

Memo

To: Plan Commission

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: ACTION OF RECODIFICATION PROJECT

Date: 22 December 2015

The village began the recodification process with the consultant group, General Code. Over the years, amendments made to sections of the village code have left behind several inconsistencies in language, values, and formatting within our code. In addition, state and federal laws have changed, introducing even more inconsistencies.

General Code has finished the first milestone in the recodification process – the editorial and legal analysis. The objective of this stage is not to rewrite our ordinances, but to identify the inconsistencies and suggest solutions. An electronic copy of the document which identifies inconsistencies and suggests solutions (Editorial and Legal Analysis) was emailed to the plan commission. An electronic copy of our existing zoning code in the new proposed format (Manuscript) was also provided via email.

Many of the questions were straight forward or simple updates. Below are specific questions staff would like the commission to review. The referenced sections are attached. Staff suggestions are noted below and reasoning will be provided at the meeting. Plan commission is asked to review the below questions and recommend a decision for staff to submit to General Code.

Questions:

Section 475-17, "C" Professional Office and Residence District, Subsection A(4) reads, "A child day-care center serving nine or more children, as provided under Chapter ILHR 60, Part III of the Wisconsin Administrative Code." We were unable to determine how this reference to the Administrative Code should be updated. We could find no record of a Chapter ILHR 60. Child care centers are now under the jurisdiction of the Department of Children and Families (DCF).

Decision:

- Revise reference as follows: Delete the whole phrase and replace with "Day-care centers".
- Delete "as provided under Chapter ILHR 60, Part III of the Wisconsin Administrative Code"

Subsection A(5) contains two cross-references to Section 11.08H. We were unable to update this reference, as no such subsection is included in the Zoning Ordinance. Section 11.08, now § 475-17, contains Subsections A through G.

Decision:

- Change § 11.08H to Article VII (Conditional Uses); change "special use" to "conditional use"
- Revise as follows:

Section 475-31D(1) begins "Apartment buildings or multiple-family dwellings shall provide 1 2 parking spaces contained within and under the cover of said building." Which number is correct, one or two?

Decision:

- Revise to read "shall provide two parking spaces"
- Revise to read "shall provide one parking space"
- Other:

Section 475-35, Special uses, exceptions and general regulations. Much of the text in this section duplicates wording already included earlier in this chapter. There are also conflicts between this section and other sections. Please review the following:

Subsection A(1) provides that in the "A" and "B" Residence Districts and Commercial Districts, "public and semi-public buildings may be erected to a height not exceeding 75 feet provided the side yards heretofore specified are increased **two feet** for each foot such building exceeds the height limit heretofore specified." This provision conflicts with §§ 475-14B, 475-15B and 475-19B, which provide that in the "A" and "B" Residence Districts and Commercial District: "public and semi-public buildings may be erected to a height not exceeding 75 feet, provided that the side yards are increased **1/2 square foot** for each foot such building exceeds the height limit above specified." We recommend that Subsection A(1) be deleted. If the correct increase is two feet, §§ 475-14B, 475-15 and 475-19B should be revised accordingly.

Decision:

- Delete Subsection A(1) and revise "1/2 square foot" to "two feet" in §§ 475-14B, 475-15B and 475-19B
- Revise as follows: