

PLAN COMMISSION MEETING

Monday, November 14, 2016 at 4:30 p.m.

Council Chambers in the Municipal Building

AGENDA:

- 1) Chapter 545, Subdivision of Land – Review Public Hearing Comments
- 2) Chapter 550, Zoning – Review Public Hearing Comments
- 3) Chapter 550-52(H)1 – Initial Review & Recommendation (from Historic Preservation
Downtown Design Commission)
- 4) Plan Commission Minutes – October 24, 2016

Review Chapter 545: Subdivision of Land, Recodification Changes

Background:

On October 4, 2016 the City of Watertown Common Council adopted the recodified General Code of the City of Watertown. However, during the recodification process, the City revisions in Chapter 545, Subdivision of Land, were not subject to the review, notice and hearing requirements for subdivision of land amendments under § 236.45(4), Wis. Stats. To be adopted the Plan Commission needs to advance Chapter 545 as such.

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. Common Council Public Hearing
 - a. There were no comments made during the Public Hearing in regards to the recodification and amendment of Chapter 545: Subdivision of Land
2. The Zoning Administrator will create an Ordinance with the assistance of the City Attorney.

Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning Administrator:

1. The Plan Commission can make a negative recommendation to the Ordinance Amendment.
 - a. The Ordinance would still go forward to the Common Council, but with the negative recommendation
2. The Plan Commission can make a positive recommendation to the Ordinance Amendment without changes.
 - a. The Ordinance would go forward to the Common Council, with a positive recommendation
3. The Plan Commission can make a positive recommendation to the Ordinance Amendment with changes.
 - a. The Ordinance would go forward to the Common Council, but with the identified changes and a positive recommendation

Any physical connection or arrangement between the municipal sewer system which contains wastewater or other processed water ~~from~~ and a private source such as a building, residence or other private property which has been used for any purpose.

Chapter 532, Floodplain and Shoreland-Wetland Zoning.

- A. References to “land use permit” in § 532-16D and elsewhere in this chapter are revised to “building permit.”
- B. In § 532-33A(4) “registered land surveyor” is revised to “professional land surveyor.”
- C. In §§ 532-36B and 532-45F references to “zoning agency” (or board) are revised to “Plan Commission.”
- D. In § 532-49 the definition of “municipality or municipal” is amended to read: “The City of Watertown, Wisconsin.”

Chapter 545, Subdivision of Land.

- A. Section 545-5A(1) is amended to add: “and the State of Wisconsin in accordance with § 236.12, Wis. Stats.”
- B. In § 545-5A(6) 6 months is changed to 36 months.
- C. In § 545-6A(6) 30 days is changed to 60 days.
- D. Section 545-6A(8) is amended to read:

The final plat shall be recorded with the Dodge or Jefferson County Register of Deeds only after certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by § 236.21, Wis. Stats., are placed on the face of the plat. The developer shall record the final plat with the proper County Register of Deeds within 12 months after the date of the last approval of the plat and within 36 months after the first approval. All required fees shall be due and payable prior to the proper City officials' signing of the approved final plat. If the final plat is not recorded within this time period, or an extension is not approved by the Plan Commission, then a penalty payment of \$100 per calendar day shall accrue, beginning with the 31st day through the date of recording. The penalty payment shall be made to the City Clerk/Treasurer and must be paid in full prior to the issuance of building permits by the City within the platted area.
- E. Section 545-6A(10) is amended to add “or digital file.”
- F. Section 545-7A(3) is amended to change 45 days to 90 days.

- G. In § 545-33C and D references to “impact fee” are revised to “fee.”
- H. Section 545-37B is amended to change 12 inches to 8 inches.

Chapter 550, Zoning.

A. Nomenclature changes in this chapter:

- Zoning Inspector to Zoning Administrator
- Comprehensive Master Plan or Master Plan to Comprehensive Plan
- Certificate of occupancy to occupancy permit.
- Registered land surveyor to professional land surveyor

B. Section 550-15, Definitions:

(1) The table in the definition of “animal unit” is completed.

(2) The definition of “appeal” is amended to read:

APPEAL — A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of § 550-148.

(3) The definition of “master plan” is deleted and the definition of “comprehensive master plan” is amended to read:

COMPREHENSIVE PLAN — The Comprehensive Plan of the City of Watertown, Wisconsin, adopted August 1, 2000, as amended through current version,

(4) The definition of “family is amended to read:

FAMILY — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present: 1) the group shares the entire dwelling unit; 2) the group lives and cooks together as a single housekeeping unit; 3) the group shares expenses for food, rent, utilities or other household expenses; 4) the group is permanent and stable and not transient or temporary in nature; 5) any other factor reasonably related to whether the group is the functional equivalent of a family. This definition is not intended to prohibit group homes or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority of the State Department of Health Services or the State Department of Children and Families or other state department or agency.

Review Chapter 550: Zoning, Recodification Changes

Background:

On October 4, 2016 the City of Watertown Common Council adopted the recodified General Code of the City of Watertown. However, during the recodification process, the City revisions in Chapter 550, Zoning, were not subject to the review, notice and hearing requirements for zoning amendments under § 62.23(7)(d)2., Wis. Stats. To be adopted the Plan Commission needs to advance Chapter 550 as such.

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. Common Council Public Hearing
 - a. There were no comments made during the Public Hearing in regards to the recodification and amendment of Chapter 550: Zoning
2. The Zoning Administrator will create an Ordinance with the assistance of the City Attorney.

Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning Administrator:

1. The Plan Commission can make a negative recommendation to the Ordinance Amendment.
 - a. The Ordinance would still go forward to the Common Council, but with the negative recommendation
2. The Plan Commission can make a positive recommendation to the Ordinance Amendment without changes.
 - a. The Ordinance would go forward to the Common Council, with a positive recommendation
3. The Plan Commission can make a positive recommendation to the Ordinance Amendment with changes.
 - a. The Ordinance would go forward to the Common Council, but with the identified changes and a positive recommendation

- G. In § 545-33C and D references to “impact fee” are revised to “fee.”
- H. Section 545-37B is amended to change 12 inches to 8 inches.

Chapter 550, Zoning.

- A. Nomenclature changes in this chapter:
- Zoning Inspector to Zoning Administrator
 - Comprehensive Master Plan or Master Plan to Comprehensive Plan
 - Certificate of occupancy to occupancy permit.
 - Registered land surveyor to professional land surveyor
- B. Section 550-15, Definitions:
- (1) The table in the definition of “animal unit” is completed.
- (2) The definition of “appeal” is amended to read:
- APPEAL — A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of § 550-148.*
- (3) The definition of “master plan” is deleted and the definition of “comprehensive master plan” is amended to read:
- COMPREHENSIVE PLAN — The Comprehensive Plan of the City of Watertown, Wisconsin, adopted August 1, 2000, as amended through current version,*
- (4) The definition of “family is amended to read:
- FAMILY — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present: 1) the group shares the entire dwelling unit; 2) the group lives and cooks together as a single housekeeping unit; 3) the group shares expenses for food, rent, utilities or other household expenses; 4) the group is permanent and stable and not transient or temporary in nature; 5) any other factor reasonably related to whether the group is the functional equivalent of a family. This definition is not intended to prohibit group homes or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority of the State Department of Health Services or the State Department of Children and Families or other state department or agency.*

(5) The definition of “residential collector street” is amended to read:

RESIDENTIAL COLLECTOR STREET — See "street, residential collector."

(6) In the definition of “street, arterial” 3,500 vehicles is amended to read 5,000 vehicles

- C. In § 550-33A, the “rationale” paragraph is amended to change “Suburban Commercial District” to “Planned Business District.”
- D. Section 550-47A is amended in part to read: “All uses of land shall comply with all the regulations and requirements of this chapter pertaining to the types of uses to which land may be put within particular zoning districts.”
- E. Section 550-52L(1)(m) is amended to change “license” and “licensee” to “permit” and “permittee,” respectively.
- F. In § 550-52S(2)(a), “Planned General Business” is amended to “Planned Business.”
- G. Sections 550-53E(1)(e) and 550-55D(1)(d) are amended to reflect combined approval by both the City Attorney and the Zoning Administrator and to revise “proposed condition” to “previous condition.”
- H. Section 550-118C(2) is amended to change “Department of Public Health” to Department of Natural Resources.”
- I. Section 550-119C(1) is amended to change “toxic or noxious material” to “waste material.”
- J. Section 550-121A is amended to delete the extraneous word “creation” from the subsection.
- K. Section 550-121D is amended to add: “except as provided in § 550-69B(5)(d) for group developments”
- L. Section 550-123A is amended to delete “except B-2”
- M. Section 550-123E(3)(a) is amended to read: “Fences in excess of 36 inches tall shall not be permitted within a front yard setback nor in any location in a front yard that is closer to the street than the building;”
- N. Section 550-123E(6) is amended to read: “Fencing for swimming pools shall be provided per § 550-127.

- O. Section 550-149 is amended to read in its entirety: "Historic preservation regulations are contained in Chapter 325, Historic Preservation, of the City Code."
- P. Section 550-152B(3) is amended to change reference to R-4 District to MR-10 District.
- Q. In § 550-156C(2) the last sentence is amended to read: "If a quorum is present, the Board of Appeals may take action by a majority vote of the members present to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter."
- R. In § 550-156E the last sentence is amended to change five days to 10 days and 300 feet to 200 feet.
- S. In § 550-156I 30 days is revised to 60 days.
- T. The end of § 550-158B(4) is amended to read: "as a special charge as provided by §66.0627, Wis. Stats."
- U. Section 550-24B(2)(a) and (b) are deleted:
~~Twin house/duplex: 9,000 sf lot; new twin houses/duplexes or conversions from single family may be approved as a conditional use within a period of 365 days after the effective date of this chapter. New twin houses/duplexes or conversions from single family shall not be approved in the SR-4 District after 365 days of the effective date of this chapter.~~

~~Two flat: 9,000 sf lot; new two flats or conversions from single family may be approved as a conditional use within a period of 365 days after the effective date of this chapter. New two flats or conversions from single family shall not be approved in the SR-4 District after 365 days of the effective date of this chapter.~~
- V. Section 550-35B(2)(c) is added to read: "Indoor institutional."
- W. In § 550-37B(2) Original subsection (l), Extraction, is deleted.

Initial Review Chapter 550-52H(1): Zoning, Indoor Commercial Entertainment

Background:

The City of Watertown's Historic Preservation & Downtown Design Commission has concerns about nuisance issues in the Central Business District that revolve around various Indoor Commercial Entertainment establishments. Indoor Commercial Entertainment land uses are only allowed via a Conditional Use Permit, **they are not allowed by right** in any Zoning District within the City of Watertown. The addition of the attached language would give the City stronger enforcement abilities in regards to nuisance Indoor Commercial Entertainment establishments.

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. Any action under the proposed language would be subject to 550-142G:

Termination of an approved conditional use. Upon approval by the Plan Commission, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per § 550-145. Once a conditional use is granted, no erosion control permit, site plan approval (per § 550-145), occupancy permit (per § 550-146), or building permit shall be issued for any development which does not comply with all requirements of this chapter. Any conditional use found not to be in compliance with the terms of this chapter or conditions of its approval shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission following the procedures outlined in Subsections B through F above.

2. The proposed amendment was sent to the City of Watertown's Police Chief and Attorney.
 - a. Under council of the City Attorney, "reasonably substantiated" was added to the language of the amendment.
3. The language for the amendment was adopted from the Raising and Keeping of Chickens Ordinance, Section 550-56X(1)(f)(4) (attached).

Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning Administrator:

1. The Plan Commission needs to set a Public Hearing date before the Common Council
 - a. The Zoning Administrator recommends December 6, 2016 Common Council for a public hearing date.

- [2] Chickens shall not be permitted on a lot where the duplex is not owner-occupied, triplexes or any other higher-density residential dwelling units.
- (b) A maximum of four chickens may be kept per residential lot.
- (c) Keeping of one or more roosters is prohibited.
- (d) The sale of chickens, chicken meat, eggs or other chicken by-products is prohibited.
- (e) Chicken coop and run required.
- [1] Chickens shall be provided with a chicken coop (i.e., a covered roosting area) and an adjacent chicken run (i.e., enclosed area in which chickens are allowed to walk and run about).
- [2] Chickens shall be kept in the coop or chicken run at all times.
- [3] The coop shall be a stand-alone structure located in the rear yard at least 25 feet from all property lines and at least 10 feet from the principal structure as depicted in the illustration to follow.
- [4] The coop shall not exceed 32 square feet in area nor 10 feet in height.
- [5] The chicken run shall be located adjacent to the coop and shall be at least 25 feet from all property lines and at least 10 feet from the principal structure as depicted in the illustration to follow.
- [6] The chicken run shall not exceed 64 square feet in area and the fence surrounding it shall be between 48 and 96 inches in height.
- [7] Chickens shall not be permitted in any other structure on the lot, including garages, basements and attics.
- (f) License.
- [1] No owner or occupant shall keep chickens without the prior issuance of a "raising of chicken" permit and a residential building permit for the chicken coop and run by the City of Watertown Building, Safety and Zoning Department.
- [2] Prior to issuance of a license by the City, the applicant shall provide the City with proof of notification to all abutting property owners of the presence of chickens.
- [a] In the instance of an owner-occupied two-family duplex, the tenant must provide the City with the owner's written consent to the presence of chickens along with proof of notification to all abutting property owners.
- [3] Prior to issuance of a license by the City, the applicant shall provide proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- * [4] The City may revoke the license if two or more substantiated violations of the City of Watertown Code are received by the City within a twelve-month period.
- (g) Chickens are defined as females of the subspecies *Gallus gallus domesticus*.

NOTICE OF PUBLIC HEARING

Notice is hereby given by the Common Council of the City of Watertown, Wisconsin, that a public hearing will be held on the 6th day of December, 2016 in the Council Chambers of the Municipal Building, 106 Jones Street, Watertown, Wisconsin at 7:00 P.M., or shortly thereafter, to adopt and further amend through the addition language to Chapter 550-52H(1), Zoning: Indoor Commercial Entertainment. The amendment seeks to revoke the Conditional Use Permit for Indoor Commercial Entertainment, if two or more reasonably substantiated violations of the City of Watertown Code are received by the City within a twelve-month period. A copy of the proposed amendments are on file at the City Clerk's Office for review 8:00 a.m. to 4:30 p.m., Monday through Friday.

All persons wishing to be heard are invited to be present. Written comments may be submitted to City Clerk Cindy Rupprecht, 106 Jones Street, Watertown, WI 53094.

CITY OF WATERTOWN

Jacob A. Maas
Zoning Administrator

JM/nmz

PUBLISH:

November 22, 2016
and
November 29, 2016

(BLOCK AD)

550-52H: Indoor Commercial Entertainment

H. Indoor commercial entertainment. Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

(1) Regulations:

(a) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.

(b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).

(2) Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).

AN ORDINANCE

TO AMEND CHAPTER 550, ARTICLE IV, ZONING CODE: DETAILED LAND USE DESCRIPTIONS AND REGULATIONS, THROUGH THE ADDITION OF LANGUAGE TO SECTION 550-52H(1), COMMERCIAL LAND USES: INDOOR COMMERCIAL ENTERTAINMENT

Sponsor: Mayor David
From: Plan Commission

SECTION 1. Amend Section 550-52H(1), Commercial Land Uses: Indoor Commercial Entertainment

* * *

(1) Regulations:

(a) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.

(b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).

(c) The City may revoke the Conditional Use Permit if two or more reasonably substantiated violations of the City of Watertown Code are received by the City within a twelve-month period.

* * *

SECTION 2. Finding of Facts:

(1) The proposed text amendment furthers the purposes of this Chapter as outlined in Section 18.005:

(2) The proposed text amendment furthers the purpose of the general Article in which the amendment is proposed to be located.

(3) The proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.

(4) The following factors have arisen that are not properly addressed in the current zoning text:

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed

SECTION 4. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	07/05/2016		07/19/2016	
READING:	1ST		2ND	
	YES	NO	YES	NO
MCFARLAND				
SMITH				
BERG				
LARSEN				
ZGONC				
RAETHER				
TIETZ				
MARON				
ROMLEIN				
MAYOR DAVID				
TOTAL				

ADOPTED _____

CITY CLERK/TREASURER

APPROVED _____

MAYOR

Plan Commission Minutes
Monday, October 24th, 2016

The Plan Commission met on the above date at 4:30pm in Council Chambers of Municipal Building with the following members present: Fred Smith, Ken Berg, Augie Tietz, Rick Tortomasi, Sherry Cira, City Engineer Jaynellen Holloway along w/ Zoning Administrator Jacob Maas & David Verhasselt.

1: 1003 Clay Street—Fence Variance Request: Alderperson Fred Smith, serving as Acting Mayor, opened the meeting on a request by David Verhasselt, at 1003 Clay St, for a fence variance request. He asked Jacob Maas to give a summary of the issue before us. Jacob stated that the owner proposes to install a metal 4 foot fence on the north side of his property. This is a screen type fence that is black on both sides with black steel posts and will not obstruct view due to its design. With our City Code restricting height to 3 feet since the proposed fence has a front yard setback, a variance is required for him to do installation. The property owner, David Verhasselt, was present and stated he was primarily wanting to keep his neighbor's dog from coming onto his yard. It is a larger dog that he has some fear of, so a fence seems like a good idea to him. Fred Smith told Mr Verhasselt to become familiar with our city's Vicious Dog Ordinance, which may provide some protections and reassurances for him as a property owner & city resident, regardless of other reasons, including aesthetics, for installing this fence. It was noted the backyard wooden shed owned by Mr Verhasselt will be 3 feet from this proposed fence, which Jacob reminded him can be located on the property line. Augie Tietz moved to approve the fence variance request for 1003 Clay Street, which was seconded by Sherry Cira & approved unanimously.

2: Plan Commission Minutes—October 10th, 2016: A motion was made by Augie Tietz to approve the Plan Commission minutes of the October 10th, 2016 meeting as written, seconded by Jaynellen Holloway and approved unanimously.

There being no further business to come before the Commission, a motion to adjourn at 4:37pm was made by Sherry Cira and seconded by Rick Tortomasi. So ordered.

Respectfully Submitted, Ken Berg Alderperson