

**CITY OF EDGERTON
EDGERTON CITY HALL
12 ALBION STREET
EDGERTON, WI**

PLANNING COMMISSION
Monday, January 25, 2021 at 6:00 P.M.

NOTE: PER EMERGENCY ORDER #1 FACE COVERINGS ARE REQUIRED

REMOTE PARTICIPATION: To participate or view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com.

1. Call to Order; Roll Call.
2. Confirmation of appropriate meeting notice posted Friday, January 22, 2021.
3. PUBLIC HEARING:
 - A. The Plan Commission will hold a public hearing to hear comments regarding a request by the City of Edgerton to amend the following sections of the Zoning Ordinance:
 - 22.304(2)(e) and 22.304(5)(z) to allow bee keeping in all zoning districts and to allow mini pigs in residential zoning districts
 - Section 22.721(1)(a) and 22.304(5)(a) to allow commercial apartments on the first floor, in the rear of, commercial structures in the B-2 Central Business District
 - B. Close the public hearing
4. Consider request by the City of Edgerton to amend the following sections of the Zoning Ordinance:
 - 22.304(2)(e) and 22.304(5)(z) to allow bee keeping in all zoning districts and to allow mini pigs in residential zoning districts
 - Section 22.721(1)(a) and 22.304(5)(a) to allow commercial apartments on the first floor, in the rear of, commercial structures in the B-2 Central Business District
5. Consider approval of December 21, 2020 Plan Commission meeting minutes:
6. Consider preliminary and final one lot CSM for the City of Edgerton to create 2 lots and one outlot east of Marshview Court (6-26-1204.1 and 1204.01).
7. Set next meeting date and future agenda items.
8. Adjourn.

cc: Commission Members All Council Members Department Heads
City Engineer Newspapers

Notice: Some members of the Commission may attend by telephone conference for this meeting.

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341.

Notice is hereby given that a majority of the Common Council is expected to be present at the above scheduled noticed meeting to gather information about a subject over which they have decision-making responsibility. The only action to be taken at this meeting will be action by the Planning Commission."

TO: Edgerton Plan Commission

FROM: Staff

MEETING DATE: January 25, 2021

DISCUSSION

The objectives of the proposed text amendments are as follows:

Commercial apartments: to allow commercial apartments on the first floor (in the rear only) of downtown buildings.

Bee Keeping: to allow bee keeping in all zoning districts in the City.

Mini pigs: to allow the keeping of mini pigs in residential districts throughout the city (single family structures only).

(In each draft ordinance, proposed text is underlined and removed text is struck through.)

Commercial Apartments

(5) Accessory Land Uses.

(a) Commercial Apartment.

Description: Commercial apartments are dwelling units which are located in conjunction with, and accessory to, ~~above the ground floor of a building used for a commercial land use (as designated in Subsection (4), above)~~ – most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

1. Permitted by Right: Not Applicable
2. Permitted by Right with Additional Special Requirements: Not Applicable
3. Conditional Use Regulations: {B-1, B-2, B-3, B-4, HMU}
 - a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
 - b. In the B-1, B-3, B-4 and HMU districts, commercial apartments cannot be located on the ground floor.
 - i. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land

uses on the site may be counted for this requirement with the approval of the Zoning Administrator.

c. In the B-2 District, commercial apartments are allowed on any floor of a structure but commercial apartments on the ground floor are allowed under the following conditions:

i. The business use shall occupy the traditional store front area(s) of the building;

ii. The commercial land use must comprise at least the front (traditional storefront) 500 sf of the ground floor. The Plan Commission may reduce this standard, as necessary ;

iii. Exterior features and architectural elements of existing building facades must not be altered in a manner which detracts significantly from the character of structure to accommodate the commercial apartment;

iv. Clear ingress and egress shall be established pursuant to all applicable building and fire codes, as amended from time to time;

v. Compliance with all other applicable city codes and regulations as may be required to allow for residential occupancy of first floor areas.

vi. Applications for the establishment of all new residential units on any floor shall include a description of where parking will be provided for each residential unit including the use of parking spaces provided by nonresidential land uses on the site.

vii. Applications for the establishment of all new residential units on the ground floor shall include a proposal to establish a window display providing interest to pedestrian traffic (i.e. advertising for a local business or attraction) in times when the commercial space is not occupied by a business.

e.d. Shall comply with Subsection 22.206, standards and procedures applicable to all conditional uses.

22.721 Central Business District (B-2).

(1) Description and Purpose:

Central Business District Architectural Requirements:

(a) General:

Nonresidential and residential construction, including new structures, building additions, building alterations, and restoration or rehabilitation shall correspond to the downtown design guidelines as determined by the Plan Commission and as evidenced by certain existing structures within the

downtown and by the following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of facade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of facade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening. Existing and new structures with less than a ten foot front yard setback must have a storefront or office (nonresidential) component on the first floor in the front of the building. All new residential construction on Fulton Street shall be required to have a storefront component. The first floor of all new construction which does not have a storefront shall provide pedestrian amenities such as sitting areas or shall have other features to make the building interesting for pedestrian traffic.

22.304 (2) Agricultural Land Uses

(e) Husbandry.

Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal unit (as defined in Subsection 22.102) per acre. Apiaries are considered husbandry land uses. Husbandry activities that are not the Principal Use of the property are regulated as Accessory uses in Section 22.304(5)(z)

1. Permitted by Right: Not Applicable
2. Permitted by Right with Additional Special Requirements: Not Applicable
3. Conditional Use Regulations: {A-1}
 - a. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
 - b. All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 10 feet from any residentially zoned property.
 - c. Shall comply with Subsection 22.206, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per employee on the largest work shift.

22.305(5) Accessory Uses

(z) Husbandry.

Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one (1) animal unit (as defined in Section 22.102) per acre where the Husbandry activities are not the Principal Use of the property. Apiaries (bee keeping) are considered husbandry land uses.

Regulations for apiaries only

1. Permitted by Right: Not Applicable.
2. Permitted by Right with Additional Special Requirements: ~~Not Applicable~~ all districts.
 - a. No bees shall be intentionally kept and maintained other than honey bees.
 - b. No hive shall exceed 20 cubic feet in volume.
 - c. No more than six hives may be kept on a zoning lot.

- d. No hive shall be located closer than three feet from any property line of a zoning lot in different ownership.
- e. No hive shall be located closer than ten feet from any property line ~~public sidewalk~~ or 25 feet from a principal building on an abutting lot in different ownership.
- f. An ever-present supply of water shall be provided for all hives.
- g. A flyway barrier at least six feet in height shall shield any part of a property line of a zoning lot in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. The barrier shall further comply with any applicable fence regulations contained in this Code of Ordinances
- h. Every owner of a hive shall obtain a license for such hive prior to establishing a hive and annually thereafter. There will be a fee of \$10.00 for said license. Hive licenses are required to be renewed by March 31st every year. License renewal payments received after the March 31st deadline will be subject to a late fee of \$5.00 in addition to any applicable license fees.
- i. Shall comply with Subsection 22.207, standards and procedures applicable to all special uses.

3. Conditional Use Regulations: ~~{For apiaries only: A-1, B-4, M-1, M-2, M-3}~~ not applicable

- ~~a. Any buildings or hives housing animals or bees shall be located a minimum of three hundred (300) feet from any residentially-zoned property, and one hundred (100) feet from all other lot lines.~~
 - ~~b. All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of ten (10) feet from any residentially-zoned property.~~
 - ~~c. Shall comply with Subsection 22.206, standards and procedures applicable to all conditional uses.~~
-

Regulations for Mini Pig keeping only: A Mini Pig is also known as a "miniature pig", "pet pigs", "small breed pigs", "American Mini Pig", or a "Potbellied Pig"

1. Permitted by Right: Not Applicable.

2. Permitted by Right with Additional Special Requirements: {R-1, R-2, R-3 and R-4}

- a. No more than two (2) Mini Pigs are allowed on a lot containing a single-family dwelling only. Pigs are not allowed on residential lots containing two (2) or more dwelling units.
- b. A Mini Pig can be no more than 24 inches tall and 150 pounds.
- c. All owners of Mini Pigs shall have such pigs tested for Pseudorabies and Brucellosis prior to being brought into the city, and shall provide proof of such tests being performed by a veterinarian properly licensed by the state.
- d. All owners of Mini Pigs shall have such pigs vaccinated for the following: Rabies, Erysipelas, Bordatella, Pasturella, and Tetanus and shall provide proof of such vaccinations being performed by a veterinarian properly licensed by the state prior to obtain a City license and with each license renewal.
- e. All Mini Pigs brought into the city must be neutered or spayed before the pig reaches six months of age. Proof of testing and having been altered will be required as a condition of a City license.
- f. Every owner of a domesticated Mini Pig shall obtain a license for such pig within seven days after bringing such pig into the city and annually thereafter. There will be a fee of \$10.00 for said license. Licensing Mini Pigs are required to be licensed by March 31st every year. License renewal payments received after the March 31st deadline shall be subject to a late fee of \$5.00 in addition to any applicable license fees. If a mini pig is acquired by an owner after March 31st, a license must be purchased within 7 days of acquiring the pet.
- g. Every owner must provide evidence that each Mini Pig is registered in accordance with the Wisconsin Livestock Premises Registration Act through the DATCP.
- h. Mini Pigs can only be established on single family properties that have outdoor space suitable for the Mini Pig Mini. Mini Pigs must be provided a fenced enclosure in a rear yard. The fence must be a solid fence, a minimum of 32" tall and adequately grounded to ensure the Mini Pig will not dig under the fence.
- i. Mini Pigs are prohibited from running at large: Mini Pigs shall be attended to by the owner or the owner's designee in the outdoor premises of the owner so as to prohibit the Mini Pig from entering upon the private property or premises of another without the prior consent of the owner or person in possession or in charge of such private property, or upon any publicly owned property and facilities. Mini Pigs are allowed on

a leash only when being walked and attended to by the owner. Mini Pigs cannot be tied in a yard by a leash if not in an enclosure.

j. The following shall be considered a public nuisance and unlawful: excessive, continuous or untimely squealing by Mini Pigs, rooting to such an extent that the animal traverses the property boundary line; running at large on three or more occasions within a 12-month period; and failure to maintain good sanitation and health care.

k. A Mini Pig counts as one animal for the maximum number of animals permitted under Section 29.90(3).

l. Shall comply with Subsection 22.207, standards and procedures applicable to all special uses.

3. Conditional Use Regulations: Not Applicable.

**DECEMBER 21, 2020 PLAN COMMISSION MEETING MINUTES
CITY OF EDGERTON**

Commission Chair Christopher Lund called the meeting to order at 6:00 p.m.

Present: Christopher Lund, Jim Burdick, Anne Radtke (remote connection), Jim Kapellen, Julie Hagemann (remote connection), and Ron Webb.

Excused: Paul Davis

Others Present: City Administrator Ramona Flanigan and a few citizens.

City Administrator Ramona Flanigan confirmed the meeting agendas were properly posted on Friday, December 18, 2020 at the Post Office, Edgerton Library, and City Hall.

MINUTES: A Ron Webb/Jim Burdick motion to approve the minutes from the December 2, 2020 Plan Commission meeting passed, all voted in favor.

CSM FOR NORTHWOODS DEVELOPMENT EAST OF DEAN ST: Jim Kapellen noted that staff comments state “the lot complies with the lot bulk standards”. He asked for an explanation. City Administrator Flanigan stated the lot bulk standards includes all the dimensional standards.

A Jim Burdick/Ron Webb motion to approve the preliminary and final one lot certified survey map located east of Dean Street passed on a 6/0 roll call vote.

CSM FOR CORNER OF GEAR DR AND W FULTON ST: Jim Kapellen/Jim Burdick moved to approve the preliminary and final two lot certified survey map located at 4 Gear Dr subject to the following conditions:

1. The final CSM indicates all easements.
2. The petitioner pays the \$10 platting fee for the new lot.

The motion passed on a 6/0 roll call vote.

PLAT OF SURVEY FOR BARBERRY LANE: A Jim Kapellen/Ron Webb motion to approve the plat of survey for four outlots located north of Barberrry Lane passed on a 6/0 roll call vote.

Being no other business before the Commission, a Chris Lund/Jim Kapellen motion to adjourn passed on a 6/0 roll call vote.

Ramona Flanigan/ch
City Administrator

Approved January 25, 2021

TO: Edgerton Plan Commission

FROM: Staff

MEETING DATE: January 25, 2021

GENERAL DESCRIPTION

Description of Request: Approval of a Preliminary and Final Certified Survey Map to create 2 lots and one outlet

Location: Marshview Court

Applicant: City of Edgerton

Current Zoning/Land Use: M-2/open space

Parcel Sizes: 1.5, 2.1 and 2.9 acres

STAFF REVIEW COMMENTS

Staff has reviewed the petition for planning issues in accordance with the Edgerton Zoning and Land Division Ordinances and has the following comments:

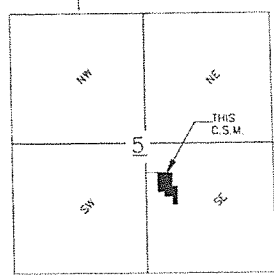
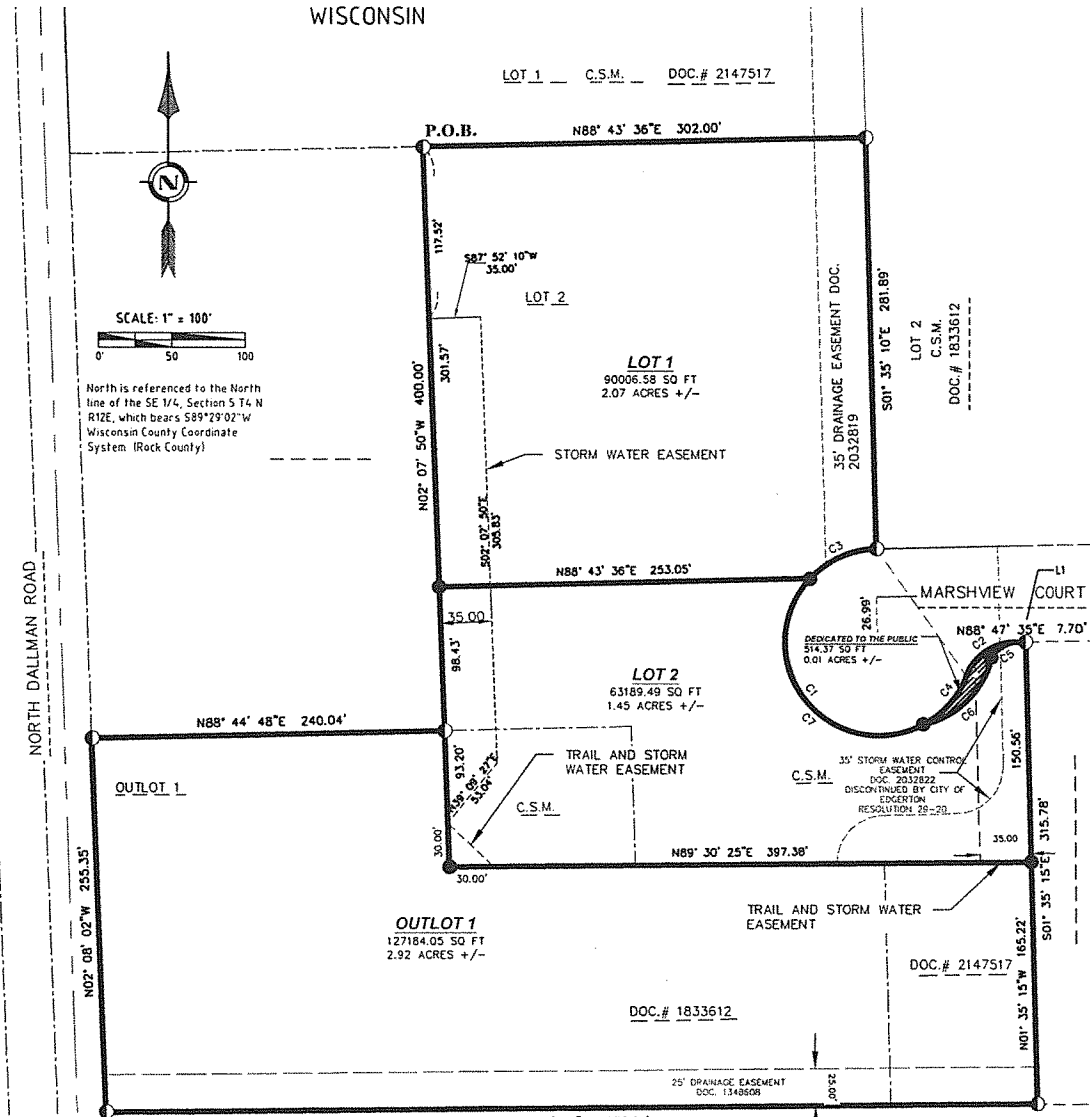
1. The proposed land division will create an outlet for the stormwater retention pond and divide the remaining land into 2 lots for development. The land division provides easements for stormwater conveyance and a walking trail that encircles the pond.

STAFF RECOMMENDATION

Staff recommends the Plan Commission recommend approval of the proposed Preliminary and Final one lot Certified Survey Map to create 2 lots and an outlet on Marshview Court.

CERTIFIED SURVEY MAP NO. _____
VOLUME _____, PAGE _____

A RE-DIVISION OF LOT 2 OF CERTIFIED SURVEY MAP AS RECORDED AS DOCUMENT 2147517, AND OUTLOT 1 OF CERTIFIED SURVEY MAP AS RECORDED AS DOCUMENT 1833612 OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 12, EAST, CITY OF EDGERTON, ROCK COUNTY, WISCONSIN



NW 1/4 OF THE SE 1/4 SECTION 5
 T5N R12E
 1"=3000'
OWNER/PREPARED FOR:
 City of Edgerton
 12 Albion Street
 Edgerton, WI 53534

Line Table

Line #	Length	Direction
L1	7.70'	N88° 47' 30"E

Curve Table

Curve #	Length	Radius	Central Angle	Chord Length	Chord Bearing
C1	276.41'	64.00'	242° 27' 18"	105.46'	S35° 08' 45"E
C2	42.52'	36.00'	67° 39' 59"	40.09'	N54° 57' 36"E
C3	51.37'	64.00'	45° 59' 12"	30.00'	S65° 35' 18"W
C4	45.31'	64.00'	40° 33' 58"	44.37'	N41° 24' 35"E
C5	19.63'	20.10'	56° 30' 16"	19.03'	S58° 16' 56"W
C6	68.50'	62.26'	83° 01' 19"	65.10'	S45° 24' 30"W
C7	179.73'	64.00'	160° 54' 07"	126.23'	N37° 51' 22"W

LEGEND

- ⎓ Road Dedication
- ⊕ Government Corner (As Noted)
- ⦿ Found 3/4" Rebar Stake
- Set 3/4" x 18" Rebar Weighing 1.502 Pounds/Lineal Foot
- () Recorded As

Mitchell J. Reimer
 Cedar Corporation
 W61 N497 Washington Ave
 Cedarburg, Wisconsin 53012
 SHEET 1 OF 3 SHEETS