

TOWN OF FULTON
Planning & Zoning Committee
2738 W Fulton Center Dr.
Edgerton, WI 53534

Tuesday, August 14th, 2007
6:00 PM

MINUTES

1. **Call to Order** at 6:00 pm by Sayre. Present were Tuebert, Rebman, Sautin, Clift, Farrington, Sayre, and Zimmerman (Absent – Lichtfuss)
2. **Confirmation of Meeting Notice**-Zimmerman confirmed the publishing in the Edgerton Reporter on 8/8/07 and posting in 3 public places on 8/6/07.
3. **Approval of Agenda – Motion** (Farrington, Sautin) to approve. Carried.
4. **Approval of July 10th, 2007, Meeting Minutes – Motion** – (Teubert, Rebman) to approve the minutes. Carried.
5. **Public Participation** – Citizen Brown stated he would like to talk about outdoor woodstoves; however he'd wait until that item came up on the agenda if he'd be allowed to speak then. Sayre stated that would be ok.
6. **Annual review of Conditional Use Permits as required in Sec. 5.7 of the Zoning Ordinance** – Sayre advised to his knowledge there are no problems with any of them. Zimmerman advised notices were mailed out to all of them approximately one month prior and no one had contacted the town hall with any changes for them. **Motion** (Clift, Sautin) to approve the attached list of CUP's. Carried.
7. **Discussion re: amending wording of CUP to maintain the CUP status to new owner if parcel is divided as long as the use remains the same.** – Sayre explained this question has been brought up a few months ago. Sayre used an example of a campground or a golf course which has a CUP, the CUP goes with the parcel, and if the land is divided, the person who purchased the divided parcel should automatically get the CUP because the use remains the same. Sayre stated the Attorney advised the CUP goes with the parcel, and if one were to split and sell off a portion of the original parcel, then the new owner would have to apply for the CUP. Citizen Walton addressed the committee. Sautin said if the split parcel still meets the requirements, they could get a new CUP. Sayre asked why someone should have to apply for a new one if they are using it for the exactly the same thing, and business will be carried on in the same manner. Rebman stated he feels there should be two separate CUP's, one for each parcel because if they operate under one CUP and the split parcel owner misbehaves then the entire CUP would be revoked. Sautin said if all the requirements are still met and it is still on his property, there shouldn't be any change; the new parcel that has been developed would now have to apply in order for them to meet the requirements and submit the application. Sayre agreed that they need to apply, but they ought to be automatically eligible. Brian Christianson said that CUP's goes along with the parcel but it also runs with the zoning. He advised there are certain zoning conditions within our ordinances that certain CUP's are not possible to get. Sayre agreed, stating if the zoning changes then they would need to reapply. Citizen Corlell said it seems like you are adding a lot of red tape to change the survey description of parcels, and feels it should be

simple and re-applied for. Sayre stated he feels that as long as the use stays the same and you weren't violating any zoning, you should automatically be eligible, and you shouldn't be penalized for selling a portion if the use stays the same. Walton asked if after the survey is done for lot division, and there was no zoning change and there is no buyer at that time, would there still be the CUP even though the original parcel has been divided. Rebman stated he thought Walton wouldn't have to reapply but would have to amend the description of the original CUP. Rebman advised if a new owner comes into play, or if the use changes then he felt the CUP would have to be re-applied for. Brian Christianson stated he felt if a new parcel was created, then they need to apply for a new CUP, and a public hearing would be held, that way the standards of the CUP have been met. **Motion** (Farrington, Rebman) to table this and get more information from our attorney. Carried.

8. **Future renewal fees for CUP's** – Sayre explained at this time we do not collect a renewal fee and Sayre advised it costs approximately \$6.09 for processing, publishing, etc. There was no interest from the board members for charging renewal fees. **Motion** (Farrington, Sautin) to leave CUP's costs as is.

9. **Draft ordinance amendment for Outdoor Wood Stoves requiring a Conditional Use Permit** – Sayre explained there are many different ordinances out there. He advised this gives us a chance to review it once a year. Farrington thought not less than 40' was too close, and thought it should be a minimum of 100'. Sautin asked what a reasonable distance would be. Farrington stated he felt we need to sit down and look at the zoning and consider placing a minimum amount of feet away from a building. Sautin asked if 250' is too restrictive or if that would be good. **Motion** (Farrington, Rebman) table till next month so that we can have chance to look at furnace location distances on other ordinances. Carried.

10. **Discussion re: CUP's for semi-trailer boxes listed in section 425-12I, however not specifically listed as a Conditional Use in the A1, A2, or A3 Districts** - Sayre explained this is just to have this listed in the specific A1, A2, and A3 zoning sections of the new code of ordinance book. **Motion** (Farrington, Clift) to approve the draft. Zimmerman clarified this will have to have a public hearing and a class 2 publication with the other zoning ordinances that are amended before the new Code of Ordinances is adopted. Carried.

11. **Report from adhoc committee reference review of new ordinance book** – Zimmerman advised she received a message from Kathy Lichtfuss advising they are moving along, but are not quite complete yet.

12. **Correspondence** Zimmerman explained we received a copy of a letter from the DNR in reference to Fin's Bar & Grill doing some Riprack work and advised she gave them copies for their information. Also she advised we received a letter from Dan Rueth Construction requesting their property be included on the development map, and also to re-zone from A1 to R1. She advised a copy of this letter was provided to them also for their information and this most likely will be on the agenda next month.

13. **Adjournment** – **Motion** (Teubert, Farrington) to adjourn at 7:58 by Teubert. Second Farrington. Carried.

Submitted by,

Connie Zimmerman

PZ Meeting Minutes

Aug. 14, 2007

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**These minutes are not official until approved by the P&Z Board. **