



OFFICIAL NOTICE AND AGENDA
Public Protection Committee Regular Meeting
Pardeeville Village Hall – Board Room
114 Lake Street, Pardeeville, WI 53954
Tuesday, March 05, 2024 – 6:00 PM

1. **Call meeting to order:**
 - 1.1. Roll Call
 - 1.2. Approval of Agenda
2. **Approval of Minutes** – February 13, 2024
3. **Comments from the Floor** - *(Please be advised per State Statute Section 19.84(2), information will be received from the public. The comments made must remain respectful. The Chief Presiding Officer has the right to end an individual's time should an individual become disrespectful. It is policy of the Village that each individual may receive up to two (2) minutes to speak. More time may be granted by the Chief Presiding Officer. There may be limited discussion on the information received, however, no action will be taken under Comments from the Floor).*
4. **Old Business:**
 - 4.1. Fire Department Siren
 - 4.2. Hunting on Village Owned Land
5. **New Business:**
 - 5.1. Review Emergency Response Guide
 - 5.2. Ordinance 2-170: Senior Center Commission
 - 5.3. Ordinance 22-36: Sale of Motor Vehicles
 - 5.4. Undoing the Business District Ordinance Revisions (58-73, 58-74, 58-75)
 - 5.5. Ordinance 2-165: Zoning Board of Appeals; Ordinance 58-407: Powers of zoning board of appeals; Ordinance 58-408: Variations
 - 5.6. Ordinance 2-166: Plan Commission
6. **Consideration of items for future agendas**
7. **Adjournment**

Denise Vater, Clerk/Treasurer

*For more details on reports and agenda items, please see the packet on the website: villageofpardeeville.net
The Village Hall is fully accessible. If you require additional assistance, please contact the Village Office (Phone 608-429-3121) 48 hours prior to the meeting. This is a public meeting. As such, all members or a majority of the members of any given Village Committee, Commission, or Board may be in attendance. While a majority of any given group may be present, only the above Board will take official action based on the above agenda.*

**VILLAGE OF PARDEEVILLE
PUBLIC PROTECTION COMMITTEE DRAFT MINUTES
Pardeeville Village Hall
February 13, 2024 at 6:30 PM**

Call to Order: The meeting was called to order by Chair Pufahl at 6:30 pm.

Roll Call: Barry Pufahl, Angie Englemann, Mark Taylor

Staff: Denise Vater, Clerk/Treasurer, Austen Frederickson, Director of Public Works.

Guests: President Haynes, Trustee Henslin

Approval of Agenda: Englemann made a motion to approve the agenda as posted. Second by Taylor. All in favor. Motion carried.

Approval of Minutes: Englemann made a motion to approve the January 5, 2024 Public Protection minutes as presented. Second by Taylor. All in favor. Motion carried.

Comments from the Floor: Englemann discussed comments she has heard regarding Tommy's Small Engine Repair shop looking like a junkyard. She would like to make sure nothing is in violation of an ordinance and it would be looked into going on the next agenda if needed.

Fire Department Siren: Fire Chief Wendt wasn't present at the meeting to discuss. A motion was made to table the discussion until the March meeting.

Hunting on Village Land: Pufahl made a motion to put something in place so there is no hunting on village owned property. Frederickson clarified if Pufahl wanted it to be a policy or ordinance. Pufahl advised a policy. Second by Englemann.

Ord. 2-272 Use of Public Property; Obligations of Citizens: Frederickson advised there would no longer be anything personal done on Village properties. There would be a stop put to that. Parking inside during weather he doesn't see as an issue. Englemann stated she appreciated Frederickson taking action. Englemann does believe a policy should be put in place as well.

Vehicles for sale within the Village: Englemann spoke about multiple vehicles having been parked downtown in front of buildings for sale. Englemann made a motion to create an ordinance regarding vehicles for sale in the business district, including public parking lots, eliminating personal vehicles for sale. Second by Taylor. It was recommended staff create an ordinance regarding the sale of vehicles.

Create Ordinance for Senior Center Commission: It was recommended the name be changed to

Senior Center Commission verses a committee. Frederickson clarified the difference between committees and commissions.

The commission would be a couple of trustees, along with a few residents who are interested in being on the committee. Haynes stated there are currently 21 volunteers who are interested in being on this commission.

Pufahl made a motion to send the recommendation to the full board regarding creating an ordinance for a Senior Center Commission. Second by Taylor. Motion carried.

Adjournment: Pufahl made a motion to adjourn the meeting at 6:59pm. Second by Taylor.

Denise Vater, Clerk/Treasurer
Approved:

Rick Wendt
CHIEF

Steve Johnson
Secretary/Treasurer

PARDEEVILLE FIRE DEPARTMENT



SERVING- The Village of Pardeeville and the Towns of Wyocena, Marcellon, and Scott.

February 15, 2024

Pardeeville Village Board,

The Pardeeville Fire Department would like to request that the fire siren(s) activation for fire calls are between the hours of 7:00 a.m. and 7:00 p.m. daily.

Thank you,

A handwritten signature in black ink that reads "Rick Wendt". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Rick Wendt: Chief
Pardeeville Fire Department



Public Works Director Memo

Meeting Date: 05 MAR 2024

Topic: Hunting on Village Owned Land

This memo is in regards to the Hunting on Village Owned Land agenda item.

At the last Public Protection Committee meeting the Committee directed staff to investigate ordinances, policies, and ultimately the solution for proper notification preventing hunting on Village land that is located in the Township. Since the land does not fall within the Municipal Boundaries of the Village, an ordinance will not be citable. Policy does not affect the everyday citizen in the sense that they have to follow them. Typically, policies are for Village operations and staff. However, Village ordinance is technically the law of the Village, essentially its rules. So, if someone owned land and they made it a rule that they did not want to allow hunting on their land, that would be their right. Since the Village has ordinance Sec. 24-24 Discharge of firearms; archery hunting; which goes into detail prohibiting the unregulated discharge of a firearm and the hunting on publicly owned land. Staff believes a new ordinance is not needed. However, placing signs on the property facing adjacent properties should be adequate in deterring potential hunters and saving the Village liability.

Should the body agree, a motion would be in order to recommend the Village Board post signage stating "Village of Pardeeville owned land, No Hunting Allowed" on Village owned land in the Township.

Respectfully,
Austen



Public Works Director Memo

Meeting Date: 05 MAR 2024

Topic: Senior Center Commission

This memo is in regards to the Senior Center Commission Ordinance.

Attached is a draft copy of the proposed ordinance.

The Village Board directed staff to draft an ordinance creating a Senior Center Commission. Village staff used existing Commission ordinance as a template and made changes necessary. Two Trustee members, being standard in Commissions, was included in this ordinance. However, due to the Senior Center technically originally falling within the Public Works, Parks, and Public Property Committee, staff felt it only logical that the chair of that committee be one of the serving members on the Senior Center Commission. Likewise, due to the oversight of the Senior Center that the Commission will have, staff felt it only logical to also make the chair of the Finance & Personnel Committee be the other trustee member. This is done so that each chair may keep their respective Committees informed on the happenings of the Senior Center Commission, since that Commission will be doing items that would have originally fallen under their discretion. Staff battled with the idea of five, seven, and even nine non-trustee members, but ultimately met in the middle and chose seven resident members. Should the governing body decide another number, staff has no strong tie to the seven.

The duties of the Commission are such that it will not impede the Senior Center from operating but also keep the Village Boards oversight capabilities. The Commission continues to recommend to the Village Board, and sometimes the Finance & Personnel Committee, maintenance, budgets, policies, and all other items relating to spending large amounts of money. However, it is allowed the flexibility to set its own standard operating procedures and approve the rentals and special events to keep the building useable to the public. By allowing the flexibility of a Commission, the Village is allowing the Senior Center to operate more efficiently, rather than being bogged down by the bureaucracy of local Government, i.e. waiting up to a month for a rental to be approved or numerous special Village Board meetings.

Should the body agree with the draft ordinance, a motion would be in order to recommend the Village Board adopt Ordinance 2-170: Senior Center Commission.

Respectfully,
Austen

Sec. 2-170. Senior Center Commission.

- (a) *Composition.* The Senior Center Committee shall consist of nine members: Public Works, Parks, & Property Committee Chair, Finance & Personnel Committee Chair, and seven (7) non-trustee residents. The Public Works Director shall serve as ex-officio to the committee.
- (b) *Appointment and term.* The members who are first appointed shall be designated by the village president, with majority Village Board approval, to service the following terms: For the resident members; two for one year, two for two years, and three for three years from the date of their appointment; thereafter, the term of office shall be for three years. A member shall hold his office until a successor has been appointed at the annual new Village Board meeting. The trustee members shall reflect whomever the designated chair of the Public Works, Parks, & Property Committee and the designated chair of the Finance and Personnel Committee are following the annual Village Board reorganizational meeting.
- (c) *Record.* The committee shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the village clerk-treasurer. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all members.
- (d) *Duties.*
 - (1) To recommend all maintenance relating to the Senior Center.
 - (2) To plan necessary capital projects and capital outlay equipment for the building and site.
 - (3) To approve rentals, events, and other special uses of the building or site.
 - (4) To produce a budget for the Senior Center, to be reviewed by the Finance & Personnel Committee and approved by the Village Board.
 - (5) To produce policies and standard operating procedures for the Senior Center.



Public Works Director Memo

Meeting Date: 05 MAR 2024

Topic: Sale of Motor Vehicles

This memo is in regards to the Sale of Motor Vehicles Ordinance.

Attached is a draft copy of the proposed ordinance.

At the last Public Protection Committee meeting the Committee directed staff to draft an ordinance prohibiting selling their personal vehicle in the Village right-of-way. In the attached ordinance, no one will be able to sell their vehicle on Village right-of-way in a very specific section of the Village (the downtown area, as defined in the Ordinance). This was written in a way that would prevent it in the areas that would be detrimental to traffic safety and use of the downtown parking.

Likewise, another mention was sale of vehicles on public land and public parking. The way the ordinance is written, it prohibits leaving your vehicle with the primary intent to sell it. Meaning someone may not park their vehicle and post it online or post a "for sale" sticker on it and leave. They must either stay in the vehicle or selling must not be their primary intent. Why that is written that way makes it so that the vehicle cannot be left there to be sold, but it does not prohibit someone selling something online from coming to a public area to do the exchange. Nor would it prohibit someone who has a "for sale" sticker on their daily driver vehicle. Nor also would it prohibit someone from making an offer on a vehicle at the car show, that is said to be a big event in the Village. Staff developed this ordinance specifically to mitigate the impact on the average resident and not impose any safety risks to those doing online sales.

Should the body agree with the draft ordinance, a motion would be in order to recommend the Village Board adopt Ordinance 22-36: Sale of Motor Vehicles.

Respectfully,
Austen

Sec. 22-36. Sale of Motor Vehicles.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business District means the downtown area of the Village as described by the commercially zoned property within the following quadrant: east of Roosevelt St., north of Chestnut St., west of 2nd St., and south of Elliot St.

Motor Vehicle means any self-propelled vehicle as defined by Wis. Stats. § 340.01.

Sale means any exchange between two or more parties for items, currency, goods, and/or services.

- (b) *Sale of Motor Vehicles within Business District Right-of-Way prohibited.* No person shall sell or attempt to sell any motor vehicle on publicly owned right of way within the Business District.
- (c) *Sale of Motor Vehicles on Village owned property.* No person shall cede a motor vehicle on Village owned property with primary intent to sell.



Public Works Director Memo

Meeting Date: 05 MAR 2024

Topic: Business District Ordinance

This memo is in regards to the undoing of Business District Ordinance revisions agenda item.

Attached is the approved revisions form March 07 of 2023.

This item was discovered while staff was searching for other items in the Village files. The revisions, although can be understood for the intention, actually have the opposite effect. The way the revised ordinance is written, all wrecking, junk, demolition and scrap yards must be surrounded by an obstructive barrier and these storage/manufacturing areas must be within 25 feet from the lot line of the listed districts. Due to the ordinance item being descriptive of the "Outside storage and manufacturing areas" all items listed therein will be descriptive of the use and not the restrictions. Meaning, the previous text of "at least 600" is accurately describing keeping these areas away from a non-homogenous district. The change that was passed creates a boundary area forcing property owners to place any scrap storage within 25 feet from the property line, as this is the only legal place to store these items. It is completely counterintuitive to force this in any district as property values will decrease due to these items not being value producers and are eye-sores to residents, especially in a residential zone.

Should the body agree, a motion would be in order to recommend the Village Board undo the revisions made to the following ordinances Business District I (Sec. 58-73), Business District II (58-74), and Business District III (58-75).

Respectfully,
Austen

Sec. 58-73. B-1 Business District.

- (a) *Principal uses.* The following uses are permitted in the B-1 district: Antique shops, apartment hotels, appliance shops, art and school supply stores, automotive parts sales stores, automobile sales lots and showrooms and lots, including incidental servicing and repair; provided, however, that all vehicles be in operative condition. Automotive servicing and repairs, banks and other financial institutions, including loan and finance companies. Barbershops and beauty parlors, business offices, candy and ice cream stores, caterers, clinics, clothing repair shops, clubs, cocktail lounges, confectioneries, delicatessens, department stores, drug stores, electrical supply, food lockers, furniture stores, gasoline stations, heating and air conditioning supply, hotels, insurance agencies, jewelry stores, lumber yards, medical clinics, opticians and optical stores, paint stores, retail only, parking facilities, honey processors, sporting shops, photographic studios, professional offices, publishers, restaurants, small animal hospitals, taverns with permit by village board, tourist information and hospitality centers, undertaking establishments, upholsterer's shops, variety stores, vegetable stores, grocery stores, museums, libraries, contractor and trade offices, showrooms, miscellaneous small equipment storage or repair, laundromats, video stores and small machine assembly or manufacturing shops with a maximum of six full-time and six part-time employees.
- (b) *Conditional uses.* See sections 58-123, 58-124, 58-125 and 58-128.
- (1) Permitted on application and plan commission approval.
 - (2) The sale, service, repair, testing, demonstration or other uses of piston-type engines or motors, or any type of device, appliance or equipment operated by such engines or motors. However, the number of unenclosed vehicles awaiting sale or repair shall be established by the plan commission. Enclosed vehicles shall be stored within a building or enclosed by a complete vision-barrier fence a minimum of six feet in height. Prior to construction, the materials proposed for the fence and fence designs are items that may be reviewed by the plan commission. Such enclosure fences shall be maintained in such a manner as to not constitute a nuisance.
 - (3) The sale, service, repair, testing, demonstration or use of other radios, television sets, high-fidelity sound equipment, electronic amplifiers, stereographic sound systems, musical instruments, or other such devices. Establishments engaged in the sale, service, repair, testing, demonstration or other use of motor-driven bicycles, commonly called motorbikes; with the provision that such activity, when carried out in an establishment which also engages in the sale, repair or other operations with non-motor-driven bicycles shall constitute a separate and distinct use insofar as the intention of this chapter is concerned.
 - (4) Establishments engaged in the sale, servicing, repairing, testing, demonstration, or other use of electrical household appliances, including refrigerators, freezers, air conditioners, washing machines, vacuum cleaners, dishwashers, irons, toasters, or similar household appliances. Further, such facilities for operating, repairing, loading, unloading and storage of such appliances or equipment shall be provided in a manner which affords no nuisance of obstruction or of the discharge of unpleasant or harmful vapors or liquids, or of unsightly conditions to the public. Miscellaneous repair shops and related services.
 - (5) Garment pressing establishments, hand laundries, and hat cleaning and blocking shops.
 - (6) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed above in this section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 150 feet of a residential district boundary line.
 - (7) Farm supplies, wholesale trade.
 - (8) Community living arrangements, including daycare.
 - (9) Bed and breakfast inns.
 - (10) Commercial parking garages or parking structures.

(11) Accessory buildings in excess of 200 square feet.

(c) *Outside storage and manufacturing areas in the B-1 Business District.* Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at ~~least 60~~ **most 25** feet from residential, public and semi-public districts

(d) *Lot, building and yard requirements.*

Lot frontage	Minimum 60 ft.
Lot area	Minimum 6,000 sq. ft.
Building height	Maximum 60 ft.
Number of stories	Maximum 5
Percent of lot coverage	Maximum 90%
Lot area per dwelling unit	Minimum 1,500 sq. ft.
Alley	Minimum 15 ft.

(Code 1986, § 10-1-27)

Revised 03/07/23

Sec. 58-74. B-2 Business District.

(a) *Principal uses.* The following uses are permitted in the B-2 district: Those uses allowed in the B-2 district. Antique shops, apartment hotels, appliance shops, art and school supply stores, automotive parts sales stores, automobile sales lots and showrooms and lots, including incidental servicing and repair; provided, however, that all vehicles be in operative condition. Automotive servicing and repairs, banks and other financial institutions including loan and finance companies. Barbershops and beauty parlors, bowling alleys, business offices, candy and ice cream stores, caterers, clinics, clothing repair shops, clubs, cocktail lounges, confectioneries, contractor and trade offices, delicatessens, department stores, drug stores, electrical supply stores, food lockers, furniture stores, grocery stores, heating suppliers, hotels, insurance agencies, jewelry stores, laundromats, libraries, lumber yards, medical clinics, mini storage units, museums, opticians and optical stores, paint stores—retail only, parking facilities, honey processors, photographic studios, professional offices, publishers, restaurants, showrooms, small animal hospitals, miscellaneous small equipment storage or repair, and small machine assembly or manufacturing shops with a maximum of six employees, sporting shops, taverns with permit by village board, tourist information and hospitality centers, undertaking establishments, upholsterer's shops, variety stores, vegetables stores, and video stores. Bowling alleys, contractor and trade offices, grocery stores, laundromats, libraries, mini storage units, museum, showrooms, taverns by permit from the village board.

(b) *Conditional uses.* See sections 58-123, 58-124, 58-125 and 58-128.

(1) Outside storage and manufacturing areas in the B-2 Business District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at ~~least 600~~ most 25 feet from residential, public and semi-public districts

(c) *Lot, building and yard requirements.*

Lot frontage	Minimum 80 ft.
Lot area	Minimum 8,000 sq. ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 3
Lot area per dwelling unit	Minimum 3,000 sq. ft.
Front Yard	Minimum 30 ft.
Side Yard	Minimum 10 ft.
Rear Yard	Minimum 30 ft.

(d) *Use conditions.* Uses permitted in the B-2 Business District are subject to the following conditions:

- (1) Business uses are not permitted above the ground floor where dwelling units are established.
- (2) The parking of trucks as an accessory use, when used in the conduct of a permitted business as listed in this section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 150 feet of a residential district boundary line.

(Code 1986, § 10-1-28)

Revised 03/07/23

Sec. 58-75. B-3 Business District.

- (a) *Principal uses.* The following uses are permitted in the B-3 district: All uses allowed in the B-1 district and the B-2 district.
- (b) *Conditional uses.* See sections 58-123, 58-124, 58-125 and 58-128.
- (c) *Lot, building and yard requirements.*

Lot frontage	Minimum 80 ft.
Lot area	Minimum 8,000 sq. ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 3
Percent of lot coverage	Maximum 40%
Lot area per dwelling unit	Minimum 3,000 sq. ft.
Front Yard	Min 30 ft.
Side Yard	Min 10 ft.
Rear Yard	Min 30 ft.

- (d) *Use conditions.* Uses permitted in the B-3 Business District are subject to the following conditions:
 - (1) Business uses are not permitted above the ground floor where dwelling units are established.
 - (2) The parking of trucks as an accessory use, when used in the conduct of a permitted business as listed in this Section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 150 feet of a residential district boundary line.
 - (3) Outside storage and manufacturing areas in the B-3 Business District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at ~~least 600~~ **most 25** feet from residential, public and semi-public districts

(Code 1986, § 10-1-29)

Revised 03/07/23



Public Works Director Memo

Meeting Date: 05 MAR 2024

Topic: Zoning Board of Appeals Ordinances

This memo is in regards to the Zoning Board of Appeals Ordinance agenda item.

Attached is a copy of revisions made to three ordinances referencing the Zoning Board of Appeals.

The Zoning Board of Appeals is a powerful board in the sense that it operates above the Village Board in most cases. It hears appeals made by residents, in which their belief is an error has been made in the zoning code and its enforcement. The Zoning Board of Appeals then, has the authority granted to it by State Statute, the power to make a decision based on the findings of fact presented. The decisions made by the Zoning Board of Appeals are not subject to Village Board approval, nor Village Board reversal.

With that in mind, Village ordinances grant the Zoning Board of Appeals powers/duties which are contradictory, counterproductive, and in some cases potentially catastrophic to Village zoning control. The way the ordinance is written now, the Zoning Board of Appeals has the jurisdiction to review and approve all variances, conditional uses, permit buildings, and reverse any decisions made regarding zoning and property. The Zoning Board of Appeals is meant to serve as a quasi-judicial court to hear grievances constructed by the Village's enforcement of its zoning code. If the Board of Appeals makes these decisions, they cannot effectively remain impartial to hear the grievances of their decisions. Likewise, the Board of Appeals contains no elected officials, meaning these decisions that are made encompass unelected (appointed) members of the public. That is a lot of responsibility given to members of a Board without the democratic election process.

In terms of typical structure, this is not it. The Plan Commission would be the body to receive and review the applications for these items and recommend to the Village Board. The Village Board would then have the final ruling. Should the applicant decide that the ruling was unjust or an error was made, they can then appeal to the Board of Appeals for review and judgment. Without this hierarchy, the Village Board and Plan Commission have zero checks and balances. With the system in place currently, the Zoning Board of Appeals has unregulated authority to make decisions without the control or oversight of any elected members of the government.

The revisions made to the ordinance by staff, removes the authority granted by the ordinance, and returns the Zoning Board of Appeals back to a quasi-judicial court. The revisions move the standard processes back to the Plan Commission for recommendation and approval by the Village Board. The revisions still grant the Zoning Board of Appeals to make decisions that cannot be reversed by the Village Board; however, these decisions will be made strictly on the order of errors alleged to be made by Village staff and the ruling of any solutions deemed appropriate for the property. This will eliminate the unfettered authority originally granted to the Zoning Board of Appeals.

Should the body agree, a motion would be in order to recommend the Village Board approve of the revisions made to Ordinance 2-165, Ordinance 58-407, and Ordinance 58-408.

Respectfully,
Austen

Sec. 2-165. Zoning board of appeals.

- (a) *Establishment.* A zoning board of appeals shall be appointed as specified in Wis. Stats. § 62.23(7)(e). The zoning board of appeals shall consist of five members, and two alternates, appointed by the village president subject to confirmation by the village board, to serve staggered terms of three years. The members shall serve without compensation and shall be removable by the village board for cause upon written charges and upon public hearing. The village president shall designate one of the members as chairperson.
- (b) *Powers.* The zoning board of appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official, **or other governing body**, in the enforcement of the village's zoning regulations.
 - (2) ~~To hear and decide applications for conditional use permits under this chapter.~~
 - (3) ~~To hear and decide special exceptions to the terms of the village zoning and floodplain zoning regulations upon which the board of appeals is required to pass.~~
 - (4) ~~To authorize, upon appeal in specific cases, such variance from the terms of the village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district uses not permitted in such district.~~
 - (5) ~~To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.~~
 - (6) The zoning board of appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as, in its opinion, ought to be made in the premises. The concurring vote of **a supermajority** ~~four members of the zoning board of appeals~~ shall be necessary 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 affect any variation in the requirements of the village zoning regulations. The grounds of every such determination shall be stated and recorded. ~~No order of the zoning board of appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.~~
- (c) *Meeting and rules.* All meetings of the zoning board of appeals shall be held at the call of the chairperson and at such other times as the board may determine. All hearings conducted by the zoning board of appeals shall be open to the public. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the clerk-treasurer and shall be public record. The zoning board of appeals shall adopt its own rules of procedure not in conflict with this section or applicable state law.
- (d) *Offices.* The village board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.
- (e) *Appropriations.* The village board shall appropriate funds to carry out the duties of the zoning board of appeals and the zoning board of appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized herein.

(Code 1986, § 2-4-3)

State law reference(s)—Zoning boards of appeal, Wis. Stats. § 62.23(7)(e).

Sec. 58-407. Powers of zoning board of appeals.

- (a) *Generally.* In addition to those powers enumerated in article IV of chapter 2 of this Code, the zoning board of appeals shall have the following powers:
- (1) *Errors.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector, **zoning administrator, and/or governing body.**
 - (2) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
 - (3) *Interpretations.* To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the plan commission has made a review and recommendation.
 - (4) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the plan commission has made a review and recommendation. Whenever the zoning board of appeals permits such a substitution, the use may not to be changed without application.
 - (5) *Unclassified uses.* To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the plan commission has made a review and recommendation.
 - (6) *Temporary uses.* To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the plan commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the zoning board of appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (b) *Permits.* The zoning board of appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

(Code 1986, § 10-1-133)

Sec. 58-408. Variations.

- (a) *Generally.*
- (1) Request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this chapter would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
 - (2) The ~~zoning board of appeals~~ **Plan Commission** may authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower

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- degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law. ~~The zoning board of appeals shall apply the standards of section 58-407(a)(4).~~
- (3) For the purposes of this section, the term "unnecessary hardship" means an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) *Application.* The application for variation shall be filed with the clerk-treasurer. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant **and all necessary contact information** ~~and all abutting and opposite property owners of record.~~
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required under section 58-11 for a zoning permit.
 - (5) Additional information required by the plan commission, **village zoning administrator**, village engineer, ~~zoning board of appeals~~, or building inspector.
 - (6) Fee receipt from the clerk-treasurer in the amount as set forth in the village fee/bond schedule.
- (c) *Public hearing of application.* ~~The zoning board of appeals~~ **Plan Commission** shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than ten days before the hearing in one or more of the newspapers in general circulation in the village, and shall give due notice to ~~the all parties in of interest, the building inspector, and the plan commission.~~ At the hearing, the appellant or applicant may appear in person, by agent, or by attorney. ~~The zoning board of appeals~~ **Plan Commission** shall ~~reach its decision within 30 days after the final hearing and~~ **recommend a final decision to the village board which shall render the final decision. Such decision shall be notified** ~~transmit a written copy of its decision to the appellant or applicant, zoning inspector and plan commission.~~
- (d) *Action of the ~~board of appeals~~* **Plan Commission.** For the ~~zoning board of appeals~~ **Plan Commission** to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiographical considerations. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed. **A financial burden does not constitute a hardship on the appellant nor the property.**
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought, and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of this chapter.

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- (e) ~~Conditions.~~ The zoning board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.
- (f) ~~Expiration.~~ Variances, substitutions or use permits granted by the zoning board of appeals shall expire within six months unless substantial work has commenced pursuant to such grant.
- (g) ~~Review by Zoning Board of Appeals~~ *court of record*. Any person or persons aggrieved by any decision of the zoning board of appeals ~~Plan Commission~~ may present to the court of record ~~Zoning Board of Appeals~~ an application to hear such grievence a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition application shall be presented to the court ~~Board of Appeals~~ within ~~30~~ 60 days after the filing of the decision ~~made by the Plan Commission~~ in the office of the zoning board of appeals.

(Code 1986, § 10-1-134)



Public Works Director Memo

Meeting Date: 05 MAR 2024

Topic: Plan Commission Ordinance

This memo is in regards to the Plan Commission Ordinance agenda item.

Attached is a copy of revisions made to the ordinance referencing the Plan Commission.

The Plan Commission is a staple of any community. It typically oversees just about any planning and zoning related topic, minus utilities, and it typically is the commission or committee that is most frequently attended (besides the Village Board) due to its direct impact on the residents themselves. The Plan Commission, although does not grant approval for items, is the sole reviewer and recommending body to the Village Board on items such as conditional uses.

In a well-run community the Plan Commission would review, vet, and recommend for approval/denial all items relating to planning and zoning. In the Village of Pardeeville, specific ordinances are in place that prevent this process from fruition. Mainly, the Zoning Board of Appeals as discussed in the previous agenda item. With the changes made in the previous agenda item, it opens the door to allowing the Plan Commission the authority to review and make recommendations to the Village Board. It also paves the way to creating a more streamlined, effective, and efficient governmental process surrounding planning and zoning. The revisions made to the Plan Commission Ordinance also cleans up the ordinance and displays the necessary information in a quick to read manner.

The Plan Commission, going forward, would review all items relating to planning and zoning and recommend for approval or denial to the Village Board. Along with that recommendation, the Plan Commission would also be motioning to set a public hearing, when appropriate, for the next Village Board meeting. The Village Board would then hear the public and then render a decision based on the findings of fact from the Plan Commission, staff reports, and the public concerns.

Similarly, it may be in the best interest of the Village to set a specific reoccurring day for the Plan Commission meeting so that the public and potential developers know the necessary deadlines associated with the planning and zoning processes. It would also better help prevent showing favoritism to some by setting special meetings for specific items, people, or issues. For that reason, the third Tuesday of every month should be the standard Plan Commission meeting day such that all public hearing deadlines may be met. This is not written in the ordinance revisions as it may be a topic of discussion and could be fluid depending on the Village Board meeting schedule. Further discussion is recommended.

Should the body agree, a motion would be in order to recommend the Village Board approve of the revisions made to Ordinance 2-166.

Respectfully,
Austen

Sec. 2-166. Plan commission.

- (a) *Composition.* The village plan commission shall consist of the village president, one trustee and five citizens. The trustee member shall be annually appointed at the organizational meeting of the village board during the month of April of each year. The five regular citizen members shall be appointed by the village president, subject to confirmation by the village board.
- (b) *Terms.* The original citizen members shall be appointed upon creation of the commission and shall hold office for a period of one and two years, respectively, from the succeeding first day of May, and thereafter annually during the month of April, such member shall be appointed for a term of three years.
- (c) *Record.* The plan commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the village clerk-treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all of the members of the commission.
- (d) *Duties.*
 - (1) *The master plan.*
 - a. The plan commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to village board confirmation, for the physical development of the village including areas outside of its boundaries which, in the plan commission's judgment, bear relation to the development of the village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include, among other things, without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately- or publicly-owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
 - b. The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progress, may from time to time by resolution adopt parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be, by resolution, carried by the affirmative votes of not less than a majority of all the members of the plan commission, subject to confirmation by the village board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the village board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the plan commission and the village board in the performance of their duties.
 - (2) *General Duties*
 - a. All items relating to zoning, including conditional uses, variances, and rezones.
 - b. Site plans and preliminary building plans.
 - c. Developer Agreements and future Village growth.

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- d. Land acquisition for the Village.
 - e. The location of any statue or other memorial.
 - f. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds.
 - g. all plats of lands in the village or within the territory over which the village is given platting jurisdiction by Wis. Stats. Ch. 236.
- (3) ~~Matters referred to plan commission.~~ The village board or officer of the village having final authority thereon, shall refer to the plan commission, for its consideration and report before final action is taken by the board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the village or within the territory over which the village is given platting jurisdiction by Wis. Stats. ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the commission is made within 30 days or such longer period as may be stipulated by the village board, the village board or other public body or officer may take final action without it.
- (4) ~~Miscellaneous powers.~~ The commission may make reports and recommendations relating to the plan and development of the village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the village board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the village board.

(Code 1986, § 2-4-4)

State law reference(s)—City planning commissions, Wis. Stats. § 62.23(1).