

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, November 15, 2017

GENERAL MEETING

1. **Call to Order:** – Called to order at 6:38 PM by Mark Pfaller.
Present: Mark Pfaller, Christa Johanson, Joanie Fiorenza, Frank Zimmermann
Also present: Lexann Hoogstra, Clerk/Treasurer
2. **Compliance with Open Meeting Requirements:** Published and posted November 1 and 8, 2017.
3. **Pledge to the Flag:**
4. **Minutes of the October 11, 2017 meeting:** Motion to accept by Zimmermann. 2nd by Fiorenza. No nays. All in favor.
5. **Public Comments:** There were no public comments.
6. **Public Hearing - to discuss and possibly act on the following item:**

To consider the recommendation of the Ordinance Committee to approve and adapt section 4.10 (50) (a) (2) of the ordinance code regarding Setback Distances. New section to read as follows,

"Highways with Reduced Speed Limits: For Class B and C Highways located in residential areas on lots abutting lakes with a posted speed limit of not more than 25 MPH, structures must be set back a minimum of twenty-five feet (25') from the edge of the hardened road surface."

Public Comments on this:

Paul Boocher: There needs to be a correction from 4.10 (50) to 4.10 (5).

Boocher offered a brief explanation of the necessity for the proposed ordinance change, as he is a member of the Ordinance Committee. Most roads around the lakes are Class C (town roads). Some are class B (county trunks). He has a list of multiple properties that would fall within this guideline.

There is currently a property owner who desires to build on Elkhart Lake. Making the change to this ordinance would help facilitate that without the need for a Board of Appeals hearing.

Jon Rost: Rost supports this new language. He also sits on the Board of Appeals and the Ordinance Committee. This ordinance has resulted in multiple variance requests, and he feels it is time to change the ordinance. The Ordinance Committee has been working on updating all of the ordinances to be in compliance with recent state changes. The proposed changes are also based on several recent decisions by the Board of Appeals. He would encourage the Town Board to adapt this change.

Consideration by planning commission:

Fiorenza had a question regarding the definition of Class B and Class C Highways. Pfaller explained that in the ordinances, including those of the county, the roads are referred to as a highway. Booher stated that when the Ordinance Committee is finished with the updates to the ordinance book, a chart will be included which will explain this more clearly.

Pfaller would like to be sure the wording is succinct and correct. He suggested it might be prudent for the town to include verbiage that includes the words "roads". His suggestion would be to have it read "Class B and Class C Highways and town roads". Zimmermann does not feel it is necessary, but he feels it would be ok to add those words. He also asked if the town needed more speed limit signs. He explained that the town has the authority to lower a speed limit by 10 mph without needing state or county approval.

Christa Johanson had a concern about the numbering of the ordinance. She thinks it should be numbered as 4. She does not agree with the numbering system. Booher expressed that the Ordinance Committee will be making additional changes, including numbering changes.

A motion was made by Fiorenza to make a recommendation to the Town Board to adapt the presented changes from the Ordinance Committee in section 4.10 (5) (a) (2) of the ordinance code regarding Setback Distances. New section to read as follows,

"Highways with Reduced Speed Limits: For Class B and C Highways and town roads located in residential areas on lots abutting lakes with a posted speed limit of not more than 25 MPH, structures must be set back a minimum of twenty-five feet (25') from the edge of the hardened road surface."

2nd by Zimmermann.

Johanson expressed her concern that changes to ordinances should not be hurried or rushed. Fiorenza also does not believe any ordinance change should be rushed. Johanson still feels the language is unclear and it will cause problems for the inspector and Board of Appeals. Pfaller feels it will be satisfactory.

Roll call vote: Zimmermann, yes. Fiorenza, yes. Johanson, no. Pfaller, yes.

It will be presented to the Town Board for approval.

7. Chairman's Information Report: None

8. Next meeting date – 2nd Wed of Dec.

8. Adjournment: Motion to adjourn at 7:06 pm by Zimmermann. 2nd by Fiorenza. No nays.

NOTICE IS HEREBY ALSO GIVEN that although a quorum of Rhine Town Board may be present and may take part in these discussions, no formal action or vote may take place at this meeting.

ANY PERSON REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE CLERK AT 876-3413 24 HOURS PRIOR TO THE MEETING