair, service or restoration of motor vehicles.
- Any permitted uses listed within the manufacturing districts of this chapter of the ordinance.

Non-Home Based Business: A business license is required for any business located within any business, manufacturing, institutional, park and recreational, planned development and for certain uses in the agricultural zoning districts. To clarify, a business license is specifically required for the following commercial uses within agricultural districts: boarding and riding stables that are commercial; contract sorting, commercial; grading and packaging of fruits and vegetables, commercial; orchards, commercial; plant nurseries, commercial retail sales; greenhouses for the retail sales of plants and flowers, and that should be commercial retail sales; kennels; landscaping related to commercial use; veterinarian offices and veterinarian emergency services offices. A business license is also required for community living arrangements within any zoning district pursuant to this section.

Approved Temporary Uses pursuant to Section 420-140.1 of this chapter are exempt from obtaining a business license. Commercial communication structures and its tenants, transmission lines, electric power substations or gas metering substation, utility substations and wind energy conversion systems and cemeteries are exempt from this section. An annual business license is required for all home based and non-home based business in the Village.

So with respect to the initial licenses:

- All existing home based or non-home based businesses in the Village as of December 1, 2016 will receive an initial application for a Village business license that shall be returned with the application pursuant to Section 420-29 of this chapter by January 15, 2017. Every year following the business shall renew this license pursuant to subsection B below.
- Any new home based business shall complete the business license application and submit the required fee for Village review to ensure compliance with this chapter.
- Any new non-home base business requesting to obtain an occupancy permit from the Village shall complete the Business License application and submit the required fee pursuant to Section 420-29 of this chapter at the same time that the required building permit application is submitted for review to ensure compliance with this article.
- Upon receipt of a completed application, the Village will provide the applicant with an annual business license.

- An annual business license valid during the calendar year will be electronically provided to the applicant to print and shall be kept on file at the business to provide as proof of the required license if requested by the Village.
- A business license issued pursuant to this section is non-transferable.

Renewal of License:

- On or about November 15th of each year the Village will send a business license renewal notice via regular mail or electronically to each active home based and non-home based business within the Village. Failure to receive notice does not preclude the business from the requirement to renew the license.
- The renewal application and renewal fee pursuant to Section 420-29 of this chapter shall be submitted to the Village on or before January 15th of every year. If the business fails to renew the license by January 15th of each year, then a late fee will be assessed and the business may be subject to further zoning violations, forfeitures or fines.
- When a business is no longer operating at the location as identified on the previous year's license, written notification shall be provided to the Village Community Development Department.
- If the business relocates to a new location in the Village, a new business license will be required since a business license is non-transferable.

Notice of Change: Any expanded home based or non-home based business shall submit the applicable business license application and fee pursuant to 420-29 at the same time that the required building permit application is submitted for the expanded use. An expanded home based or non-home based business is one that modifies its business operations in such a manner which creates its building square footage and or involves remodeling or renovations so as to require the issuance of a building permit; or where there is a change in ownership and other contact information for the business; or which commences a new business activity that would substantially modify or change the total full time, part time or seasonal employment to the business which in turn may impact the business site by blocking building exiting areas, causing restrictions to the emergency access or fire lane access, or by causing vehicles to park in non-designated parking areas or on the adjacent roadways.

2. Section 420-140.1 entitled Temporary Uses is being amended as shown in the attached ordinance as part of your packets.

A temporary use, as defined by the Zoning Ordinance is designed to provide the Zoning Administrator with flexibility to allow uses that are short-term in nature. A temporary use shall not be inherently inconsistent with the uses allowed in a particular zoning district. The nature, character or circumstances of temporary uses are unique and dependent upon specific conditions. Therefore, specifying all temporary uses and associated standards, regulations or conditions necessary or appropriate for a temporary use permit to be granted is not practical. Applicants that obtain approval of a temporary use permit pursuant to this section are not required to obtain a business license pursuant to Article VII of this chapter.

It is recognized that it is neither possible nor practicable to list all of the temporary uses that are acceptable; however, the following temporary uses are specifically allowed by specific requirements, and we have several of these existing currently.

- Two principal dwellings on one property, the specific requirements for this are not being modified. And, again, this is a situation where someone has an existing home and they've got a second home that they would like to build on that property and then raze the first home. For example, it's an older home and they'd like to renovate and construct a new home. These used to go to the Board of Appeals. No longer will these go to the Board of Appeals, they'll just go through the community development department.
- Temporary Handicapped Ramp section is being deleted since Section 420-139 B (1) (n) of the Village Zoning Ordinance currently allows for handicapped accessible structures to encroach into any yard, provided that said structure is a minimum of two feet from any property line.
- On-site residential construction trailer requirements are being modified to clarify that this use is allowed on a property during the construction of one single family or one two family house within each of the districts A-2, A-3, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-8, or C-2, District. Note a construction trailer on a commercial development site does not require the approval of a temporary use permit.
- Trucks, trailer or tent product sale excluding the sale of Christmas trees and roadside stands is being modified to reflect requirements currently imposed by the Village.
- Christmas Tree Sales has been added as a Temporary Use since the Village Board removed the section of the ordinance related to Christmas tree licenses from the main municipal code. The following is being added to the zoning ordinance which were similar previous requirements in place with the license:
  1. Allowed in any zoning district except within a C-1 District, C-3 District and the FPO District.
  2. Sales shall not occur before November 15th of any given year, and the temporary use permit shall automatically expire on January 10th following the issuance of the temporary use permit.
  3. No Christmas trees shall be displayed, stored or sold on any public street or in the vision triangle of two intersecting streets, as defined in this chapter or within a designated fire lane.
  4. All sales areas shall be maintained in such manner as to eliminate, in so far as possible, any fire hazard.
  5. No trees which have become dried out, so as to become a fire hazard, shall be kept on the property.
  6. At the expiration of the permit or whenever the premises shall cease to be used further for the storage, display or sale of Christmas trees, the applicant shall cause all signage,



trimmings, cuttings, trees and debris to be removed from the premises and disposed of in a lawful manner.

7. No flashing lights or spot lights are allowed, any outside lights shall not shine or glare onto adjacent properties or onto any public street.
8. Signage shall be limited to two on-site signs no larger than nine square feet. All signs shall be placed a minimum of 15 feet from the right-of-way and shall not be placed in the vision triangle, as defined in this chapter. No off-site signs are allowed and all signs shall be removed no later than the 10th day of January following the issuance of the temporary use permit. No portable flashing signs shall be permitted.
9. If the applicant fails to properly clean the premises or fails to maintain the premises in a manner eliminating any fire hazard as necessary, as determined by the Fire & Rescue Chief, the Fire & Rescue Chief may order the property owner to remove such hazard within 24 hours, or less depending on the hazard created. The Fire & Rescue Department is authorized to enter upon the premises and remove or destroy or cause to be removed or destroyed such Christmas trees or parts thereof, and all costs related to such action may be assessed as a special charge or tax assessment against the real estate.
10. Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
  - Extended Hours. The Village has issued a number of temporary use permits for extended hours during the holiday season and grouping of businesses also have an associated Security Agreement approved by the Village Board. This section provides for the specific requirements that have been policy for a number of years. No commercial business may remain open past the specified hours of operation pursuant to the underlying zoning district except as expressly allowed by an approved Conditional Use Permit or Planned Unit Development for the purpose of conducting the commercial business activities. In addition, individual businesses shall first obtain approval of a Temporary Use Permit and enter into a minor written Security Agreement with the Village for the specified location for the extended hours and shall comply with the following requirements.
    1. Allowed in any business, manufacturing, or institutional district with an active and permitted business activity being carried out within a building.
    2. No more than two separate extended hour events are allowed on the property per calendar year, provided that the length of the events, collectively, does not exceed a maximum 6 days per calendar year.
    3. Adequate on-site parking shall be provided. The Zoning Administrator may allow offsite parking provided the location is acceptable to the Village and proper shuttles or crossing areas are provided.
    4. The applicant is responsible for site security during the event and during any extended hours. The Village is not responsible for security during this event, unless a separate written Agreement is entered into between the parties.

5. The applicant is required to obtain a tent permit from the Village Fire & Rescue Department for any tents associated with the extended hours and Fire & Rescue Department inspections shall be requested and obtained prior to use of the tent by the general public.
  6. Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- Special Events, such as but not limited to a carnival, farmers market, fair, circus or other community wide event excluding Village hosted or sponsored events, or neighborhood parades, or block parties or religious affiliated gatherings without first obtaining approval of a Temporary Use Permit by completing the required application and submitting details including a site plan for the specified event and in compliance with the following requirements.
    1. The maximum number of people that may attend the special event may be limited by the Village upon review of the application and the site and facilities to be used for the special event.
    2. A fence shall be installed which completely encloses the proposed location and of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds. The fence shall have at least four gates, at least one at or near four opposite points of the compass.
    3. Potable water meeting all federal and state requirements for purity and sufficient to provide drinking water for the maximum number of people to be assembled at a rate of at least one gallon per person per day and water for bathing at the rate of at least ten gallons per person per day.
    4. Separate, enclosed toilets for males and females meeting all state and local specifications, conveniently located throughout the grounds, and sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
    5. A sanitary method of disposing of solid waste in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.

6. Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by state residents for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.
  7. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
  8. A parking area inside the assembly grounds sufficient to provide parking spaces for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
  9. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.
  10. If the assembly is to continue overnight, camping facilities in compliance with the state and local requirements as prescribed by the Wisconsin Administrative Code and Village ordinances, sufficient to provide camping accommodations for the maximum number of people to be assembled.
  11. Security guards, either regularly employed, duly sworn, off-duty state peace officers or private guards, licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 persons.
  12. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as prescribed in the Wisconsin Administrative Code and Village ordinances, and sufficient emergency personnel to efficiently operate the required equipment.
  13. The Village may impose additional conditions and impose additional fees to ensure that all necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.
  14. Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
3. Section 420-27 E, 420-28 and 420-29 relate to zoning fees which are proposed to be amended and are shown in the attached ordinance. Again, in your packets and as shown on the screen.

Specifically the following fees are being created or amended:

1. Site and Operational Plan application fee that requires a staff review only are being changed from \$50 to \$100. This fee had been temporarily reduced during the recession and is proposed to be amended back to the fee of \$100 based on the time and effort that is spent by the Village staff.
2. New multiple-family building zoning fee is being increase from \$175 to \$200 per building.
3. Additions or alterations to any dwelling unit of any residential or agricultural accessory structure or building, including but not limited to an attached or detached garage, shed, pole barn, deck, porch, sport court, swimming pool, hot tub, or residential communication structure is being increased from \$40 to \$50 per structure or building.
4. Additions or alterations to an existing commercial, industrial, governmental or institutional structure or building is proposed to be increased from \$85 to \$125 per structure or building.
5. Commercial, industrial, governmental or institutional tenant changes without alterations or an accessory structure or building, excluding fences is being increased from \$40 to \$50 per structure or building.
6. Sign application fee is being increased from \$15 per sign, not to exceed \$105 per application to \$20 per sign, not to exceed \$140 per application.

[Inaudible]

This is for the special exception permit \$25 minimum not to exceed \$175. I'm sorry, it should have gone \$25 and \$175 for number two. Sign application fees are being increased from \$15 per sign not to exceed \$105 per application to \$20 per sign not to exceed \$140 for application.

7. Sign special exception permit application fee is being increased from \$20 per sign, not to exceed \$140 per application to \$25 per sign, not to exceed \$175 per application.
8. Business License Fees:
  - a. Initial Application: \$25 per business per site.
  - b. Annual Renewal Application: \$25 per business per site.
  - c. Annual Renewal Late Fee: If the business fails to renew the license by January 15 of each year then a late fee of \$10 will be assessed to the applicant.
  - d. Notice of Change: \$25 per business per site.

9. Release of waiver or other similar document fee is being increased from \$55, plus recording fees to \$100, plus recording fees.
10. Performance Bond or Cash Deposit to ensure compliance with permit inspection conditions and an administrative processing fee is being added at \$100 per site.
11. Stipulated conservancy permit fee is being increased from \$40 and renewal fee of \$25 only if the application or management plan has not changed for the original permit to \$100 and renewal fee of \$50 only if the application or management plan has not changed for the original permit.
12. Temporary use fees of \$150 per application is remaining the same. However, if a minor agreement is required then the fee is \$250 per application will be charged.
13. Any fee paid by credit card to the Village will be charged and additional finance fee for processing the transaction.

With that I would like to continue the public hearing. And if there's any questions I'd be happy to answer them for you.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak. Hearing none I'll open it to comments and questions from Commissioners.

Wayne Koessl:

I have one, Mr. Chairman. Through the staff who is going to enforce this ordinance?

Jean Werbie-Harris:

The Village community development department.

Wayne Koessl:

Do you have enough manpower to do that?

Jean Werbie-Harris:

We do.

Tom Terwall:

Anybody else? Hearing none, what's your pleasure?

Jim Bandura:

I would move for approval.

Wayne Koessl:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

## **7. ADJOURN.**

Wayne Koessl:

So moved, Chairman.

Deb Skarda:

Second.

Tom Terwall:

It's been moved and seconded to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.