

MINUTES FOR THE VILLAGE OF SHOREWOOD HILLS
PLAN COMMISSION

The Tuesday, November 8, 2011 meeting of the Plan Commission was called to order at 7:00 p.m. by Mark Sundquist. On call of the roll members present were: Mark Sundquist, Earl Munson, Jim Etmanczyk, Brauna Hartzell and Karl Wellensiek. Dave benforado was excused. Also present was Village Administrator Karl Frantz, and Ben Zellers, Village Planning Consultant.

Update on Section 42 Affordable Housing Project

Mark Sundquist and Karl Frantz updated the Plan Commission on the project. The public hearing before the board went very well with little no comment and the board held the first reading of the ordinance to rezone. The Board will also be considering the TIF request and some concerns regarding parking and pedestrian ways are being addressed.

Zoning code changes

The Commission reviewed proposed changes to the zoning regarding timing, noticing of public hearings for rezoning, conditional use, special exceptions, variances, and accessory uses. The recommended changes are appended to these minutes.

The meeting was then adjourned

Respectfully submitted,
Karl Frantz
Village Administrator

Summary of Village Ordinance Requirements for Rezoning, Variances, and Conditional Use Permits

Action	Current Village Ordinance Public Hearing Notice Mailing Distance	Standard Practice Public Hearing Notice Mailing Distance	Proposed Village Ordinance Public Hearing Notice Mailing Distance	Village Public Hearing Body	Standard Practice Public Hearing Body	Village Approval Body	Standard Practice Approval Body	Type of Notice Required by Village Ordinance	Standard Practice Notice
Rezoning (10-1-125)	200 feet	200 feet	300 feet	Village Board	PC*	Village Board	Village Board	Class II	Class II
Variance (10-1-124)	200 feet	Varies**	300 feet	ZBA	ZBA	ZBA	ZBA	Post in 3 Places	Class I~*
Conditional Use Permit (10-1-52) & Special Exception (10-1-110)	1,000 feet	200-300 feet	300 feet	PC and Village Board	PC*	Village Board	PC or Village Board	Class II	Class I or Class II (mostly Class I)

Note: "Standard practice" reflects a survey of several other municipalities in Dane County.

~ State law requires posting in 3 places for villages with more stringent requirements for cities. Most municipalities publish a Class I notice.

* Ordinance edits recommend changing to standard practice.

** Sometimes 200 feet, sometimes adjoining properties, sometimes "parties of interest."



(a) For All Districts

- (1) Time of construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (2) Location. Accessory structures shall not be located in the front yard, unless specifically allowed under (g) below or approved by the Plan Commission. Setbacks from side and rear lot lines are noted in the chart under (f) below.
- (3) Maximum Percentage of Rear Yard Setback. Accessory structures may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.
- (4) Maximum Height. Accessory structures shall not be taller than the height of the principal building or fifteen (15) feet, whichever is less, unless specifically allowed in (e) below.
- (5) Attachment to principal structure. When an accessory structure is structurally attached to a principal structure it shall conform to all regulations of this chapter applicable to principal structures, including all yard setbacks. If after initial construction any detached accessory structure is attached to the principal structure, the newly attached accessory structure must meet all of the applicable yard setbacks for the principal structure.

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(b) For Residential Districts.

- (1) Maximum Area Per Lot. The total area of accessory structures measured at ground level shall not be more than ten percent (10%) of lot area or one thousand (1,000) square feet, whichever is less. A larger total accessory structure area may be allowed by conditional use approval. In the case that an application to exceed the above limit is included in an application under Sec. 10-1-110 of this code, it may be processed under that Section.
- (2) R-4 Multiple-Family Residence District Uses. Ancillary facilities contained within the main structure(s) that are for the exclusive use of residents and their guests and are typical of the operation of multifamily buildings, such as fitness centers, business centers, storage areas, and rental / maintenance offices, shall be considered part of the permitted use of "Multiple-family dwellings of all types" contained under the R-4 Multiple-Family Residence District and not considered accessory uses.

(c) For Planned Unit Developments. Accessory uses and structures in Planned Unit Developments shall be governed by the approved General Development Plan and Specific Development Plan.

(d) Plan Commission Review Procedure. If a proposed accessory use or structure requires Plan Commission review, the following procedure shall be used for such review:

- (1) Property owners shall provide the Zoning Administrator with information sufficient for the Plan Commission to judge the proposal against the review standards in (e) below. The Zoning Administrator may develop an application form to ensure that the necessary information is provided.
- (2) The Zoning Administrator shall place the proposal on the next possible Plan Commission agenda that allows for proper noticing and adequate review.
- (3) Property owners immediately adjoining the parcel and directly across a street right-of way from the parcel where the use or structure is proposed shall be notified, via first class mail at least ten (10) days prior to the Plan Commission meeting in which the use or structure will be considered, of the proposed use or structure and the time and date where the Plan Commission will consider the use or structure.
- (4) The Plan Commission shall give the public an opportunity to comment on the proposed use or structure prior to discussion of the proposed use or structure.
- (5) The Plan Commission shall vote to approve or deny the proposed use or structure, evaluating the proposal against the standards under Sec. 10-1-100(e) below.

(e) Plan Commission Review Standards. If a proposed accessory use or structure requires Plan Commission review, the following standards shall be used by the Commission as criteria for approval of the accessory use or structure:

- (1) The accessory use or structure shall not significantly alter the character of the lot or surrounding area.
- (2) The accessory use or structure shall not unreasonably interfere with occupancy of the lot in question or of other lots in the area.

- (3) The activity must not create environmental, safety or health hazards such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced by normal occupancy of the parcel under the zoning code or by normal occupancy of surrounding parcels.
- (4) The lot must contain adequate area to accommodate the accessory use or structure without interfering with the occupancy of the lot or other lots in the area.
- (5) If a permanent structure is proposed, the structure shall be placed as unobtrusively as reasonably possible on the lot.

(f) Permitted and Conditional Accessory Uses and Structures. Accessory uses are allowed per the chart below, and subject to any supplemental regulations specific to individual accessory uses and structures contained within (g) below.

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Accessory Use	Zoning District				Required Setback**	Supplemental Regulations?
	R-1 R-2 R-3	R-4	C-1 C-2 C-3	CF		
ATM (automated teller machine)			P	P	--	Y
Day Care Center, Family	P				--	Y
Farmer's Market / Farm Stand	C	C	C	C	--	Y
Home Occupation	P	P			--	Y
Outdoor Sales / Display			P		--	Y
Portable Storage Units	P	P	P	P	--	Y
Temporary Structure for Storage of Construction Materials & Equipment	P	P	P	P	--	Y
Yard Sales / Garage Sales	P	P			--	Y
Accessory Structure						
Antenna Towers / Wireless Services	C	C	C	C	*	Y
Boat House (note: <u>lake front lots only</u>)	C				*	Y
Child's Play House / Swingset / Equipment	P	P	P	P	3'	Y
<u>Compost Bin</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>3'</u>	<u>Y</u>
Deck	P	P		P	5'	Y
Dumpster Enclosure		P	P	P	3'	Y
Emergency Electric Generator	C	C	C	C	<u>5'</u>	Y
Flag Pole	P	P	P	P	5'	Y
Garage, Detached	P	P	P	P	5'	Y
Pool, Pool House, Hot Tub	P	P		C	15'	Y
Residential Quarters for Clergy	P	P		P	*	Y
Satellite Dish	P	P	P	P	*	Y
<u>Solar Array – Stand-Alone</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>3'</u>	<u>Y</u>
Sport Court (tennis, basketball, etc.)	P	P		P	5'	Y
Storage Building/Shed	P	P	P	P	3'	Y
Wind Energy Systems	P	P	P	P	*	Y

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(g) Accessory Uses and Structures Supplemental Regulations.

- (1) ATM (automated teller machine).

- a. An installation location/plan will be reviewed and approved by the Zoning Administrator and Police Department for security measures.
 - b. Other than ATMs associated with a bank drive-through facility, which must meet the setback requirements of the main structure, ATMs must be integrated into a building façade and may not be in a stand-alone structure.
- (2) Antenna Towers / Wireless Services. Subject to the requirements and procedures contained in Section 10-1-93.
- (3) Boat House.
- a. Boat houses are allowed on lots with Lake Mendota frontage only.
 - b. Boat houses, and accompanying structures intended to facilitate access to the lake, may have a zero (0) foot rear yard setback, but must be set back at least three (3) feet from the side lot line.
 - c. All relevant County and Wisconsin Department of Natural Resources regulations shall be adhered to in addition to acquiring a conditional use permit from the Village under Section 10-1-26(g).
- (4) Child's Play House / Swingset / Equipment. Permitted in the C-1, C-2, and C-3 districts only if installed in conjunction with a permitted or approved conditional use for a day care center. In the case that a day care center ceases operation, equipment shall be removed by the building owner within six (6) months.
- (5) Composting. Composting piles and/or containers must be located at least three (3) feet from a lot line, and shall be well-maintained so as to not attract vermin or generate odors that unduly impact surrounding properties.
- (6) Day Care Center, Family.
- a. The day care home shall be the principal place of residence of the operator.
 - b. No employees shall be permitted other than residents of the dwelling; however, temporary or substitute caregivers may be present periodically.
- (7) Deck. Unenclosed decks less than three feet above natural grade may be considered an accessory use. Decks that are attached to or accessible from the main structure and are three or more feet above grade at any point under the deck shall be considered part of the main structure and subject to all relevant setbacks for that structure. Retaining walls or other landscape features that are used to artificially increase the ground level shall not be considered in the deck height calculation.
- (8) Dumpster Enclosure. Location, materials, and landscape screening shall be reviewed and approved by the Plan Commission prior to construction.
- (9) Emergency Electric Generator.
- a. The electric output shall not exceed three thousand (3,000) kilowatts and the generator shall be operated a maximum of two hundred (200) hours per year.
 - b. The generator shall be located and screened to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. Screening materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot.
 - c. Generators shall comply with Chapter 21 of Village Ordinances.
- (10) Farmer's Market/Farm Stand.
- a. Within any residential district, farmer's market or farm stand shall be accessory to a non-residential use and located in the parking lot of such use.
 - b. The hours of the farmer's market or farm stand shall be set as part of the Conditional Use Permit required under Article E. All ancillary materials related to the farmer's market or farm stand (such as tables, signs, pavilions, etc.) may not be set up more than one hour before the open of the market or stand, and shall be removed within one hour of the close of the market or stand.
- (11) Flag Pole.
- a. Flag poles may be placed in the front yard, provided they are at least five (5) feet from the front lot line and flags do not encroach on surrounding properties or the right of way.

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- b. ~~Flag poles in residential districts shall not be taller than fifteen (15) feet, unless they are accessory to a non-residential use.~~
 - c. Flag poles taller than fifteen (15) feet are permitted in non-residential districts.
- (12) Garage, Detached.
- a. Lots with an attached garage may not also have a detached garage unless a conditional use permit is approved.
 - b. A detached garage shall not be for more than three cars, and shall not be larger than 850 square feet unless approved as a conditional use.
 - c. Detached garages in the R-4, C-1, C-2, C-3, and CF districts shall be reviewed by the Plan Commission for site layout and design approval prior to issuance of a building permit.
 - d. Must be at least five (5) feet from the principal structure.
- (13) Home Occupation. Permits are not required to engage in home occupations or activities provided the following standards are met:
- a. A home occupation or activity shall be secondary and incidental to the primary residential use of a lot or housing unit;
 - b. The activity cannot significantly alter the residential character of the dwelling unit, dwelling structure, or the lot;
 - c. The activity must not unreasonably interfere with residential occupancy of other lots in the neighborhood;
 - d. The activity must not create environmental, safety or health hazards such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy.
 - e. Traffic generated by the occupation or activity may not exceed that which is customary to residential occupancies in the neighborhood;
 - f. Signage of the home occupation or activity will be governed by Article H;
 - g. The lot and structure must contain adequate area to accommodate the occupation or activity without interfering with residential occupancy of other lots in the neighborhood.
- (14) Outdoor Sales/Display.
- a. Shall only be permitted in conjunction with a permitted retail use or approved conditional use in the primary structure.
 - b. The area designated for outdoor sales/display shall be shown on a site plan, which shall be reviewed and approved by the Plan Commission prior to initiation of sales/display.
 - c. ~~Temporary outdoor sales/display areas for special events or sales are permitted, provided that such an area is not in place for more than one (1) week at a time and does not occur more than fourteen (14) total days per year. The property owner or business owner shall acquire a temporary use permit from the Zoning Administrator.~~
- (15) Pool, Pool House, Hot Tub. Pool house shall not be larger than 400 square feet, and must be at least five (5) feet from the principal structure.
- (16) Portable Storage Units.
- a. A maximum of two (2) portable storage units, not exceeding a cumulative gross floor area of two hundred fifty (250) square feet shall be allowed for up to ninety (90) consecutive days within a calendar year when part of an active building permit.
 - b. When not part of an active building permit, such use is allowed for no more than ~~sixty (60)~~ days per calendar year.
 - c. The portable storage unit(s) may not be located within the front or side yard setbacks unless located in a driveway.
 - d. The property owner shall acquire a temporary use permit from the ~~Zoning Administrator.~~
- (17) Residential Quarters for Clergy.

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- a. The use shall be accessory to a place of worship.
- b. Setbacks for the principal structure for district in question apply for the residential quarters.
- c. A site plan shall be reviewed and approved by the Plan Commission prior to issuance of a building permit.

(18) Satellite Dish.

- a. Satellite dishes over one meter in width, height, or diameter require a conditional use permit.
- b. Where an alternative location is available for placement of a satellite dish or antenna, with no material delay or material reduction in signal reception and at no significant additional cost to the owner or tenant (including but not limited to a roof, rear yard or facade, or side yard or facade), no property owner or tenant in a residential district or residential dwelling unit shall install or maintain, or allow to be placed, installed or maintained, a satellite dish or antenna between the facade of a building and the street. In the event where a satellite dish must be placed on a street-facing facade in order to receive a signal, it shall be placed as inconspicuously as possible.
- c. Ground-mounted satellite dishes in residential districts shall be in the rear yard, at least three (3) feet away from any lot line, and may not be taller than six (6) feet off the ground at the top most point of the dish.
- d. Any satellite dishes and accompanying mounting equipment shall be removed within one month of a discontinuation of service.

(19) Solar Array – Stand-Alone.

- a. Plan Commission approval is required for stand-alone solar arrays.
- b. Solar arrays that are on or part of the roof of a primary structure are permitted upon acquisition of a building permit.

(20) Sport Court.

- a. Any associated lighting requires a conditional use permit.
- b. Any associated fencing must comply with Sec. 10-1-103.

(21) Storage Building / Shed.

- a. Shall not be larger than 170 square feet.
- b. Shall be permanently installed or secured to the ground.

(22) Temporary Storage of Construction Materials and Equipment. Buildings must be located on the same zoning lot as the project under construction and shall be removed within thirty (30) days following completion of construction.

Deleted: <#>Must be at least five (5) feet from the principal structure.¶

(23) Wind Energy Systems. Subject to the requirements and procedures contained in Section 10-1-91.

(24) Yard Sales / Garage Sales. A yard sale shall not exceed four (4) days in duration, and no more than one (1) sale shall be held in any three- (3) month period on any given lot.