

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 8-25-20

TIME: 7 p.m

PRESENT: Dawn Goodman, Gary Jonet, Jason Miller; Brad Dechamps, Dylan Mercier, John Metzler, Mike Gilson **ABSENT:** None. **OTHERS PRESENT:** Attorney Parmentier, Town Clerk Debbie Mercier

APPROVAL OF LAST MEETING'S MINUTES: John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 7-21-20 meeting minutes were reviewed. **MOTION MADE BY:** Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Brad Dechamps **AYES:** 7 **MOTION CARRIED.**

ISSUE #1: Continued work with Attorney Parmentier on the Town of Green Bay Code of Ordinances & Update of the Farmland Preservation. (7:03-8:18pm)

Attorney Parmentier gave all of the PC members and Debbie Mercier an updated "Code of Ordinances 2020 Draft" materials to add to our Binders. All pages of the prior binder are replaced with the newest materials, as of this date, 8-25-20.

The materials include: a new "Table of Contents" with added Uniform Dwelling; ATV-UTV Route; Zoning; and and Campground Permit.

The prior materials are replaces because there has been formatting/consistency revisions as noted below. They also formatted to eliminate "widows" and "orphans" at the top and bottom of pages and made page number with consistent font styles and sizes.

Attorney reviewed the entire draft binder with the PC & Clerk Mercier:

1. General Provisions/Penalty. *Added Chairman & Clerk names at signature area.*
2. Ordinance to Create a Join Municipal Court. *Revised statue references to be consistent using format of §____, Wis. Stat.*
3. Ordinance Adopting Operating Agreement for New Franken Fire Department—statute references. *Note: A copy of actual Operating Agreement needs to be attached yet (materials to be provided by Town Clerk Mercier).*
4. Ordinance Authorizing Fire Chief.
5. Ordinance Establishing Fire Protection Charges. *Statute references added.*
6. Uniform Dwelling. *This section has been revised to meet State standards and is in the re-certification process. More changes could result and will if so, will replace this version he gave us. He also noted that this section was updated according to standards the Town's Building Inspector is utilizing—this could also be modified yet.*
7. Solid Waste & Recycling. *This section was updated with current DNR language & statute references. Chair and Clerks names were added at signature lines. ALSO: PC members noted that some of the language and methodology and materials are no longer applicable (carts have replaced containers & bags; pickups are weekly, days of pickup are different, etc). Contract re-negotiations are expected and more changes may occur soon. Attorney will make changes accordingly.*
8. Public Nuisance. *Attorney stated not much will change in this section.*
9. Compliance Assurance. *No changes.*
10. ATV-UTV—*newly added; statute references; added names.*
11. Zoning Ordinance. *Newly added to binder.(121 pages). This item is still a work in process awaiting for approval/edits from DATCP; several formatting issues to revise including update page numbers on Table of Contents; page number font style/size. The format of this document has essentially remained the same with font style, size, etc.; formatted to be consistent with other ordinances.* (see below for further discussion on this).*
12. Short-Term Rentals. *Statute references added.*

13. Sex Offender Residency. *Statute references, added names.*
14. Adult-Oriented Establishments. *Centered page numbers, added names.*
15. Outdoor Furnaces. *Statute references.*
16. Wind Energy Systems. *Added "Town Chairman" to signature area.*
17. Campground Permit Ordinance. *Added names; removed reference to Appendix A on page 8, Sec. 7.4(a)(4) to now say: "...according to the Town's fee schedule."*
18. Employee Grievance Procedure—*statute references.*

*Further Discussion regarding the Zoning Ordinance Re-certification:

- The A-1 Exclusive Agriculture section has been revised to meet DATCP standards. 2 topics in particular needed clarification with the PC & Town:
 - “non-conforming use”—Discussion ensued if this should be changed due to changes in the law. Attorney suggested if the Town changes it’s wording/standards here, those landowners in that designation may then have some better options available (eg: ability to receive loans; new options when updating/remodeling--no longer having to meet the 50% rule). This would involve plugging in language to allow for it. After more discussion, the PC decided to have the attorney add the language allowing for the pre-existing non-conforming farm residences.
 - Clarification re: why *private* Vineyards are allowed and not a *business* with a Vineyard? No good answer was determined. The PC decided to allow both types of Vineyards.
- There still needs to be a new zoning map, which the County will provide. Town Clerk Mercier stated there are a few corrections. She will give the County those revisions as part of the renewal process.

Miscellaneous Zoning Ordinance Concerns:

- Town Clerk Debbie Mercier questioned the attorney how Storage Units should be included, since they are increasing throughout the Town. Attorney suggested Business is the usual area they are included, and as a “Conditional Use”. Zoning Administrator Gary Jonet agreed. Attorney will make this change accordingly.
- Zoning Administrator Gary Jonet told the attorney that there have been issues with the fence height between properties that the Town requires--it is currently 5 feet while the standard fence height manufacturers provide is 6 feet, which causes extra work for homeowners, who have to cut off the excess foot to meet our Town standards. He stated he would like to see it changed to 6 feet. Attorney agreed to do so.

Future Work:

1. Update the Zoning Ordinance one more time with full Town Board input as well.
2. Work with Town Clerk Debbie Mercier on the Town map and meta-data for Farmland Preservation re-certification with DATCP.
3. Submit the materials to DATCP for their final review/approval

Projected Final Procedure/Timeline once DATCP approval:

PC makes a recommendation to Town to adopt the new materials (attorney will provide necessary documentation)

Town holds public hearing (requiring a Class 2 legal notice) and approves the new materials

Town publishes the Ordinance.

In addition: Attorney and Town will develop a Fee Schedule and Application Fees. It was noted that if done correctly, the Town can then make motions to so (without a public hearing), when necessary, to change prices. Also, attorney clarified fines do NOT go in a Fee Schedule.

The PC clarified Codification of the new materials. Attorney stated he is providing the materials to the Town in PDF form. He stated the Town will own the documents and have the right to change them. He further explained that the town will adopt a “Codification Ordinance.” If/when the Town amends anything, it then follows the procedure prescribed in that ordinance to do an amendment. That allows for legal amendment authority.

The PC, Town Clerk Debbie Mercier and the attorney calculated out the time and availability of all concerned for future meetings so that the DATCP extension date for the end of 2020 is met. It was decided to have a meeting of Planning Commission meeting with the Town Board joining in, on Tuesday September 22, 2020.

Old Business: None at this time.

Any Other Business as authorized by law: None

Tentative Date & Time of Next Planning Commission Meeting: Tuesday, September 22, 2020 at 7pm.

Motion to Adjourn Made by: Dylan Mercier. **2nded:** by Jason Miller. **AYES: 7 Motion Carried.**

Adjournment time: 8:20pm.

Planning Commission Chairperson

Planning Commission Secretary