

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, OCTOBER 20, 2016, 1:00 P.M.**

---

**CALL TO ORDER**

Mr. Morris, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: James Siepmann Gary Goodchild Robert Peregrine  
William Mitchell Richard Morris

Members Absent: Keith Hammitt William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager  
Elfriede Sprague, Administrative Specialist

Guests Present: Rodell Singert, Town of Vernon  
Jamie Rybarczyk - ZT-1727A  
Thomas Bird, ZT-1727A  
Ed Moline, ZT-1727A  
Gary Wilde, ZT-1727A  
Joe Reilly, ZT-1727A

**CORRESPONDENCE**

None

**MEETING APPROVAL**

None

**MINUTES**

Approval of the September 15, 2016, Minutes.

*Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval of the September 15, 2016, Minutes.*

**PUBLIC COMMENT**

- None

**SCHEDULED MATTER**

- None

• **ZT-1834 (Town of Brookfield Board – Text Amendment)**

Mr. Fruth indicated the request is for a text amendment to repeal and re-create Section 17.02(14)(b)2.G and create Section 17.02(14)(b)2.J of the Town of Brookfield Zoning Code regarding cemeteries and columbaria.

Mr. Fruth stated the Town of Brookfield initiated the amendment after receiving a request for a new columbarium was proposed at a church in the Town. It was discovered that the current zoning code does not clearly acknowledge the use. He explained the Town of Brookfield is proposing minor changes to the

Conditional Use provisions for cemeteries. Mausoleums are proposed to be added to this section, whereas, existing code language pertains only to cemeteries and crematories. The requirement that structures subject to this section be a minimum of 50' from lot lines remains. The Town is also adding references to the relevant State statutory section that deals with these matters (Chapter 157).

Mr. Fruth continued that the Town is also proposing to create Conditional Use provisions for columbaria that are not otherwise exempted from cemetery/mausoleum rules by State law. Law provides exemptions for columbaria that are located on a property owned by a religious association if the religious association's church building or other place of worship is located on the same property if several other criteria are also met. Mr. Fruth explained the proposed provisions require that columbaria subject to the proposed section comply with zoning district setbacks and offsets and that a site plan review process occur to consider neighboring uses, parking, road access, landscaping, etc.

***After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".***

• **ZT-1727A (Town of Vernon Board)**

Mr. Fruth described the request for approval of a new Town of Vernon zoning code and map, which would replace General County Zoning within the Town of Vernon.

Mr. Fruth explained the Town of Vernon is seeking approval of their own zoning code and map to replace the general County Zoning which has been in place since 1956. He gave a detailed history of the town's work on the matter that began in 2011. He explained that during this time the Staff has worked closely with the Town to analyze and advise them on working towards a final code. Staff feels the now proposed Town Code has addressed all issues of concern. Mr. Fruth noted that since the initial submittal in 2011, state law was amended to require that all Town zoning amendments must be approved by the County even if all Towns within the County were to have Town Zoning at some point in the future. He explained that this requirement ensures that the County Development Plan is preserved as a tool to guide future land use decisions and address issues of Countywide importance. He continued that the proposed code is generally modeled after the County Zoning Code that was in effect until September 27, 2016 and most zoning districts carry the same name and basic regulations as those which existed within that version of the County Code. Mr. Fruth stated that the Town did incorporate some provisions of the new County Code effort. Most notably, the Town has mimicked the County's revised AD-10 and RRD-5 District language that was significantly updated to reduce the complexity of those districts. The Town has indicated that they will consider the appropriateness of incorporating other provisions of the recent County Code amendments if this new Town Code is approved. He noted that the Town has tailored language in certain sections to deal with specific issues in a new or slightly different way. He named a list of examples, i.e.: a new parking regulation table, revised grading provisions and different accessory building size limitations, matrices for permitted and conditional uses, provisions to deal with certain use trends such as electronic signage, telecommunications law changes, special use systems, such as solar and wind, portable storage units and exterior heating devices. Mr. Fruth added during County review it was suggested to the Town that they add a Quarrying and Industrial District to their code, he noted that both districts have been added to the final submittal.

Mr. Fruth stated that currently approximately 36% of the Town's acreage is located within Shoreland areas and approximately 30% of the parcels are partially or fully located within Shoreland areas. A good amount of this land is lowland located along the Fox River and within the Vernon Marsh. The proposed Town Code references that said lands will continue to be subject to the Waukesha County Shoreland and Floodland Protection Ordinance.

Mr. Fruth went on to explain that with adoption of the proposed Zoning Code the Town will have some new and expanded responsibilities. He went on to list some of the service areas the Town will need to expand on and create.

- A Town Board of Appeals will have to be appointed and meetings convened.
- Zoning violations will have to be pursued. Formerly legal assistance was obtained by the Waukesha County Corporation office and will now have to be obtained from the Town Attorney.
- Zoning permits will now be administered by Town Staff and they will need to analyze basement elevations, do plat reviews and administer Certified Survey Map and plat restrictions.
- Zoning Approvals. The Town Staff will now fully process variance, conditional use, rezoning and site plan applications. They will be responsible for the submittal of requisite fees, public noticing, mailings, issuing permits and decision sheets.
- Ordinance amendments will need to be drafted by the Town in consult with the Town Attorney.
- Records Management will need to be maintained by the Town Staff. (Note: The County is working on a pilot program to provide computer access to these files).
- Agency coordination will need to be maintained between County divisions and departments when reviewing zoning applications to ensure that septic, separation from groundwater, storm water and erosion control, highway access and parks acquisition issued are addressed relative to individual projects.
- Zoning Maps. The Town of Vernon has retained Waukesha County Staff to prepare the Zoning Map for the new Town Code and the County is willing to continue to provide Zoning Map services going forward.

Mr. Fruth stated there are a number of issues that that the Town will have to guard against now that they have their own Zoning Code. He continued that even though they will not be responsible for Shoreland enforcement they will still need to be aware of several issues, including floodplain boundaries, navigable stream identification, high ground water issues, internally drained areas and erosion control and storm water permitting. Mr. Fruth stated the Staff is recommending approval of the Town's request to adopt its own Zoning Code. The submitted code complies with key recommendations of the County Development Plan and previously identified issues of concern have been resolved. Mr. Fruth noted that the County has recently adopted a new Zoning Code and the Town planner has expressed an interest in considering incorporation of the provisions for a building footprint scheme, modified building rules, relaxed rules for nonconforming structures and reduced road setbacks for new subdivisions developed 2016.

Jamie Rybarczyk, Town Planner, thanked the County Staff for their assistance with the development of the Town's Code. He stated they intend to work collaboratively with all departments of the County and maintain a good working relationship. Mr. Rybarczyk stated Town mapping will be maintained by the County and the Town looks forward to working with the LIS department on the pilot project to link previous records to the GIS system and provide public viewing. He commented that the Town will probably wish to amend their code at the end of 2017 to incorporate the setback provisions that the County has and remove the floor area ratio to the footprint. At that time, they will also want to bring any other revisions forward. He stated now that they will have their own Zoning Code, the Town is looking to update their Comprehensive Development Plan and some of their policing ordinances, i.e.; bees and chickens.

Thomas Bird, Town Chairman thanked the County Staff for their help in developing the new Town Code. He looks forward to collaborating with the County and its Staff.

The Commission thanked the Staff for all the time and effort they spent working to bring the Town of Vernon Zoning Code forward.

***After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.***

**• Zoning Code amendment adoption update.**

Mr. Fruth stated the amended Zoning Code, Shoreland Code and Subdivision Control Codes were adopted by the County Board on September 27, 2017 and went into effect on September 28, 2016. He noted that County Board members offered positive comments about the updates and that they were approved unanimously. Mr. Fruth noted that administration of the new code has been going quite well and he noted that the County was able to cancel a Board of Adjustment meeting for the first time in a long time. Mr. Siepmann asked about training relative to the new code. Mr. Fruth indicated that a session is being planned for inspectors and planners and that staff would also look, in the near future, to offer outreach to the building community and other interested parties.

Mr. Rodell Singert questioned the Commission as to what is the required number of members that are mandated to be on the Plan Commission of the Town of Vernon. The Commission referred him to speak with the Town directly and contact their attorney as it was not an item they control.

**• Economic Development/Business Park Study Overview, by Jason Fruth, Planning Manager.**

Mr. Fruth updated the Commission on the status of the Economic Development/Business Park Study. He first described the County’s new Business Growth Strategy that was created by an advisory committee within the past year. He explained the key objectives relative to workforce development, business expansion/location support and financing. He noted that the Waukesha County Business Alliance, in partnership with the City of Waukesha and the UW Small Business Development Center has been selected to lead the County’s new economic development organization which is known as the Waukesha County Center for Growth.

Mr. Fruth then described that a secondary project has recently been embarked upon to access business parkland inventory. He noted that SEWRPC is assisting by analyzing land supply and consumption rates within the County’s 88 business parks. The workgroup that is guiding the project has selected criteria that will be applied in key focus areas near interstate highway interchanges and key state or U.S. highway intersections to identify lands that may be suitable for future business park development. Mr. Fruth displayed maps of a representative study area in New Berlin.

**ADJOURNMENT**

***With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Mitchell to adjourn at 2:22 p.m.***

Respectfully submitted,

*William Mitchell*

William Mitchell, Secretary

WM:es