

OFFICIAL NOTICE AND AGENDA

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, December 9, 2013 at 6:00 pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton WI.**

AGENDA

1. Call to order
 2. Consider approval of the Planning Commission meeting minutes of November 11, 2013.
 3. Council Representative Report.
 4. Meeting Summary & Status of Developments.
 5. Proposed zoning ordinance amendment to section 78-612, Requirements for the installation, maintenance and use of landscaped and bufferyard areas. O-1-14
 - Public Hearing
 - Recommendation to Council
 6. Proposed zoning ordinance amendment to section 78-210 Nonconforming use regulations. O-2-14 (Tabled 11-11-13)
 7. Future Urban Development Area (FUDA) Update.
 8. Future agenda items
 9. Adjournment
- 12/4/13mps

COMMISSIONERS:

Mayor Donna Olson, Chair
Ron Christianson, Vice-Chair

Todd Krcma
Greg Jenson

Eric Hohol
Scott Truehl

CC: PACKETS:

Rodney Scheel
Todd Krcma

Michael Stacey (3)
Mayor Donna Olson

Rollie Odland
Scott Truehl

E-MAIL NOTICES:

All Department Heads
Area Townships
City Attorney Matt Dregne
Citizen Planning Commissioners

Council members
Stoughton Hub
Peter Sveum
Bill Livick

Steve Kittelson
Derek Westby
Scott Wegner
Matt Hanna

MAIL NOTICES: None

IF YOU ARE DISABLED & IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING.

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

Planning Commission Meeting Minutes

Monday, November 11, 2013 - 6:00 p.m.

Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Olson, Chair; Eric Hohol; Greg Jenson; Todd Krema and Scott Truehl

Absent and Excused: Rollie Odland and Ron Christianson

Staff: Planning Director, Rodney Scheel and Zoning Administrator, Michael Stacey

Press: None

Guests: John & Pam Corneille; Boy Scout Troup 167; Michael Miller; Roberta Lehmann; Becky Mason; Kim Smith and Joyce Mellor.

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission meeting minutes of October 14, 2013.**
Motion by **Truehl** to approve the Planning Commission minutes of October 14, 2013 as presented, 2nd by **Jenson**. Motion carried 5 – 0.
3. **Council Representative Report.**
Scheel reported the Common Council approved the conditional use resolution for the Wooldridge Daycare. The other ordinances and resolutions are on the Council agenda for this week.
4. **Meeting Summary & Status of Developments/Projects.**
Scheel reported on the status of developments. There were no questions.
5. **John & Barrett Corneille request extra-territorial land division approval for property located at 1848 Quam Drive, Town of Dunn. R-135-13**
Scheel explained the request and noted that while this request is to create a 3 acre residential parcel, the land division ordinance requires a maximum of 2.5 acres. The ordinance also allows a waiver from the maximum 2.5 acre requirement. Scheel stated this property is outside of the City's short term urban service area, similar to another recent ETJ request.

Motion by **Hohol** to recommend Council approve resolution R-135-13 as presented including waiving the maximum 2.5 acre requirement, 2nd by **Truehl**. Motion carried 5 – 0.
6. **Proposed zoning ordinance amendment to Table 78-610(4)(a) Bufferyard Opacity Values. O-28-13**
Scheel explained the proposed amendment.

Mayor Olson opened the public hearing.

No registered to speak at the public hearing.

Mayor Olson closed the public hearing.

Motion by **Hohol** to recommend Council approve ordinance O-28-2013 as presented, 2nd by **Krcma**.

Krcma questioned how many projects have been required to use these requirements. Scheel stated these requirements have been used for about 4 years now and used the Norwegian Heritage Center as an example of a project that had difficulties with the existing requirements. Motion carried 5 – 0.

7. Proposed zoning ordinance amendments to sections 78-105(2)(e)8bA and D; 78-105(4)(c)8bG; 78-206(7)(c)1bD; 78-205(11)(e)2a; 78-716(3) and 78-814(4)(c). These amendments are primarily to make corrections. O-29-13

Scheel explained the proposed amendments.

Mayor Olson opened the public hearing.

No registered to speak at the public hearing.

Mayor Olson closed the public hearing.

Krcma questioned what is meant by the minimum 4,000 square feet for a traditional neighborhood requirement. Scheel stated the minimum standard lot size is 6,600 square feet while a traditional neighborhood development would allow the smaller minimum lot size.

Motion by **Truehl** to recommend Council approve ordinance O-29-2013 as presented, 2nd by **Jenson**. Motion carried 5 – 0.

8. Proposed zoning ordinance amendment to section 78-210 Nonconforming use regulations. O-30-13

Scheel explained the proposed amendment.

Mayor Olson opened the public hearing.

No registered to speak at the public hearing.

Mayor Olson closed the public hearing.

After a lengthy discussion, consensus is to table this proposed amendment until next month. Hohol would like clarity regarding the 50% rule for maintenance and repairs. City Attorney Dregne will be reviewing this ordinance amendment.

Motion by **Hohol** to **Table** ordinance O-30-2013 until the next meeting, 2nd by **Krcma**. Motion carried 5 – 0.

9. Proposed ordinance amendment to section 2-313 Zoning administration and enforcement. O-24-13

Scheel explained the proposed amendment.

Mayor Olson opened the public hearing.

No registered to speak at the public hearing.

Mayor Olson closed the public hearing.

Motion by **Truehl** to recommend Council approve ordinance O-24-2013 as presented, 2nd by **Hohol**. Motion carried 5 – 0.

10. Proposed ordinance amendment to section 30-33(a)1 Standards for developments in floodway areas. O-31-13

Scheel explained the proposed amendment.

Mayor Olson opened the public hearing.

No registered to speak at the public hearing.

Mayor Olson closed the public hearing.

Motion by **Truehl** to recommend Council approve ordinance O-31-2013 as presented, 2nd by **Jenson**. Motion carried 5 – 0.

11. Future Urban Development Area (FUDA) Presentation.

Scheel stated the next meeting is Wednesday to discuss the preliminary results of the survey.

12. Future Agenda Items.

FUDA and O-30-13

13. Adjournment. Motion by **Jenson** to adjourn at 6:30 pm, 2nd by **Krcma**. Motion carried 5 - 0.

Respectfully Submitted,
Michael Stacey



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR

Date: December 4, 2013

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: December 9, 2013 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 12 improved lots remaining
- Stone Crest - 10 improved lots remaining
- Proposed Kettle Park West development – PD-GDP approved, PD-SIP in process.
- 17 Single Family permits and 1 Two Family permit issued to date

Department of Planning & Development Information:

Planning staff has been working primarily on the following:

- Kettle Park West Development – PD Rezoning Process
- Building & Zoning Inspections
- Summit Credit under construction
- Zalk Joseph addition under construction
- North American Fur – 2 additions complete
- Norwegian Heritage Center issued early start permit.

Meeting Summary:

Item #5 – Proposed zoning ordinance amendment to section 78-612, Requirements for the installation, maintenance and use of landscaped and bufferyard areas. (O-1-14)

This amendment is intended to remove the surety requirement for the installation, maintenance and use of landscaped and bufferyard areas. A public hearing and recommendation to Council is necessary. The draft ordinance is provided.

Item #6 – Proposed zoning ordinance amendment to section 78-210 Nonconforming use regulations. (O-2-14)

A public hearing was held on November 11, 2013 and this item was tabled until more information and clarification can be provided to the commission. Staff worked with City Attorney Matt Dregne on this amendment. The amendment is intended to clean up the nonconforming use regulations. The draft ordinance is provided.

Item #7 – Future Urban Development Area (FUDA) Update.

To be provided at the meeting.

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL

Amending the following Ordinance Section: 78-612 Requirements for installation, maintenance and use of landscaped and bufferyard areas of the City of Stoughton Municipal Zoning Code

Committee Action: Recommend approval - 0 with the Mayor voting

Fiscal Impact: N/A

File Number: O - 1 - 2014

Date January 14, 2014 First Reading

Introduced: January 28, 2014 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

1. 78-612 Requirements for installation, maintenance and use of landscaped and bufferyard areas
 - (1) *Installation.*
 - (a) Any and all landscaping and bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (see section 78-908) within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.
 - ~~(b) — Surety.~~
 1. ~~If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 730 day period and shall furnish to the city an irrevocable letter of credit or other form of security acceptable to the city sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in an amount equal to 110 percent of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property and shall be verified by the city. The financial security shall remain in force until all of the work has been completed and approved by the city. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the chapter and subject the property owner to a forfeiture upon conviction.~~
 2. ~~If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the city's Land Division Code requires otherwise.~~
 3. ~~If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee under subparagraph 1, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this article.~~
 - (eb) If existing plant material meets the requirements of section 78-603 and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements.

(d) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(e) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the city for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:

1. Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
2. Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
3. A property owner may establish through a written agreement, recorded with the register of deeds office, that an adjacent property owner agrees to provide on the immediately adjacent portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property.
4. Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
5. The restrictions on types of plants listed in this article shall apply.

(2) *Maintenance.* The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this section. If the property owner fails to comply with these provisions, the city may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

(3) *Use of required bufferyard and landscaped areas.* Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided: no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses. No parking and no outdoor display of storage of materials shall be permitted. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

(4) *Utility easements.* Landscaping materials, fences and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by a conditional use permit. However, the width of such areas may be counted as part of a landscaping requirement.

2. This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted:_____

Mayor Approved: _____

Donna Olson, Mayor

Published:_____

Attest: _____

City Clerk

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL

Amending the following Ordinance Section: 78-210 Nonconforming Use Regulations of the City of Stoughton Municipal Zoning Code

Committee Action: Recommend approval - 0 with the Mayor voting

Fiscal Impact: N/A

File Number: O - 2 - 2014

Date January 14, 2014 First Reading

Introduced: January 28, 2014 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

1. Section 78-210 of the Municipal Code is amended as follows:

78-210 Nonconforming Use Regulations.

(1) *Definition:* A lawful nonconforming use is ~~an~~ a lawful, active and actual use of land or structures existing on, ~~or both; legally established prior to~~ the effective date of this chapter or subsequent applicable amendment thereto which does not comply with ~~has continued the same use to the present, and which would not be permitted under~~ the current terms of this chapter.

(2) *Continuance of a nonconforming use:* Any lawful nonconforming use ~~lawfully existing upon the effective date of this chapter or any amendment to it~~ may be continued at the size and in a the manner of operation existing at the time such use became non-conforming upon such date, except as specified in this section. Any ~~prior legal use made nonconforming by this chapter or by an amendment to it may be granted legal conforming status by the issuance of a conditional use permit, subject to the standards and procedures prescribed by section 78-905. Any prior legal use made nonconforming by a modification to the Official Zoning Map after the effective date of this chapter may be granted legal conforming use status by changing the zoning district of the affected property to an appropriate district through a zoning map amendment. Such requested zoning amendment shall be subject to the standards and procedures prescribed by section 78-903~~

(3) *Modification of a nonconforming use:*

(a) Except as permitted in this section, a lawful nonconforming use shall not be expanded, enlarged, or extended, ~~unless the use is changed to a use permitted in the district in which the use is located,~~ and shall not be changed to another nonconforming use.

(b) ~~A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if either or both facilities are not available within 1,000 feet of the subject property, and a conditional use permit is granted for such expansion.~~

(4) *Discontinuance of a nonconforming use:* When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this chapter.

(5) *Maintenance and repair of a nonconforming use:* ~~The ordinary maintenance and repair of a nonconforming use (structure or land) is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this chapter. Except as otherwise provided in this section, whenever a nonconforming use is damaged to the~~

~~extent of more than 50 percent of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the structural repairs or alterations in a structure either itself nonconforming or containing a nonconforming use shall not during its lifetime exceed 50 percent of the present equalized assessed value of said structure unless permanently changed to a conforming use.~~ A building, premises or structure used for a lawful nonconforming use may be repaired, maintained and remodeled. However, the total structural repairs or alterations to a building, premises or structure used for a lawful non-conforming use shall not during its life exceed 50 percent of the assessed value of the building, premises or structure unless changed to a conforming use.

(6) *Nonconforming lots and structures:* See section 78-408

2. This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted: _____

Mayor Approved: _____

Published: _____

Attest: _____

Donna Olson, Mayor

City Clerk