

# AGENDA FOR THE CITY OF BARABOO ZONING AD-HOC COMMITTEE

Members noticed must notify the person who prepared agenda (see below) at least 24 hours before the meeting if they will not be able to attend.

**Date and Time:** Wednesday, October 10, 2018 at 6:00 p.m.  
**Location:** City Hall, Dennis Thurow Committee Room (Room 205) - 101 South Boulevard, Baraboo, WI 53913  
**Members Noticed:** Nanci Caflich, Mike Carbonara, Gil Gerdman, Kelsey Mc Dermott, Tom Kolb, Melanie Platt-Gibson, Michael Zolper  
**Others Noticed:** M. Palm, E. Geick, T. Pinion, M. Schauf, E. Truman, Media

1. Call to Order
  - a. Roll Call of Membership.
  - b. Note compliance with Open Meeting Law.
  - c. Approval of September 26, 2018 Meeting Minutes.
  - c. Approval of the Agenda.
2. Appearances/Presentations
  - a. Discussion by staff of the conditional use permitting procedure.
3. Action Items
  - a. Review and possible recommendation to the Plan Commission for edits to the Baraboo Municipal Code, Section 17.08.
  - b. Review and possible recommendation to the Plan Commission for edits to the Baraboo Municipal Code, Sections 17.20 – 17.35.
4. Information Items
  - a. Selection of next meeting time and date.
5. Adjournment

Agenda Prepared by G. Gerdman and posted on 10/5/2018 by D. Munz

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**PLEASE TAKE NOTICE** that any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 101 South Blvd., or phone 608-355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

**FOR INFORMATION ONLY, NOT TO BE PUBLISHED**

## Minutes of Zoning Ad-Hoc Committee Meeting September 26, 2018 at 6:00PM

**Call to Order** - Gil Gerdman called the meeting of the Commission to order at 6:00 PM.

**Roll Call** – Present were Gil Gerdman, Nanci Caflisch, Tom Kolb, Michael Zolper, Kelsey McDermott, Melanie Platt-Gibson

Absent – Mike Carbonara

Also in attendance were Tom Pinion, Mark Schauf, Attorney Emily Truman.

### 1. **Call to Order**

- a. **Roll Call of Membership.**
- b. **Note compliance with the Open Meeting Law.** Palm noted compliance with the Open Meeting Law.
- c. **Agenda Approval:** It was moved by Kolb, seconded by Platt-Gibson to approve the agenda as posted. Motion carried unanimously.
- d. **Minutes Approval:** It was moved by Zolper, seconded by Kolb to approve the minutes of August 22, 2018. Motion carried unanimously.

### 2. **Appearances/Presentations**

Comments from Zoning Administrator, Police Chief and City Attorney. The recent legislative change to the conditional use law is the focus of this committee. For multi-dwellings parking is a commodity downtown, which need to be taken into consideration. Other potential problems could be safety and good neighbor issues, noise complaints, garbage containers, refuse collection. Atty. Truman added that we need to follow State Statute, code needs to be compliant with State Statute.

3. No Public Appeared.

### 4. **Action Items**

- a. Discussion on Permit – is by right, permit issued same day. Conditional Use needs to go through review and approval by Plan Commission. Discussion in detail about Accessory Uses.
- b. Red-lined items in Chapter 17 are only suggestions to the committee to strike or keep in. Items that are removed would make more work for the applicant to obtain what they want. Discussion on home occupation of what is regulated and not regulated. Our community is complaint driven. Discussed retail sales definition.
- c. Discussion on two family dwelling conversions. Kolb wants it removed. Caflisch explained 2008 situation. Hard to regulate ordinances. Truman added legality and deed restriction. Time allowance for ad hoc committee issues including having review sooner rather than later.
- d. Future date for meeting is Wednesday, October 10<sup>th</sup> at 6PM.
- e. Goal is to get through rest of marked up document, a group review and other zoning codes too.

### 5. **Information Items**

**Next Meeting** – Wednesday, October 10, 2018 at 6:00PM

**Adjournment** - It was moved by Gerdman, seconded by Caflisch to adjourn at 7:42 p.m. The motion carried unanimously.

Gil Gerdman

Suggested Edits to Definition of "Home Occupation"

(52) HOME OCCUPATION. (2235 08/22/2006)

(a) A "Home Occupation" is defined as the production of goods and/or services, customarily conducted for gain or support, within a residence by a member of the family residing in the residence, and that has three or more of the following characteristics:

1. The direct sales of merchandise or service to customers at the residence, or meeting directly with customers at the residence.
2. Non-immediate family employees come to the residence.
3. The delivery of materials used in the home occupation to the residence.
4. Equipment used in the home occupation is stored outside the residence.
5. Evidence of use as a home occupation visible or audible from off the property.

Regardless of circumstances, a home occupation shall not include a daycare not required to be licensed by the State, home sales parties not exceeding twice per calendar month, an activity engaged in by persons under the age of 18 years, or private lessons offered in a home, such as music or reading.

(b) If a home occupation is permitted as a conditional use for a residence, it shall comply with the following general conditions:

- (1) Retail sales are not permitted within a home occupation building.
- (2) Shopping by customers is not permitted within a home occupation building.
- (3) Displayed items produced by the home occupation may be displayed but not sold.
- (4) A home occupation shall produce no offensive noise, vibration, dust, odors, smoke, heat, pollution, glare, or radio, electrical, or television interference or otherwise produce a nuisance.
- (5) No materials which decompose by detonation shall be allowed in conjunction with a home occupation.
- (6) No home occupation shall be permitted which changes the outside appearance of the dwelling or is visible from the street.
- (7) Materials used in or produced by a home occupation may not be stored or displayed outside of any building.
- (8) Nonresident employees of a home occupation may be permitted by the Plan Commission if the Plan Commission makes the following findings:
  1. That no non-resident employee shall perform any work or services at the site of the home occupation,
  2. That a non-resident employee shall not work out of a branch office located in his/her home within the City unless the said branch office is also granted a conditional use permit, and
  3. That a non-resident employee shall not report for work at the site of the home occupation and leave his/her vehicle parked in the vicinity of the home occupation during the work day.
- (9) The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with a residential neighborhood. There shall be no

deliveries to or from a home occupation with a vehicle larger than a 30-foot long single-unit truck nor more than one delivery per day. Trucks shall not operate out of resident districts as part of a home occupation.

- (10) ~~No more than one~~ One (1) home occupation shall be permitted per each ~~lot~~ residence, with additional home occupations requiring Plan Commission approval.
- (11) ~~A h~~ Home occupations shall be carried on wholly within buildings on the lot by resident occupants and the total area devoted to ~~the~~ home occupations shall not exceed 20 percent of the gross floor area of the dwelling unit.
- (12) No home occupation shall be permitted that generates sewerage or water use in excess of what is normal for a residential dwelling.
- (13) No home occupation shall be permitted which requires plumbing, electrical, or structural changes when such changes are not dictated by the primary residential use of the property.
- (14) Home occupation uses shall meet all applicable fire and building code safety requirements.
- (15) No home occupation involving visits to the site of the home occupation by customers or the loading and unloading of business-oriented material shall be operated between the hours of 8:00 p.m. and 8:00 a.m.
- (16) The following uses are prohibited as home occupations:
  1. Veterinary clinics, pet grooming or boarding.
  2. Antique shop.
  3. Automobile or other motor vehicle repair or paint shops.
  4. Barber shops and beauty parlors.
  5. Furniture stripping and/or refinishing.
  6. Gift shops.
  7. Manufacturing or assembling items for sale from components not made on the same premises.
  8. Mortuaries.
  9. Non-digital Pphotographic studios.
  10. Private clubs.