

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

**PLANNING COMMISSION**  
Wednesday, June 21, 2023 at 6:00 P.M.

**NOTICE:** The meeting noticed above will also be live streamed on a Zoom platform: To 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](http://www.cityofedgerton.com). Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to Order; Roll Call.
2. Confirmation of appropriate meeting notice posted Friday, June 16, 2023.
3. PUBLIC HEARING:
  - A. The Plan Commission will hold a public hearing to consider a request by the City of Edgerton to amend Sections 22.304(5)(d) Detached Private Garage, Carport or Utility Storage Shed of the Zoning Ordinance to modify regulations regarding sewer service to accessory structures.
  - B. Close the public hearing.
4. Consider a request by the City of Edgerton to amend Sections 22.304(5)(d) Detached Private Garage, Carport or Utility Storage Shed of the Zoning Ordinance to modify regulations regarding sewer service to accessory structures.
5. PUBLIC HEARING:
  - A. The Plan Commission will hold a public hearing to consider a request by the City of Edgerton for approval of a zoning change from R-4 Residential District Four to B-3 Large Scale Business District Commercial for the property located at 1009 N Main Street. (parcels 6-26-955.2D2 and 6-26-955.2C).
  - B. Close the public hearing.
6. Consider a request by the City of Edgerton for approval of a zoning change from R-4 Residential District Four to B-3 Large Scale Business District Commercial for the property located at 1009 N Main Street. (parcels 6-26-955.2D2 and 6-26-955.2C).
7. PUBLIC HEARING:
  - A. The Plan Commission will hold a public hearing to consider a request by the City of Edgerton to amend various sections of Chapter 23 (New Code Chapter 442) Subdivision of Land and Chapter 22 (New Code Chapter 450) Zoning as part of the recodification process. Copies of the proposed amendments are available at City Hall.
  - B. Close the public hearing.

8. Consider a request by the City of Edgerton to amend various sections of Chapter 23 (New Code Chapter 442) Subdivision of Land and Chapter 22 (New Code Chapter 450) Zoning as part of the recodification process. Copies of the proposed amendments are available at City Hall.
9. Consider approval of May 8, 2023 Plan Commission meeting minutes.
10. Set next meeting date and future agenda items.
11. Adjourn.

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

**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."

# Memo

**To:** Plan Commission  
**From:** Staff  
**Date:** 6/15/2023  
**Re:** June 21, 2023 Meeting

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**Proposed text amendment.** New text is underlined and deleted text is struck through.

The proposed ordinance amendment allows toilets and exterior showers in detached garages, (not in utility sheds or carports) and removes the requirement that an accessory structure have a garage door and a driveway if it also has sewer and water service.

**(d) Detached Private Garage, Carport, or Utility/Storage Shed.**

Description: A detached private garage or carport is a structure that primarily accommodates the sheltered parking of a passenger vehicle. A utility/storage shed is an accessory structure that accommodates the storage of residential maintenance equipment and shall not be used to store cars, trucks or related non-recreational vehicles. A playhouse is an accessory structure that is intended for use as a small recreational structure. A gazebo is an accessory structure intended for use as a temporary shelter. These structures must be located so as to be accessory to a principal land use on the same or adjacent lot. If located on an adjacent lot, the owner must record a deed restriction prohibiting the sale of the two parcels separately. A polystructure is not: a garage; a carport if it is attached to another structure; a utility shed; a playhouse; or a gazebo.

Sewer and water service may be installed to serve a Detached Private Garage, Carport or Utility/Storage Shed under the following conditions: the structure cannot have a toilet or shower installed, except for an exterior shower in conjunction with a swimming pool; ~~the structure must have a garage door and a driveway~~; the petitioner must file a deed restriction stating that the garage cannot be used as either living quarters or in the operation a business unless local land use permits are obtained and all building, local, and state codes are met. The deed restriction must be filed before a building permit is issued.

**TO:** Edgerton City Council

**FROM:** Ramona Flanigan

**MEETING DATE:** June 21, 2023

**GENERAL DESCRIPTION**

**Description of Request:** Approval of a zoning change from R-4 Residential District Four to B-3 Large Scale Commercial District.

**Location:** 1009 N Main Street (6-26-955.2D2 and 6-26-955.2C)

**Applicant:** City of Edgerton

**Current Zoning/Land Use:** R4 / commercial

**Parcel Size:** approx. 2.6 and .4 acres

**STAFF REVIEW COMMENTS**

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

1. The subject parcels are currently used as a pharmacy and financial institution. The parcels were zoned to R-4 several years ago to facilitate a proposed redevelopment of the then vacant medical clinic into a residential use. Due to a mapping error, the property was not rezoned to commercial when that project failed to occur and when the property was redeveloped into its current use. To correct the error, the city is requesting to rezone the parcels to B-3 Large Scale Commercial similar to surrounding commercial parcels.
2. Zoning and land uses of adjacent parcels consist of the following: B-3 commercial to the north and southeast (service and clinic); R-4 Residential to the west (single family house and institutional residential) and R-1 Residential to the southeast and east (single family houses).
3. The main lot meets the B-3 district standards. The rear lot is land locked and therefore does not meet the frontage standards for any zoning district.

**STAFF RECOMMENDATION**

Staff recommends the Plan Commission recommend approval of the rezoning. This recommendation is based on the finding that the potential public benefits of the proposed rezoning outweigh any and all potential adverse impacts of the proposed rezoning.



# Memo

**To:** Plan Commission  
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**Ordinance changes related to recodification:** Please recall the Plan Commission has discussed various changes to the zoning ordinance as part recodification process which is a comprehensive rewrite of the code book.

Changes to the Zoning and Subdivision chapters require a public hearing. Attached is a list of changes proposed to those chapters. Many of the items are non-substantive, reference updates or were previously discussed by the Plan Commission. Please note the changes related to fees are not changes to the actual fees (unless specifically listed) but instead all fees are being removed from the code and put in a fee schedule. The items highlighted are new substantive changes with staff comments in bold.

## **Chapter 442, Subdivision of Land.**

A. Section 442-20F is added to read as follows:

*Penalties for violations not listed above shall be in accordance with the general penalty as set forth in § 1-6 of this Code.*

B. In § 442-102 the definition of "County Planning Agency" is repealed.

## **Chapter 450, Zoning.**

A. In Chapter 450, "Comprehensive Plan" is changed to "Comprehensive Master Plan."

B. In § 450-10 in the definition of "Group homes for children" the reference to Department of Health and Social Services has been updated to Department of Children and Families.

C. In § 450-10 in the definition of "animal unit" Subsection O is amended to read: "One of any of the following: horse, mule, donkey or pony." And Subsection P is added to read: "One hundred animals for fur-bearing."

D. In § 450-23C(3) "Landscape Point" is revised to "plantings, fencing and berm."

E. In § 450-25B "forfeit not less than \$25 nor more than \$500" is revised to "forfeit not more than \$50." **This change recommended by staff and municipal judge to bring penalty in line with other penalties.**

F. In § 450-26 the reference to §§ 66.122 and 66.123, Wisconsin Statutes, is updated to § 66.0119, Wis. Stats.

G. Section 450-28A is amended to read as follows:

A. *Fees for procedures requested by a private party. Fees, as set by the City Council and stated on the City's current Fee Schedule, on file in City Hall, are hereby established and required for the following:*

- (1) *Certificate of occupancy (per § 450-15).*
- (2) *Conditional use (per § 450-16).*
- (3) *Text amendment (per § 450-19).*
- (4) *Zoning Map amendment (§ 450-20).*
- (5) *Variance (per § 450-21).*
- (6) *Zoning interpretation or appeal of zoning interpretation (per § 450-22).*
- (7) *Site plan (per § 450-23).*
- (8) *Sign permit (per § 450-59).*
- (9) *Filing or recording fee with City Clerk.*
- (10) *Uses permitted by right with special requirements \$20 (per § 450-17).*
- (11) *Temporary uses (per § 450-18).*
- (12) *Annexation (per § 450-27). The owner of the annexed property shall pay the shortfall in property taxes if the local tax revenue collected by the City from the annexed property is less than the local taxes collected by the town for the last year the property was located in the town. If applicable, the property owner shall pay the fee each year for five years after the effective date of the annexation.*
- (13) *Sandwich board signs (per § 450-61).*

H. In § 450-32C: Subsection C(2) is broken into two subsections and amended (and subsequent subsections renumbered accordingly) to read:

(2) *A lot of record existing upon the effective date of this chapter which does not meet the minimum lot area (MLA) requirements but complies with all other bulk requirements may be developed in accordance with § 450-32C.*

(3) *A lot of record existing upon the effective date of this chapter which does not meet the lot width or frontage requirements of Article VIII of this chapter may be developed with a use that is allowed in the zoning district in which it is located, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this chapter. Lots with smaller dimensions for width and frontage than mentioned above shall not be developed unless a conditional use is granted by the Plan Commission. Development of vacant nonconforming lots granted permits under this section shall be required to meet the yard/setback, height, parking, loading, access provisions, and other development regulations, except lot width and frontage requirements unless otherwise specified, of this chapter.*

I. Section 450-32C(4)(b)[2] is amended to change “dimensional requirement” to “area requirement.”

J. Sections 450-33A(2)(e)[3][c], A(2)(f)[3][c] and A(2)(g)[3][c] are added to read: “Cannot be located on the first floor for buildings having a setback of less than 10 feet from any street.” **This applies to multi-family structures.**

K. In § 450-33A(2)(h) the reference to § 101.91(2k), Wis. Stats., is updated to § 101.91(10).

L. In § 450-33A(2)(j) the reference to § 22.07(52)(a) is revised to read § 101.71(6), Wis. Stats.

M. In § 450-33A(4)(c)[1] the phrase “The mobile home park residential development shall comply with the requirements of” is deleted. **No change in lot size.**

- N. In § 450-33D(10)(c)[8] “14 days” is revised to “10 days.” **Bed and Breakfast regulation. State definition of B&B limits to 10 days.**
- O. In § 450-33E(21)(c)[2], the reference to § 66.304(b)(2) is updated to § 66.1017, Wis. Stats.
- P. Section 450-33E(26)(a)[2][g] is revised as indicated: “... There will be a fee of ~~\$10~~ as set by the City Council in the current Fee Schedule for said license. ... will be subject to a late fee as set by City Council of ~~\$5~~ ... ”
- Q. In § 450-33G(5) the reference to § 144.01(15) is updated to § 289.01(33), Wis. Stats., and in Subsection G(5)(c)[5] the reference to Chapter 144 has been updated to Chapter 289 of the statutes.
- R. In §§ 450-33H(4) and 450-33I(1) "Subsection 17.70(8)(m), below" and "Subsection 8(h), below" are updated to “§ 450-33E(16) above.”
- S. In § 450-33I(5)(d)[3], [4], [5], [6] and I(7)(c)[4], [5], [6], [7] references to "22(4)(c)1-6" are updated to “§ 450-16D(3)(a) through (f).”
- T. In § 450-33I(5)(d)[12] and I(7)(c)[10] the reference to § 66.052 is updated to § 66.0415, Wis. Stats.
- U. Section 450-36B is amended, in part, to read: “... having a post(s) 12 inches in diameter or more and also having the bottom edge of the sign less than eight feet high ...” **Clarifies vision triangle regulations**
- V. In § 450-48C(2) the reference to the “Wisconsin Department of Public Health” is revised to “Wisconsin Department of Natural Resources.”
- W. Section 450-54P(1) “at a fee to the applicant of \$10” is revised to “at a fee as set by the City Council in the current Fee Schedule.”
- X. Section 450-55A(1) is amended to change “agency” to “Zoning Administrator” and, in subsection (1)(d), change “Plan Commission” to “City.” **Solar regulations**
- Y. Section 450-61A(14)(a)[2][f] is amended to read as follows:  
*Fee. An annual permit fee as set by the City Council in the current Fee Schedule is required for a sandwich board sign.*
- Z. The last sentence of § 450-64A is amended to read as follows:  
*A permit fee for a temporary sign shall be as set by the City Council in the current Fee Schedule.*
- AA. In § 450-77 “Waukesha County” is revised to “Rock County.”
- BB. Sections 450-83C(1)(e), 450-84C(1)(e), 450-85C(1)(e) and 450-86C(1)(e) are each amended to change “10%” to “15%.” **Increase size of accessory building coverage to allow for 900 sf garage on most lots.**
- CC. Section 450-88B(3)(b) is amended to add “- only uses described in § 450-33A(2)(e), (f) and (g) **Allows multifamily in the downtown zoning district, not one and two family.**
- DD. Sections 450-96B(2)(f), Cultivation, and 450-96B(3)(h), Cultivation, are repealed.
- EE. In § 450-101F the reference to § NR 811.16(4)(d), Wis. Adm. Code, is revised to § NR 811.12(5)(d), Wis. Adm. Code.
- FF. Section 450-101H is revised to read as follows:  
*Enforcement. Any person, firm, or corporation who fails to comply with the provisions of this section shall be subject to a penalty in accordance with § 450-25.*
- GG. The Table of Land Uses, an attachment to the chapter, is updated to reflect changes in the provisions in § 450-32.



**MAY 8, 2023 PLAN COMMISSION MEETING MINUTES  
CITY OF EDGERTON**

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

Present: Chris Lund, Paul Davis, Theran Springstead, Jim Kapellen, Julie Hageman and Ron Webb.

Excused: Jim Burdick

Also present: City Administrator Ramona Flanigan, many citizens from Mildred area, Shawn Prebil and Bill Brooks.

Flanigan confirmed the meeting agendas were properly posted on Friday, May 5, 2023 at the Post Office, Edgerton Library, the City's website and City Hall.

**MINUTES:** A Jim Kapellen/Ron Webb motion to approve the April 6, 2023 Plan Commission meeting minutes passed, all voted in favor.

**111 INTERSTATE BLVD PLANNED DEVELOPMENT CONCEPT PLAN:** Bill Brooks, the owner of Proven Power Inc, and potential purchaser of the existing building at 111 Interstate Blvd, requested the Plan Commission discuss a Concept Plan for a Planned Development for the reuse of the property. The Plan Commission viewed a video provided by the petitioner that described the proposed "missed" use. The petitioner provided a list of various uses his company wishes to establish in the building that includes: motorcycle sales and service, taproom/café, barber shop, office, and outdoor display. The Plan Commission provided general comments supporting the proposal and staff explained that the next step in the Plan Development approval process is a public hearing for the rezoning.

**1 W FULTON STREET REQUEST FOR PARKING WAIVER:** Developer David Baehr, indicated he is interested in redeveloping the warehouse at 1 W Fulton Street (Dickinson Warehouse) into 10 residential units - 4 having two bedrooms and six having one bedroom. He provided a sketch showing how 7 additional parking spaces could be added to the public parking lot located west of the building and how additional parking could be added to the gravel lot south of the building by paving the lot to make it more efficient. Baehr explained that he would use as many units as there is demand for as short term rentals and the other units would be conventional rental apartments. He believes 10 parking stalls would be adequate for the development. To accomplish this, he would need authorization to "restrict" three stalls in the lot south of the building for his use.

The Plan Commission recognized that parking in the area is limited but also that if the building was going to be redeveloped and saved, any use would create a need for more parking.

A Jim Kapellen/Paul Davis motion to grant a parking waiver to 1 W Fulton Street with the conditions that 10 reserved stalls are created for this development and that the other stalls created are available to the public passed on a 6/0 roll call vote.

**Preliminary Conference for development on Rock River Drive (6-26-1193):** The Plan Commission held a preliminary conference to provide input on a proposed development by Todd Nelson for a 3 acre parcel on Rock River Drive. Nelson proposed to construct two, eight unit multi family structures. Several citizens from the neighborhood near the proposed development attended the meeting and spoke in opposition to the proposal. Concerns include traffic, safety, stormwater control, and density. Mr. Nelson indicated that he would be willing to meet with the neighbors before requesting approval of a Comprehensive Plan amendment and a rezoning. Kapellen recommended Mr. Nelson meet with the neighbors to see if an agreement could be reached. The citizens and Mr. Nelson left the meeting to discuss the development proposal further.

**Regulations for sewer and water in accessory buildings:** Current regulations for sewer and water service to accessory structures do not allow the installation of toilets and showers. Some residents requested the ordinance be amended to allow the installation of toilets. The Commission discussed various possible modifications and directed staff to prepare and ordinance that allows toilets and outdoor showers and removes that requirement that the accessory structures with water and sewer service have a garage door and a driveway.

**CONSIDER EXTRATERRITORIAL LAND DIVISION FOR EVERGREEN ON N ARROWHEAD SHORES RD IN SECTION 16 OF THE TOWN OF FULTON:** A Jim Kapellen/Ron Webb motion to approve an extraterritorial land division for Evergreen on N Arrowhead Shores Rd in Section 16 of the Town of Fulton passed on a 6/0 roll call vote.

**CONSIDER EXTRATERRITORIAL LAND DIVISION FOIR FARRINGTON ON CNTY HWY F IN SECTION 16 OF THE TOWN OF FULTON:** A Ron Webb/Paul Davis motion to approve an extraterritorial land division for Farrington on Cnty Hwy F in Section 16 of the Town of Fulton passed on a 6/0 roll call vote.

Being no other business before the Commission, a Ron Webb/Theran Springstead motion to adjourn passed, all voted in favor.

Ramona Flanigan/wjl  
City Administrator