



156 East First Street
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October 23, 2015

TO ALL PLAN COMMISSION MEMBERS:

Jane Hansen	Ron Volkert
Rachel Greenwold	David Wilford
Kyle Hinrichs	Fred Horne
MaryKay Rice	Sarah Skinner (ex officio)

This is to notify you that there is a Plan Commission meeting scheduled for Tuesday, November 3, 2015 at 5:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, City of New Richmond, WI.

AGENDA:

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of the Minutes of the Previous Meeting, August 6, 2015**
- 4. Public Hearing to discuss the following:**
- 5. Amendments to Ordinance Section**

Section 1. Amending Section 117-41.C.1 of the Subdivision Ordinance to reduce the width of required drainage and utility easements for new lots from 12 feet to 10 feet.

Section 2. Table 3.g of the Zoning Ordinance (Industrial) is to be amended to add "Breweries/Distilleries; including tap room/tasting room as an accessory use" as a permitted use within the Z7 Districts.

Section 3. Table 3.g of the Zoning Ordinance (Industrial) is to be amended to add "Breweries/Distilleries; including tap room/tasting room with a moderate restaurant license or catered food service" as a conditional use within the Z7 Districts.

Section 4. Table 6.d of the Zoning Ordinance (Z3 District – Setbacks Accessory Structure) is to be amended to not include off-street parking stalls and driveways.

Section 5. Table 6 of the Zoning Ordinance (Z3 District) is to be amended to establish setback requirements specific to off-street parking stalls and driveways.

Section 6. Table 10.d of the Zoning Ordinance (Z7 District – Setbacks Accessory Structure) is to be amended to not include off-street parking stalls and driveways.

Section 7. Table 10 of the Zoning Ordinance (Z7 District) is to be amended to establish setback requirements specific to off-street parking stalls and driveways.

Section 8. Table 12 of the Zoning Ordinance (Telecommunications Towers and Antennas – Height Limitations By Zoning District) is to be amended to exempt antennas mounted on municipal water towers from height restrictions.

Section 9. Section 121-49.F of the Zoning Ordinance (Additional Building and Lot Regulations) is to be amended to provide greater flexibility to not require construction of sidewalks and trails on vacant existing lots of record at the time of development.

Section 10. Section 121-52.A.4 of the Zoning Ordinance (Parking Location Standards) is to be amended to provisions addressing off-street parking requirements within the Z6 District.

Section 11. Section 121-55.K.1.a of the Zoning Ordinance (Landscape Standards – alternative landscapes) is to be amended to remove references to required irrigation systems.

6. **Action on Public Hearing Agenda**
7. **Communications and Miscellaneous**
8. **Adjournment**

**Fred Horne,
Mayor**

cc:

The News

Northwest Cable

City Website

Nick Vivian

Mike Demulling

Bob Meyer

Tom Rickard

Dan Licht

Jim VanderWyst

Mark Samelstad

Beth Thompson

Steve Skinner

Nancy Petersen

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2nd 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.



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MEMORANDUM

TO: Beth Thompson

FROM: Daniel Licht, AICP

DATE: 15 October 2015

RE: New Richmond – Zoning Ordinance

TPC FILE: 164.01

BACKGROUND

The City of New Richmond adopted comprehensive updates to the Zoning Ordinance and Subdivision Ordinance effective 1 January 2015. City staff was directed to initiate discussion of possible amendments to the Zoning Ordinance and Subdivision Ordinance identified in the course of on-going, day-to-day administration of the development regulations and review of development proposals every six months. An update process was recently completed with the City Council adopting amendments at their meeting on 20 August 2015. City staff is bringing forward additional amendments based on issues identified through review of recent development applications that requires action. A public hearing to consider these amendments has been noticed for the Plan Commission meeting on 3 November 2015.

Exhibits:

- A. Draft amendments
- B. Restaurant License Information

ANALYSIS

Easements. The updated Subdivision Ordinance changed the minimum width of drainage and utility easements to be dedicated at the perimeter of new lots from 10 feet to 12 feet. The increased area is not needed for typical public utility or drainage purposes and the change in the requirement has caused inconsistencies between platted lots within the same

development. As such, City staff recommends revising Section 117-41.C.1 of the Subdivision Ordinance to revert to the requirement for 10 foot wide drainage and utility easements, which may overlay side or rear lot line or which may be increased in width on a case-by-case basis as determined necessary by the Public Works Director.

Barley John's. The City approved site and building plans for Barley John's to construct a new brewery facility within the New Richmond Business and Technical Park. Breweries (and distilleries) are considered allowed processing uses within the Z7 District. At the time Barley John's site and building plans were reviewed, City staff noted the planned tap room and kitchen facilities and advised the business that restaurant uses were not allowed. The business indicated at the time that they intended to have only ready-made snacks such as nuts, meat/cheese trays or chips available. However, the business prepared to open with a much more extensive menu that required a restaurant license and was in conflict with the Zoning Ordinance.

City staff has drafted an amendment to Table 3 listing the allowed uses within each zoning district to specifically address breweries and distilleries within the Z7 District. Breweries or distilleries with or without a tap room or tasting room would be allowed as a permitted use within the Z7 District, whereas uses proposing to offer food service would be allowed subject to approval of a conditional use permit. The conditional use process for allowing expanded food service allows opportunity for the Plan Commission to review the compatibility and appropriateness of the more consumer oriented use within the planned industrial park. The food service allowed under the conditional use permit would be further limited to a "moderate" restaurant license, which limits the extent of food service to less than that of a full menu restaurant based on the criteria outlined in the information attached as Exhibit B.

Parking Setbacks. Tables 6 and 10 establish setbacks for off-street parking areas within the Z3 and Z7 Districts as being the same as applicable to accessory structures, which is not functional for commercial and industrial uses allowed, respectively, within these zoning districts. City staff has drafted amendments to Tables 6 and 10 that establish separate setback requirements for off-street parking areas for multiple family, commercial or industrial uses as allowed within the Z3 and Z7 Districts to allow for functional site plans to be developed.

Antenna Height. Section 121-47 of the Zoning Ordinance has been written to encourage location of telecommunications equipment upon City water towers to avoid the need for additional towers of similar height within the City for aesthetic and compatibility reasons. However, Table 12 of the Zoning Ordinance limits the height an antenna may extend above the water tower to 15 feet. The Board of Appeals recently approved a variance application for St. Croix County to mount public safety communication system antennas upon the City's south water tower to be 23 feet above the height of the structure based on the system coverage and connectivity requirements. Consistent with the intent of the Zoning Ordinance to encourage location of additional telecommunications equipment upon City water towers, City staff recommends removing the 15 foot height limit applicable to water towers. The City has

adequate ability through the lease required to place telecommunications equipment upon the tower to address structural, aesthetic and compatibility issues with such equipment.

Sidewalks/Trails. Section 121-49.F of the Zoning Ordinance establishes that a developer of an existing lot of record must provide for installation of sidewalks and trails as part of their site plan approval. This provision is necessary to ensure completion of the pedestrian and bicycle transportation system outlined by the Comprehensive Plan and required of new development by the Subdivision Ordinance. However, because of the pattern of existing development and incomplete sidewalk/trail connections, it may not always be the best alternative to have a pedestrian way installed on each vacant lot. For example, within the New Richmond Business and Technical Park, it has been determined that a sidewalk is only to be constructed on one side of the public streets. In other areas, existing development may be a barrier to making sidewalk connections between vacant lots or existing sidewalks/trails. Under this scenario, the intended pedestrian/bicycle connection may only be feasible through public action and construction of individual segments should be deferred until such a project is undertaken. The proposed amendment to Section 121-49.F of the Zoning Ordinance provides greater discretion to the DRC and Plan Commission in determining where sidewalks and trails are to be required to be constructed with site development on a case-by-case basis in consideration of existing conditions surrounding the proposed development.

Downtown Parking. Table 14 of the Zoning Ordinance requires provision of a minimum number of off-street parking stalls related to the type of land use. For uses within the downtown area, Table 14 requires fewer parking stalls for service or business uses than in other zoning districts. However, given the intended character of development within the downtown area (and as outlined by the Downtown Design Guidelines) provision of even a minimal number of off-street parking stalls can be problematic in terms of building architecture and size, site design, and access. Typically downtown areas will provide for an exemption from required parking or use of on-street parking and public parking areas to meet parking demands of the uses in the area. City staff has drafted language to be added to Section 121-52.A.4 of the Zoning Ordinance that would allow for use of on-street parking stalls adjacent to a property to be used to comply with the off-street parking requirements for individual businesses.

Landscape Maintenance. Section 121-55.I of the Zoning Ordinance establishes provisions requiring landscaping be maintained in perpetuity as healthy and free of invasive weeds, which would be in addition to property maintenance provisions included in Section 90 of the City Code. However, Section 121-55.K.1.a of the Zoning Ordinance dealing with natural landscapes includes a statement that implementation of a natural landscape plan may include waiver of irrigation requirements. The Zoning Ordinance update effective 1 January 2015 does not require provision of irrigation (although it may in fact be necessary to maintain healthy grass, plants and trees) nor was irrigation required by the Zoning Ordinance prior to the update. City staff proposes to delete the reference to a waiver of irrigation requirements within the natural landscaping provisions so as not to imply irrigation is required or cause confusion.

RECOMMENDATION

The Design Review Committee reviewed the proposed Subdivision and Zoning Ordinance amendments at their meeting on 15 October 2015 and recommends approval of the draft ordinance amendment as presented.

POSSIBLE ACTIONS

- A. Motion to recommend **adoption** of an Ordinance amending the Subdivision Ordinance and Subdivision Ordinance as recommended by the Development Review Committee.
- B. Motion to **table** for further discussion or additional information.
- c. Mike Darrow, City Administrator
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney
Tanya Reigel, City Clerk

ORDINANCE # _____

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Section 117-41.C.1 of the Subdivision Ordinance (Easement Locations) is hereby amended to read as follows:

1. Utility easements shall be at least 12 feet wide, or wider where recommended by the Director of Public Works, and may be run across lots or alongside rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved. An easement for drainage and utilities at least 10 feet wide along front and rear lot lines and 5 feet wide along all abutting side lot lines shall be provided. An easement for drainage and utilities not less than 10 feet wide shall be provided adjacent to all plat boundaries. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots as approved by the Public Works Director.

Section 2. Table 3.g of the Zoning Ordinance (Industrial) is hereby amended to add "Breweries/Distilleries; including tap room/tasting room as an accessory use" as an allowed use within the Z7 Districts as a permitted use (A).

Section 3. Table 3.g of the Zoning Ordinance (Industrial) is hereby amended to add "Breweries/Distilleries; including tap room/tasting room with a moderate restaurant license or catered food service" as an allowed use within the Z7 Districts as a conditional use (C).

Section 4. Table 6.d of the Zoning Ordinance (Z3 District – Setbacks Accessory Structure) is hereby amended to read as follows:

- d. Setbacks Accessory Structure

Accessory buildings, ~~off street parking & and~~ trash/refuse containers shall be distanced from the lot lines as shaded.

- d.1 Principal Front Setback, 25ft. min.
- d.2 Secondary Front Setback, 20ft. min.
- d.3. Side Setback, 5ft. min.
- d.4. Rear Setback, 20ft. min.

Section 5. Table 6 of the Zoning Ordinance (Z3 District) is hereby amended to add the following provisions:

e. Off-Street Parking Setbacks:

Off-street parking areas for uses other than single family, two family or townhouse dwellings shall be distanced from the lot lines as follows:

- e.1. Principal Front Setback, 15ft. min.
- e.2. Secondary Front Setback, 10ft. min.
- e.3. Side Setback, 5ft. min.
- e.4. Rear Setback, 5ft. min.
- e.5. Abutting residential use, 10ft. min.

Section 6. Table 10.d of the Zoning Ordinance (Z7 District – Setbacks Accessory Structure) is hereby amended to read as follows:

d. Setbacks Accessory Structure

Accessory buildings, ~~off street parking &~~ and trash/refuse containers shall be distanced from the lot lines as shaded.

- d.1 Principal Front Setback, 25ft. min.
- d.2 Secondary Front Setback, 20ft. min.
- d.3. Side Setback, 5ft. min.
- d.4. Rear Setback, 20ft. min.

Section 7. Table 10 of the Zoning Ordinance (Z7 District) is hereby amended to add the following provisions:

e. Off-Street Parking Setbacks:

Off-street parking areas shall be distanced from the lot lines as follows:

- e.1. Principal Front Setback, 15ft. min.
- e.2. Secondary Front Setback, 10ft. min.
- e.3. Side Setback, 5ft. min.

e.4 Rear Setback, 5ft. min.

e.5 Abutting residential use, 20ft. min.

Section 8. The cell defined as row “All” and column “Height Limitation” within Table 12 of the Zoning Ordinance (Telecommunications Towers and Antennas – Height Limitations By Zoning District) is hereby amended to read as follows:

Antennas shall be collocated pursuant to Subsection E of this section; provided, that the antenna shall not exceed 15 feet above the height of a ~~water tower, church steeple, bell tower, smokestack, radio tower, telecommunications tower, or utility pole~~ and shall not exceed 15 feet above the height of a municipal utility, commercial, residential, hospital or school building, as the term height of building is defined in Section 121-15. Antennas mounted upon a municipal water tower shall be exempt from any height limit above the structure.

Section 9. Section 121-49.F of the Zoning Ordinance (Additional Building and Lot Regulations) is hereby amended to read as follows:

- F. When new development is proposed on an existing lot of record, the developer shall be required to construct trail and sidewalk improvements in the public right-of-way when needed to extend or complete a sidewalk connection, as determined by the Development Review Committee to implement the Comprehensive Plan. Such improvements shall be completed at the developer’s cost and plans must be approved by the Director of Public Works.

Section 10. Section 121-52.A.4 of the Zoning Ordinance (Parking Location Standards) is hereby amended to add the following provisions:

- d. On street parking stalls directly abutting a parcel within the Z6 District may be counted in satisfaction of the number of spaces required by Table 14.

Section 11. Section 121-55.K.1.a of the Zoning Ordinance (Landscape Standards – alternative landscapes) is hereby amended to read as follows:

- a. Alternatives to mowed turf lawns are allowed with proper maintenance per landscape maintenance requirements above. ~~With proper implementation of alternative landscapes, and after the establishment period, irrigation requirements may be waived.~~

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:
Published and effective:

CITY OF NEW RICHMOND

By: _____
Fred Horne, Mayor

ATTEST: _____
Tanya Reigel, City Clerk