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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MINUTES Zoning Code Land Use Sub-Committee April 10, 2025

Planner Barrows brought the meeting to order and read the following: pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Summit Zoning Code Land Use Sub-Committee at which it is possible that members of and possibly a quorum or negative quorum of members of other governmental bodies of the municipality may be in attendance in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above-noted date, time, and location.

Notice of Quorum: negative quorum of Village Board is in attendance.

ROLL CALL AND CONFIRM POSTINGS

Administrator-Clerk/Treasurer Michael took roll call and confirmed that the meeting was notice to the local media as required and requested and posted on the Village posting board and website. Members present were: Paul Schmitter, Matt Katz, Jack Riley and Jeff Lee. Also present were: Planner Amy Barrows and Administrator-Clerk/Treasurer Debbie Michael.

Review minutes from March 13, 2025

No changes requested.

Discuss sub-committee recommendations for contractor's yards and commercial vehicle parking

Planner Barrows stated someone can come in for one or the other or both. Adjusted Summit's existing definition to include discussion items from previous meeting.

Next step to go to Plan Commission and then Village Board and then back to Plan Commission for a Public Hearing. SEH reviewed the Zoning Map and marked the potential properties that this could apply to, there are 114 properties.

Contractor's Yard

STANDARDS:

- The property shall be zoned A-1 or A-2 and be at least 5-acres in size.
Add: that it has to be 2.4 acre density or Agricultural on the Comprehensive Plan and it can't be in a subdivision. Matt likes more restrictive, Paul gets both sides but agrees with Matt, Jeff greater than 2.4 and agricultural, Jack agrees.

- The property must front directly upon and have access to an arterial or major collector street, or be located within an established industrial park where roads can handle heavy equipment.
- The area designated for outside storage of materials shall be screened entirely from view by the adjacent properties and roads. The type of materials stored on the property, inside and outside, shall be reviewed and approved by the Village of Summit Plan Commission as part of the Conditional Use and Site Plan - Business Plan of Operation.
- The area designated for outside storage of materials shall not exceed 10% of the lot area, up to a maximum of two acres.
- The area designated for outside storage of materials shall be located a minimum of 100 ft. from any lot line, shore, wetland, or floodplain.
- The building road and side yard setback for any building housing materials and equipment shall be located a minimum of 50 ft. from any lot line.
- The use shall be compatible with adjacent land uses and surrounding natural resources as determined by the Village. The Village has the authority to increase setbacks if it is determined that the use has an impact on the surrounding properties, natural resources or road.
- Site Plan and Plan of Operation is required. Building architectural review is required.
- If commercial vehicle parking or equipment will be stored on the property, it shall be stored inside and in compliance with the CU procedures and standards for Commercial Vehicle Parking.
- The property shall be maintained in good condition as determined by the Plan Commission.
- The Conditional Use is not transferrable to a different owner or a different property.

Add: property cannot be in a subdivision.

- The Conditional Use must be accessory to a principal residential use. *(The subcommittee had mixed reactions to this provision).*

The sub-committee was split 2:2.

- Environmental, noise, and light pollution provisions should be added to the general Conditional Use standards.
 - Environmental/water quality
 - *Use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
 - *No activity shall withdraw water or discharge any liquid or solid materials that exceeds NR 102 or other applicable water quality regulations, and no activity shall locate, store or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, or solid into surface or subsurface waters that may contaminate, pollute, or harm waters, or create a nuisance, such as result in debris, oil, scum, color, odor, taste, etc., or be harmful to human, animal, plant, or aquatic life.*
 - *Material storage shall be contained so as to avoid runoff & erosion on adjacent properties, roads and natural resources*
 - Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
 - Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties. Only security lighting is allowed at night.*

Jack requested to have a map identifying any parcels that don't have a residence.

Commercial Vehicle Parking

Updated definition was reviewed.

STANDARDS:

- Provisions of recently adopted ordinance apply unless modified herein.
- The property shall be zoned A-1 or A-2 and be at least 5-acres in size.
- The property must front directly upon and have access to an arterial or major collector street, or be located within an established industrial park where roads can handle heavy equipment.
- The building road and side yard setback for any building housing materials and equipment shall be located a minimum of 50 ft. from any lot line.
- Vehicles must be fully operative and in active use.
- Vehicles must be owned, leased, or operated by owner or occupant of property.
- For a refrigerator truck, unit shall not be operated within 500 ft. of a residential property line.

Change to include stored vehicles that are running a generator or vehicle

- The use shall be compatible with adjacent land uses and surrounding natural resources as determined by the Village. The Village has the authority to increase setbacks if it is determined that the use has an impact on the surrounding properties, natural resources or road.
- Site Plan and Plan of Operation is required. Building architectural review is required.
- If the storage of construction, maintenance, or landscaping materials is proposed, it shall comply with the CU procedures and standards for a Contractor's Yard.
- The property shall be maintained in good condition as determined by the Plan Commission.
- The Conditional Use is not transferrable to a different owner or a different property.
- The Conditional Use must be accessory to a principal residential use. *(The subcommittee had mixed reactions to this provision).*

The sub-committee was split 2:2.

- Environmental, noise, and light pollution provisions should be added to the general Conditional Use standards.
 - Environmental/water quality
 - *Use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
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 - Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
 - Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties. Only security lighting is allowed at night.*

Discuss provisions for landscape businesses and nurseries

Planner Barrows stated this item would be skipped tonight but brought back at the next meeting.

Discuss provisions for the commercial storage of boats, trailers, and other vehicles and equipment

Planner Barrows reviewed the definition and conditions from the Town of Genesee Code.

COMMERCIAL STORAGE OF BOATS, TRAILERS, AND EQUIPMENT DEFINITION (examples):
Town of Genesee (Section 40(B)(12)): Conversions of Existing Barns and/or Farm Buildings: Rental of

existing barns and farm buildings for the storage of machinery, equipment, vehicles, boats, furniture, and similar items. Rental includes all items that are not owned by the lot owner or by the person lawfully residing on the lot, are stored in existing barns or farm buildings, and for which storage the owner of the items pays rent, provides goods or services, or provides other consideration.

COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Town of Genesee	A-1 and A-5 Districts	<ul style="list-style-type: none"> • Parcel must be part of an original farmstead and not located in a subdivision • Storage building must have existed at time section was created • Requires survey, including lot size, offsets, and use of all existing structures • Parcel must have access to an arterial or collector street • No outdoor storage is allowed Add “commercial” • Water supply and required septic system must comply with County and State rules • No commercial signs are allowed • Detailed landscape plan required • Building and grounds shall be maintained in a neat, attractive, and orderly way • Building shall comply with all regulations of town, state building code, and fire department Change “town” to “village” • Compatibility with surrounding area, including anticipated future uses per land use plan Strike “including anticipated future uses per land use plan” • No business associated with storage • If there are complaints about unusual noise, may require another public hearing • Buildings with storage shall be at least 50 ft. from side and rear lot lines • Applicant must accept terms of conditions Becomes a general condition

DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (*italics*):

- Definition should include inside storage for income/rent; not including storage for personal/private uses. If outdoor storage, screen from view, establish setbacks, require minimum lot size, consider limiting the number of boats/trailers per area.
 - *Building and use must comply with setbacks*
 - *Determine if commercial building code must be met*
- Allow in A-1 and A-2.

Add: Parcel must be minimum 5 acres

ADDITIONAL CONSIDERATIONS BY PLANNER:

- Consider Town of Genesee terminology, conditions, and only allow in existing barns

Planner Barrows stated that the Village needs to determine whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

The group wanted to go through the uses and Planner Barrows added that if they want a better explanation of what to consider related to being a permitted use or a conditional use, that there are training tools to review before making a decision.

Discuss provisions for limited family businesses

Planner Barrows reviewed the definitions.

LIMITED FAMILY BUSINESS DEFINITION (examples):

Waukesha County: Not defined, but parameters part of Conditional Use provisions. Provisions refer to service-oriented business definition.

SERVICE ORIENTED BUSINESS Sec on 2(b)177: A business operated by a single person or family where personal services are performed or assistance is given, as opposed to the sale of products, and involves predominantly professional operations as outlined in Section 4(g)16 of this Ordinance regarding a limited family business.

Town of Genesee: Same as Waukesha County

City of Oconomowoc (Section 17.903(4)(f).2) General Personal Services: An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tattoo parlors, and tanning salons.

LIMITED FAMILY BUSINESS COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Waukesha County	Residential and agricultural districts, except EC and FLC	<p>Operation in attached garage or accessory building</p> <p>Small family business that doesn't necessitate relocation or rezoning, but protects interest of adjacent land owner and future development of area</p> <p>All expansions in use require CU amendment</p> <p>All employees, except one, must be members of family residing on property</p> <p>Limited to service-oriented business, no manufacturing or assembly</p> <ul style="list-style-type: none"> • Examples: non-health related office or studio for professionals including accountant, architect, artist, attorney, barber, beautician, crafter, dance teacher, housekeeping, *Strike: indoor storage, insurance agent, interior decorator, massage therapist, music teacher, photographer, realtor, salesman, shoe repair, small engine repair, tailor/seamstress, travel agent, woodworker (not a cabinet maker), an office for a business that is otherwise located completely off site with the exception of vehicles transported to and from a job site on a daily basis, etc. In the event a question arises, the zoning administrator shall make a determination as to whether or not a business is considered a limited family business, service orientated business, or home occupation business. • Sale of products must be accessory to use and any sale of products not produced by business is prohibited • Shall restrict # and type of machinery and equipment, and may require that storage be inside • Structure shall be accessory and meet accessory requirements • Design and size may be determined by process • Must be conforming lot size

		<ul style="list-style-type: none"> Restrictions may be placed to avoid adverse effects on adjoining residential properties, such as location and site requirements
Town of Genesee	A-B, A-1, A-2, A-3, A-5, R-1, R-2, R-3	<ul style="list-style-type: none"> Similar to County provisions, including: Town Plan Commission shall determine % of the property that may be devoted to the use CU automatically expires and terminates on the sale of the property or transfer to nonoccupant, deed restriction required at time of CU issuance stating the restriction
City of Oconomowoc	Isthmus Residential & Industrial as CU Commercial & Business Park by-right	<ul style="list-style-type: none"> Limits on hours of operation, signage, lighting, parking Shall comply with other codes Requires architectural committee review for preservation of historic architectural style and exterior

REVIEW OF DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (italics), NEW COMMENTS IN RED:

- Definition includes uses such as woodworking, small machine and small engine repair, auto detailing, and the service industry, including dog grooming, yoga, massage, hair salon, photography studio, and wine tasting; dog care not included
- Allow in R-2 (1.5-acre), R-1 (2-acre), A-1 (35-acre), and A-2 (3-acre)

Planner Barrows asked if the group wants to allow these uses in accessory buildings. Jack – yes, Matt – auto detailing concerns him relative to number of cars and same with small equipment repair, Jeff agreed with Matt, there also was concern brought up that they would have issued if these were a nuisance to neighbors.

- Consider customer traffic
 - Consider limiting customer traffic, appointment only
 - Limit to number of customers at one time
- # of employees
 - Consider limiting on-site employees to family members residing on property and 1 additional employee
 - Group agrees to this
- Lights
 - Site Plan Review, but there shouldn't be a need for commercial scale lighting
 - Group agrees to this
- Screening
 - Require sufficient screening if any activities take place outside
 - Provide for architectural review of buildings/structures
 - 3 of the 4 agree with this (Riley doesn't)
- Noise
 - Refer to ordinance; see contractor's yard provisions
 - Group agrees to this
- Inside only use

- o *Consider whether to allow any outside activities*
- o *Group wanted to add: must be reviewed and approved by Village*
- Consider setbacks
 - o *Dependent on outside activities, otherwise rely on district, but maybe require setback of principal structure if adjacent to residential district*
 - A-1 and A-2 have 50 ft. side yard for any structure
 - R-1 and R-2 have 10 ft. side yard for accessory structures & 30 ft. for principal structures

ADDITIONAL CONSIDERATIONS BY PLANNER:

- If construction vehicles/equipment/material storage involved, must meet provisions of contractor’s yard/commercial truck parking as well and only allowed in A-1 and A-2. Plan Commission may decide if more than one Conditional Use type is permissible.
 - o *Group agrees to this*

Discuss whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

Additional Comments from the Group:

- *Allow a professional office in any Residential or Ag zoning.*
- *Add: compatibility language (is compatible with the surrounding area...)*
- *Setbacks: specify how that relates to conforming and legal non-conforming.*
- *Change reference(s) to salesman to sales person.*

Next steps & schedule next meeting date

Planner Barrows asked about two dates for the joint Village Board and Plan Commission listening session for the event venues/agri-tourism topic. The group decided on May 29. Planner Barrows will reach out the remaining Village Board and Plan Commissioners to confirm that we would have a quorum of each for May 29.

Public Input

Brian Porter, 37500 Stillwater Drive, when talking about the running vehicles and refrigeration units, they should use the word compressors, and should consider that maybe the noise ordinance is not the right benchmark to use for some of these considerations.

Paul Schmitter responded that sound is relative to the ambient sound and that makes a difference.

ADJOURN at 5:45 p.m.

Respectfully submitted,

Debra J. Michael, WCMC
Village Administrator-Clerk/Treasurer