Village President Barlow called the Planning Commission meeting to order at 6:00PM on Tuesday, October 25, 2022. Present were commission members Barlow, Kulcinski, Stanek, Grokowsky, Appold, Kertis, and Nicklaus; along with advisory members Administrator Heinig. Engineer Dahl (arrived at 6:20pm). Also in attendance was Chuck Olson.

Public Hearings:

**Proposed Modification of the R-1 New Single-family Residential District Ordinance (Chapter 195-10)**

*Motion by Appold, seconded by Grokowsky* to open the public hearing. Carried 7-0.

Administrator Heinig explained the content of the proposed changes to the R-1 Ordinance. No one spoke regarding the proposed ordinance. Administrator Heinig also confirmed that no other comments had been received.

*Motion by Nicklaus, seconded by Stanek* to close the public hearing. Carried 7-0.

Approval of the September 27, 2022 minutes:

*Motion by Stanek, seconded by Kulcinski* to approve the minutes of the September 27, 2022 Meeting with the modification that Member Stanek was indeed present and not excused as suggested. Carried 7-0.

Public comment:

None

Agenda Items:

**Possible Recommendation and Action of Proposed Fechner Addition Preliminary Plat, located off Second Avenue East and Gaarder Road**

Administrator Heinig spoke on behalf of the proposed Fechner Addition, which creates six new residential lots, supporting three twindos/duplexes. All storm water from the site is captured intentionally at the rear of each lot and collectively pools (for short term emergency storage) at the southern most lot. The West side of the plat has a berm to protect water from passing over to the adjacent lot as promised. There is no infrastructure planned for the development, thus it is a very simple plat and the proposed plat is zoning compliant and meets the requirements of the subdivision ordinance. Staff have no concerns with the proposed plat, aside from the fact that it knowingly forces the lots to contain their own storm water, which incidentally is identical to the lot design of the twindo/duplex lots across the street.
Members asked questions regarding lot size, setback requirements and water storage (particularly for the southern lot). The lot sizes and setback requirements are all zoning compliant. It is understood, that the southern lot will have limited rear yard options as the storm water depression is located within 10 feet from where the proposed structure is likely to be located.

**Motion by Stanek, seconded by Appold** to recommend approval of the proposed Fechner Addition Preliminary Plat as submitted, along with the requirement that a six-foot vinyl fence be built along the entire West lot line, spanning the addition from North to South.

**Possible Recommendation and Action on Proposed Modification to the R-1 New Single-family Residential District Ordinance (Chapter 195-10)**

Administrator Heinig highlighted that the proposed R-1 Ordinance was a very workable ordinance, but could use some minor updating to be consistent with other text changes made elsewhere in Village Code and to provide clarifying language on small issues that can be confusing for residents. For example, many residents seek to pave their entire side yard for parking purposes; yet state statutes prohibit the intentional act of depositing one’s storm water onto another’s property; thus, a minimum of 5’ of greenspace (non-paved) is required along the lot line to help absorb water and direct it away from the neighboring property; however, the R-1 Ordinance itself doesn’t actually specify this fact; thus, one change would be to include that statutory requirement within the text of the code for everyone to see and understand with ease.

Another proposed modification would be to prohibit florescent or brightly colored exteriors on single family homes—that could possibly detract from the character of the neighborhood. Member Appold asked how that would be enforced. Heinig explained it would need to be civilly enforced or the Village would act at the request of an impacted neighborhood via citation and then the municipal court would decide if the intent of the ordinance was being violated. As it stands today, there is nothing in place to even force the conversation of unsightliness, thus this new provision would at least allow for the possibility of neighbors to voice a concern. It was suggested that perhaps more teeth and even more provisions for other factors be considered. Heinig stated that he intentionally refrained from adding a lot of controlling provisions, as we didn’t wish to become the “single-family home design police,” and typically we’ve supported the home owner’s right to design their homes and lots the way they wish to do so; additionally, most subdivisions (particularly new subdivisions) have restrictive covenants in place, specifically written to control those issues privately, and thus, the Village shouldn’t get involved in those private issues. The Commission debated the effectiveness of private restrictive covenants and reflected on how they generally only work for the short term or for minor control issues, but honestly, they don’t work overall and have little legal standing for enforcement, especially for private citizens. Still, it was agreed the proposed R-1 Ordinance was better left without strict covenant controls for now.

**Motion by Kulcinski, seconded by Appold** to recommend approval of the modified R-1 New Single-family Residential District Ordinance. Carried 7-0.
Updates and other informational items from and before the Planning Commission:

None

Adjourn:

**Motion by Grokowski, seconded by Kulcinski** to adjourn at 6:35 pm. Carried 7-0.

Minutes prepared by Scott Heinig, Village Administrator
Notice of Public Hearing for
Modifying the R-1 New Single-family Residential District
of the Code of the Village of Holmen

Please take notice that the Planning Commission of the Village of Holmen will hold a public hearing to consider amending Chapter 195-10 of the Code of the Village of Holmen. The public hearing will take place at 6:00 PM on October 25, 2022, at the Holmen Village Hall, 421 S. Main Street, Holmen, WI, 54636. All interested parties are welcome to attend. The ordinance amendment is intended to update the R-1 New Single-family Residential District to create clarifying language on accessory structure setbacks, impervious surfaces and basic design elements. A copy of the proposed ordinance is currently on file and open for public inspection in the office of the Village Clerk at the Village Hall. Questions regarding the proposed ordinance can be directed to Scott Heinig, Village Administrator.

To Be Published: October 14, 2022 and October 15, 2022

Scott Heinig, Village Administrator
On behalf of the Village Board
ORDINANCE 6-2022

AN ORDINANCE AMENDING CHAPTER 195-10, R-1 NEW SINGLE-FAMILY RESIDENTIAL DISTRICT

THE VILLAGE BOARD OF THE VILLAGE OF HOLMEN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Chapter 195-10, New Single-Family Residential District, is hereby amended to read as follows:


1. Purpose. The R-1 District is intended to provide for single-family residential land uses in newer urban areas served by public sewers. The district is also intended to protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential uses and is for the exclusive location of single-family dwellings.

2. Permitted uses. The following uses are permitted within an R-1 District:

   (1) Single-family dwellings;

   (2) Accessory buildings and impervious surfaces or areas, that shall not exceeding an area of more than 30% of the required rear yard. Accessory buildings are not permitted within the front/street yard setback (fronting any street yard from the principal building); and

   (3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, such as any commercial, agricultural, industrial or business-related activity or storage that invokes unsightly outdoor storage areas, transient employees, parking impacts, signage impacts, noise impacts or any impacts that would otherwise disturb the residential character of the Residential Zoning District.

1. Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must:

   (1) Have a minimum lot size of 9,000 square feet and a minimum lot width of 80 feet;

   (2) Have a front/street yard setback of 25 feet, a rear yard setback of 25 feet and a side yard setback of 10 feet;

   (3) Have a minimum living area of 900 square feet in the principal building;

   (4) Not exceed a maximum principal building height of 35 feet; and

   (5) Have an accessory building side yard setback of three five (5) feet, a rear yard setback of three five (5) feet and a maximum accessory building height not to exceed 15 feet.
2. Design Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must comply as follows:

(1) The principal building's dwelling (living) space shall front, access, and be addressed off the public street;

(2) The square footage of the attached garage space shall never exceed the square footage of the principal building's dwelling (living) area and shall always be secondary to the principal building's dwelling (living) space;

(3) Any impervious surface or area shall have a minimum setback from any neighboring lot line of five (5) feet;

(4) With the exception of driveways and sidewalks specifically approved for street access, the front/street yard setback area shall exist as a green-space yard;

(5) Open-space yard areas shall exist as green-space yard, and must be planted with grass species and maintained in accordance with Village Code; and

(6) The exterior of the principal building shall never be constructed with excessively bright, distracting or florescent-like colors or with materials such as sheet metal or other non-decorative products.

3. Conditional uses. The following uses shall be considered conditional uses within an R-1 District:

(1) Churches, municipal buildings and public and parochial schools; and

(2) Public parks and playgrounds;

(3) Sale of hot tubs.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this _____ day of __________, 2022.

By: ________________________________
   Village President

By: ________________________________
   Village Clerk/Treasurer

PASSED:
APPROVED:
PUBLISHED:
Planning Commission  Oct 25 2022

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Jack Olson</td>
<td>308 Grant St Helmer</td>
</tr>
</tbody>
</table>