

Sherwood Plan Commission Meeting

Monday May 6, 2024 – 6:30 pm

Village Hall – W482 Clifton Road, Sherwood, Wisconsin

To *'join'* the meeting at 6:30pm via Webex: Go to the Village home page at www.villageofsherwood.org. The Webex meeting link is located in the upper right-hand side of your computer screen. You may print or save a copy of the complete meeting packet.

Join via telephone (without video): Tel #: 1-408-418-9388. Access Code: 628 186 722# Attendee ID: 51#

- 1) Call to Order/Roll Call.
- 2) Pledge of Allegiance.
- 3) Approval of the Agenda.
- 4) Approval of Minutes: January 16.
- 5) Citizen comments on agenda items.
- 6) Officer's Report.
 - a. Plan Commission – Chair.
 - b. Zoning Administrator.
- 7) Old Business: None.
- 8) New Business:
 - a. *Ordinance enforcement process.*
 - b. *Proposed sign ordinance amendment to allow temporary government signs.*
 - c. *Zoning Code Audit.*
- 9) Correspondences: None.
- 10) Adjourn.

Sherwood Plan Commission Special Meeting Minutes

Tuesday, January 16th, 2024

- 1) Call to Order/Roll Call. - *Clerk-Treasurer Halbach called the meeting to order at 6:45 pm with roll call:*

Present:

*Roger Kaas
David Miller
Brad Schmidt
Steve Summers (virtual)*

Absent:

*Tom Herrmann
Kathy Salo
Scott Sheppard*

Others Present:

*Nick Halbach, Clerk-Treasurer
Eric Fowle, Cedar Corp.
Mike Kaster, Cedar Corp.*

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Kaas moved to approve the agenda. Schmidt seconded. Motion carried without dissent.***
- 4) Approval of Minutes: January 2. – ***Schmidt moved to approve the 1-2-24 Minutes. Miller seconded. Motion carried without dissent.***
- 5) Citizen comments on agenda items.
- 6) *Public Hearing: Village of Sherwood Comprehensive Plan Update 2040*

Summers opened the public hearing with the three readings at 6:47 pm.

Jeff Holz

N589 Nottingham Court

Holz noted he had a few questions regarding how Cedar Corp came up with the future population projections, and why the Plan Commission determined a lack of senior housing as a weakness. Holz was curious as to why the comp plan would call for a 40% population growth by 2040 while other neighboring communities max out at 19% in their comp plans. He added the logic is reasonable for expanding the treatment plant capacity, but he noted his curiosity as to how that population projection impacts the rest of the comp plan. Holz also questioned the logic behind defining a lack of senior housing as a weakness as the population data showed the number of residents over the age of 60 remained the same from the previous comp plan update to the present.

Holz also noted he had an issue with chart 3-14, which reflected a proposed trail through a property he co-owns, that was removed from the trails map in 2022. He noted he had attended several board meetings for the PRUT Board, Plan Commission, and Village Board, and he wanted to make sure the Village was not using a map that included a trail on his property for a comprehensive planning document.

Eric Fowle of Cedar Corp noted the population projections come from the Wisconsin Department of Administration. He acknowledged that the projections from DOA likely have not been updated recently, but also acknowledged that Sherwood and Harrison are two of the fastest growing municipalities in the state. Fowle noted the map will be corrected for both the trails map, as well as the future land use map. He also noted the plan can still be adopted with those amendments.

Commissioner Kaas noted the senior housing need is based on expected aging of the Village's existing population and society as a whole, as the Village currently does not offer viable senior housing. Fowle added that Cedar Corp completed a senior housing study for the Village in 2017, which showed older residents moving out of the Village for the necessary housing they desired.

Kaas moved to close the public hearing at 6:59 pm. Schmidt seconded. Motion carried without dissent.

7) Officer's Report.

A. Plan Commission – Chair.

B. Zoning Administrator.

Clerk-Treasurer Halbach noted the Dreher proposal the Plan Commission heard at their last meeting is progressing as both Commissioner Schmidt and Engineer Kaster inspected the developer's proposed plans, and provided their comments to the developer. Schmidt noted the Village's zoning code focuses mostly on residential construction, and that the Plan Commission should investigate updating commercial code. Kaster added the architectural standards could use some updating, but noted the stormwater management control for the project is proper. Schmidt noted his initial impression was the stormwater would be draining to a Village pond, but it is actually draining to the adjacent parcel's stormwater pond.

8) Old Business. None

9) New Business:

A. *Approve the update to the Village of Sherwood Comprehensive Plan (2040).*

Schmidt moved to recommend approval the update to the 2040 Comprehensive Plan subject to updates to land use map and trail map as discussed at public hearing. Kaas seconded.

Kaas noted the official approval will be at the Village Board level next Monday night.

Motion carried without dissent.

10) Correspondences:

A. Workshop for Zoning and Planning Officials (UW Stevens Point).

11) Adjourn.

Kaas moved to adjourn at 7:07 pm. Schmidt seconded. Motion carried without dissent.

Respectfully submitted for review and approval by Nick Halbach, Clerk-Treasurer.

**VILLAGE OF SHERWOOD PLANNING COMMISSION
EXECUTIVE SUMMARY OF AGENDA ITEM**

FROM: Diane Wessel, Interim Administrator
MEETING DATE: May 06, 2024
AGENDA ITEM TITLE: Enforcement of ordinances
AGENDA ITEM CATEGORY: New Business

BACKGROUND: Village staff have been receiving reports of ordinance violations.

ISSUE IDENTIFICATION:

It appears that the Village of Sherwood does not have a process established for the enforcement of ordinances. A search of the village file system showed that a designated enforcement officer was in place up until 2000. After 2000 it appears that zoning administration and enforcement defaulted to the Administrator. It appears that in absence of a designated code enforcement officer, village staff sent notices of violation in attempt to clear violations, however it appears that violations that were not cleared did not proceed to enforcement by citation.

ANALYSIS

It appears that code violations are often not cleared which result in long-standing violations and a general disregard for notices of violation and attempts to remedy by the Village. Staff has attempted to gain compliance, but without a penalty mechanism, some violators ignore ordinances and the village's attempts to gain compliance. An established enforcement process is a necessary tool for village staff to ensure that village ordinances are followed.

OPTIONS

- 1) Authorize law enforcement officers to issue citations for violations of village ordinances.
 - requires discussion with Calumet County Sheriff to determine willingness and capacity.
- 2) Authorize the Administrator to issue citations for violations of village ordinances and grant authorization to delegate such authority to department heads to enforce ordinances under the jurisdiction of their department.

SUGGESTED MOTION

Motion to recommend that the Village Board authorize (law enforcement or the administrator) to issue citations for violations of Village ordinances.

NEXT STEPS

- Staff will draft a standardized citation template for review by legal counsel.
- Staff will begin issuing citations to zoning violations AFTER notice of non-compliance is sent and the offender is given an opportunity to clear the violation.

ATTACHMENTS:

- Village of Sherwood Code of Ordinances: § 25-2Citations.

RELATED ORDINANCES/STATE STATUTES, ETC.

Village of Sherwood Code of Ordinances: § 25-2 Citations.

- A. Authorization for use of citation. Pursuant to the authority granted by § 66.0113, Wis. Stats., the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.
- B. Officials authorized to issue citation. Citations authorized in Subsection A above may be issued by law enforcement officers of the Village and by designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board.
- C. Form of citation. The form of the citation to be issued by Village law enforcement officers or other designated Village officials is incorporated herein by reference and shall provide for the information required in § 66.0113(1)(b), Wis. Stats.
- D. Schedule of cash deposits. The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk-Treasurer. In addition to the deposit amount listed, the deposit shall include the costs, fees and surcharges imposed under Ch. 814, Wis. Stats.
- E. Receipt of cash deposits. Deposits shall be made in cash, money order or certified check to the Clerk of the Court of Calumet County, Wisconsin. Receipts shall be given for all deposits received.
- F. Procedure. Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

**VILLAGE OF SHERWOOD PLANNING COMMISSION
EXECUTIVE SUMMARY OF AGENDA ITEM**

FROM: Diane Wessel, Interim Administrator
MEETING DATE: May 06, 2024
AGENDA ITEM TITLE: Ordinance 2024-06 amending the Village of Sherwood Sign Ordinance to allow temporary governmental signs.
AGENDA ITEM CATEGORY: New Business

BACKGROUND: Calumet County Emergency Management has a mobile digital traffic board that is used throughout the county to notify travelers of road closures and other public emergencies. The County would like to place the sign in the Village of Sherwood initially to advertise their registration to be notified of emergencies and potentially at other times when there are public emergencies.

ISSUE IDENTIFICATION: The current Village of Sherwood sign ordinance restricts this type of sign from scrolling text (2.3.1) and requires digital messaging illumination to cease by 10 pm (2.3 (5)). Such restrictions reduce the effectiveness of the sign for emergency purposes. Section 2.7 exempts permanent governmental signs from all sections of the code, but does not exempt temporary governmental signs.

RELATED ORDINANCES/STATE STATUTES, ETC.

2.7 Governmental signs: Permanent governmental signs including but not limited to those used for regulation of traffic and other regulatory/notification purposes, danger signs, railroad crossing signs, signs which improve service or safety erected by or on the order of the Zoning Administrator, street signs, and wayfinding signs are all exempt from the provisions of this Section.

ANALYSIS

If the Village wishes to allow such a sign for notification of the public for emergency management and law enforcement purposes, this could be accomplished by striking the word “Permanent” in section 2.7.

While reviewing the sign ordinance code, staff noticed 2 typos referencing an incorrect table number (4-1) and included this correction (to 3.1) in the proposed ordinance.

OPTIONS

Allow the sign as requested = amend ordinance
Deny the sign as requested = no action

RECOMMENDED ACTION

Staff recommends amending the ordinance to allow temporary electronic messaging signs for use as public notification of emergencies and similar purposes.

SUGGESTED MOTION

Motion to recommend approval to the Village Board of Ordinance 2024-06 amending the Village of Sherwood Sign Ordinance to allow for temporary electronic government signs.

ATTACHMENTS: Ordinance 2024-06 amending the Village of Sherwood Sign Ordinance to allow electronic temporary governmental signs.

**VILLAGE OF SHERWOOD PLANNING COMMISSION
EXECUTIVE SUMMARY OF AGENDA ITEM**

FROM: Diane Wessel, Interim Administrator
MEETING DATE: May 06, 2024
AGENDA ITEM TITLE: Zoning audit/diagnostic review
AGENDA ITEM CATEGORY: New Business

BACKGROUND:

- The original zoning code was adopted in 1997. The original code plus amendments through 2014 were codified in 2014. There have been 3 text amendments since 2014, all amendments were to Article VIII Signs.
- The Village issued a request for proposals (RFP) for a “Limited Zoning Code Update” in 2018. The scope of work included diagnostic review, municipal meetings, solutions and code outline, draft code, and adoption facilitation. The RFP was sent to 6 firms, no proposals were submitted.

ISSUE IDENTIFICATION

It appears that with the exception of sign regulations, there have been no zoning code updates/amendments since 2014.

- It is likely that there have been changes to statutes related to zoning since 2014 that are not reflected in the Sherwood Zoning code.
- In light of Act 67 related to conditional use permits, the Village may want to revisit conditional uses in zoning districts.
- Staff have come across zoning language that is challenging to administer. Examples include;
 - 22-67 (A) Permit Application. All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Zoning Administrator for examination and approval as to proper location and construction. The plans shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately show all lot lines, and all information pertaining to the location of the pool, walk, deck, fence construction, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool.
 - Issue: burdensome information to require and much is not utilized (i.e. vertical elevations, water supply system, drainage and water disposal systems)
 - 22-B Commercial District, permitted uses by right, item 7 d Accessory Uses: Residential uses for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
 - Issue: if residential is allowed in a commercial district, it should be restricted by % space, location (i.e. not street facing), or similar measurable and identifiable factor. Current language identifies residential as accessory thereby requiring an operating commercial business as primary. Administration / enforcement would require staff to determine if a commercial business is operating on the property and ascertain what relationship the resident has to the business.
 - Violations: does not appear to indicate that each day is a separate offense.

ANALYSIS

Staff believe that the village may not have received proposals partially because the scope of services of the "Limited Zoning Code Update" included non-zoning ordinances and it is likely that the firms that were sent the RFP did not have expertise in ordinances that are not related to land use (i.e. mailbox placement, snow plowing, liquor licenses, etc.). The RFP had the following scope of services:

1. **Diagnostic Review:** A comprehensive review and executive summary of deficiencies identified in the current zoning code. Consultant should review code for best Management Practices.
2. **Municipal Meetings:** Meet with Staff to review items. One evening meeting each with the Plan Commission & Village Board while developing Code updates (Mondays).
3. **Solutions and Code Outline:** Develop an outline of solutions to the problems identified in the above outreach and diagnostics steps. Develop a working outline of the newly updated ordinance, as it pertains to items in Attachment A:
 - Grass cutting
 - Leaf pick-up as part of the Nuisance Ordinance
 - Driveway widths
 - Temporary garages not allowable
 - Elderly facilities: residential alternative to large nursing facilities
 - New home building elevations on subdivided, un-built lots
 - Renewable energy
 - Outdoor storage
 - Fencing ban
 - On-street parking
 - Fill permits
 - Snow-plowing
 - Parkland designation
 - Restrict lewd & lascivious commercial site development to specific areas
 - Drones
 - Antennas
 - Local parking
 - Exterior lighting
 - Signage regulation
 - Liquor licenses
 - Building standards
 - Mailbox placement
 - Driveways on cul-de-sacs
 - Asphalt vs. concrete driveway aprons
4. **Draft Code:** Complete initial *Draft* of Zoning Ordinance changes and presentation to the Plan Commission. Identify any changes needed on the Zoning Map.
5. **Adoption:** Facilitate and attend the *public hearing* at a regular Monday night Board of Trustees meeting.

STAFF RECOMMENDATION

Because a zoning code rewrite is not budgeted and because Sherwood is not fully staffed, staff recommends completing a zoning code audit/diagnostic review. This would enable the Village to quickly address the most pressing issues within the code by amending individual sections, incrementally update less pressing areas of the zoning code when resources allow OR to budget for a future zoning code rewrite.

FISCAL IMPACT:

Staff estimates a zoning code audit would cost roughly \$7,500.