

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
DELIBERATIVE HEARING

March 5, 2012

7:30 A.M.

County Administration Building
3rd Floor Conference Room
Oshkosh, WI

PRESENT: Supervisors, Patrick Brennand, Jeanette Diakoff, Claud Thompson, Joanne Sievert, Thomas Egan, Cary Rowe – Zoning Administrator and Brian O'Rourke – Associate Planner. Guests present.

The meeting was called to order by Patrick Brennand at 7:30 A.M.

1. Proposed Zoning Ordinance, Chapter 23.

Brian O'Rourke summarized the findings for the new Town/County Zoning Code as follows:

1. Comprehensive rewrite of the County zoning ordinance was required as one of the "Implementation Actions" as part of the Winnebago County Comprehensive Plan, as listed in table 22.
2. Comprehensive rewrite of the County zoning ordinance will provide an opportunity for all Towns in Winnebago County to "opt out" of County zoning within one year of adoption.
3. Current zoning ordinance is severely outdated, contains contradictory language as well as language that does not meet current minimum State Statutes.
4. Comprehensive rewrite of the County zoning ordinance provided the County with an opportunity to separate the zoning code from both the proposed floodplain and shoreland and shoreland/wetland ordinances into separate chapters of the County's General Code.
5. Proposed Town/County Zoning Code contains current land use standards and up-to-date terminology.
6. Proposed Town/County Zoning Code is designed to be more user friendly to the public.
7. Comprehensive rewrite of the County zoning ordinance, which includes the adoption of a new County zoning map, provided both Towns and individual property owners an opportunity to remove dual and/or multi-zoning classifications on their property.
8. There were objections to the proposed language addressing renewable energy, specifically solar panels.

9. There was an objection to the proposed allowed uses in the M-1 (Mixed Use) and I-1 (Light Industrial) districts.

Staff recommendation is as follows:

- Proposed Code

Staff recommends adoption of the proposed chapter 23, "Town/County Zoning Code", with the following changes:

1. Removal of Section 23.8-87 "Limitation on retail sale or rental of specified", as recommend by Corporation Counsel.
2. Removal of Sections 23.8-479, "Solar energy system, building mounted", and 23.8-480, "Solar energy system, free standing", and all associated definitions located in Article 3 of proposed chapter 23, in order to allow Corporation Counsel to fully review the proposed text and verify compliance with State Statutes. Proposed text approved by Corporation Counsel to be brought back to the Planning and Zoning Committee at a later date as an amendment.
3. Those changes as described and contained in the two documents submitted by Civi –Tek Consulting and entered into the public hearing record by staff.

- Proposed Zoning Maps

Staff recommends adoption of the proposed zoning maps with the following changes:

1. Addition of changes to those parcels as listed on documents entered into the public record by staff for the Towns of Clayton, Nekimi, Omro, Rushford, Utica, Winchester, and Wolf River.

MOTION by J. Sievert, seconded by J. Diakoff, to approve with findings as submitted. Committee discussed adoption of new code including the ability of towns to opt out of county zoning, solar energy, wind turbines, and non-conforming structures. Motion by T. Egan to keep language as currently proposed for non-conforming structures with an amendment stating that "staff shall require a survey of the property including the size, shape, height and footprint of the existing structure to be reconstructed prior to permit issuance". Seconded by J. Sievert. Motion carried 5-0.

Vote on the motion: P. Brennand – aye; C. Thompson – aye; J. Diakoff – aye; J. Sievert – aye; Egan – aye. Motion carried 5-0.

2. Proposed Shoreland / Wetland Ordinance, Chapter 27.

Brian O'Rourke summarized the findings for the new proposed Shoreland / Wetland Ordinance as follows:

- 1) The Department of Natural Resources has reviewed proposed chapter 27 and does not object.
- 2) Proposed code contains same standards as currently enforced and is in compliance with chapter NR 115, "Wisconsin's Shoreland Protection Program".
- 3) There were no objections.

Recommendation: Approval with changes as recommend by Tom Blake, Shoreland Zoning Specialist, State of Wisconsin Department of Natural Resources.

MOTION by C. Thompson, seconded by T. Egan, to approve with findings as submitted. Motion carried 5-0

3. Proposed Floodplain Ordinance, Chapter 26

This item was put on the agenda in error. Committee moved to agenda item # 4.

4. 4C Storage, 202 Rockwood Ln, Town of Neenah – Conditional Use

MOTION by J. Sievert, seconded by J. Diakoff, to approve with findings and conditions as submitted. Supervisor Sievert stated that the town approved this item and that the committee usually supports the town's position. Supervisor Egan said he had concerns about the specific types of items that would be allowed to be stored since the town only prohibited the storage of boats and semi-trailers. Zoning Administrator suggested limiting the items to what was specifically asked for in the application. MOTION by T. Egan, seconded by C. Thompson to add condition stating "Storage is limited to applicant's request for campers, utility trailers and RV's". Motion carried 5-0. Supervisor Brennand stated that the applicant should have known what the original conditional use was approved for and that the applicant needs to be fully aware of what the amended conditional use is for if approved. MOTION by P. Brennand, seconded by C. Thompson to

add condition stating "The Planning and Zoning Committee shall review the site annually from the date the conditional use permit is issued". Motion carried 5-0.

Vote on the motion to approve conditional use with findings and conditions as amended: P. Brennand – nay; C. Thompson – aye; J. Diakoff – aye; J. Sievert – aye; Egan – aye. Motion carried 4-1 (Brennand – nay).

5. Kurt Plechaty, 653 Clay Rd, Town of Nekimi – Zoning Change

Committee reviewed the findings in order to take action on a zoning change to A-2.

MOTION by T. Egan, seconded by C. Thompson, to approve with findings as submitted. Motion carried 5-0.

6. Bret Mar LLC, NE corner of Highway 76 & County Rd Y, Conditional Use Review

Zoning Administrator summarized committee memo stating that there have been no major complaints filed with the zoning office and that the Town of Oshkosh approved the request to renew the conditional use permit.

MOTION by T. Egan, seconded by C. Thompson, to renew the conditional use permit for three years. Motion carried 5-0.

ADJOURNMENT

MOTION made by T. Egan, to adjourn the meeting. Seconded by C. Thompson. Motion carried 5-0. Meeting adjourned at 8:12 A.M.

Respectfully submitted,

Cary A. Rowe
Recording Secretary

CAR