

**SEPTEMBER 14, 2020 PLAN COMMISSION MEETING MINUTES  
CITY OF EDGERTON**

Commission Chair Christopher Lund called the meeting to order at 6:02 p.m.

Present: Christopher Lund, Jim Burdick, Anne Radtke (remote connection), Jim Kapellen, Paul Davis, Julie Hagemann, and Ron Webb.

Others Present: City Administrator Ramona Flanigan and a few citizens.

City Administrator Ramona Flanigan confirmed the meeting agendas were properly posted on Friday, September 11th at the Post Office, Edgerton Library, and City Hall.

**MINUTES:** A Ron Webb/Jim Burdick motion to approve the minutes from the August 17, 2020 Plan Commission meeting passed on a 7/0 roll call vote.

**DISCUSS POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS:**

**Commercial Apartments:** Flanigan explained the ordinance currently defines a commercial apartment as a residential unit located above the ground floor in a building having first floor commercial use. They are allowed as a conditional use in all four commercial districts and in the Historic Mixed Use District.

The question has been asked if the ordinance can be amended to allow residential units on the first floor in the downtown district under the condition the “storefront” has a non-residential use. The historic structures in the downtown are narrow, long buildings making it difficult to use all the space for a commercial use.

Aldersperson Casey Langan requested this amendment be considered. He feels that allowing a business owner the right to have their business in the front of the building and reside in the rear will create an increase in ownership of the buildings and downtown. Corner lots and HMU properties would need to have special consideration.

Jim Kapellen asked how is additional parking addressed for these buildings. Flanigan stated parking is another issue that would need to be addressed. Paul Davis noted that once an apartment is established it could be occupied by someone other than the business owner or property owner.

A Jim Kapellen/Ron Webb motion to develop a draft ordinance for apartments to be allowed on the first floor of a commercial buildings under the condition it will not be in the “storefront” and bring it back to Plan Commission for review before a public hearing passed on a 7/0 roll call vote.

**Home Occupation Conditions:** Flanigan stated the current ordinance allows for home occupations as a special use in a single-family home or a conditional use in a multi-family dwelling. There is a list of conditions that the petitioner must agree to in order to be granted a Home Occupation Permit.

Flanigan explained Alderperson Reynolds has requested the home occupation conditions be revised to make it easier to establish a home occupation by not requiring a conditional use permit. This would preclude input from the neighbors and the Plan Commission. Flanigan recommends if the Plan Commission wishes to amend this ordinance, they consider adding a condition that requires a conditional use permit be required for all uses that have more than 4 customers coming to the property in a month.

Reynolds stated there are a few items that he does not agree with in the conditions of a home occupation. His intent is to make it easier for those people having a business on eBay or making crafts for weekend craft fairs. He also believes home businesses should be allowed more than one employee. He is not looking at a retail store in their home.

Hagemann stated the Plan Commission is not saying people cannot have an in-home business but they need to apply for a permit.

Reynolds stated the other condition he finds too restrictive is that only 25% of the home can be used for the business. He is recommending expanding it to 25% or 250 sq ft to allow more space in smaller homes.

Hagemann asked if, home occupations are not required to have a permit, how will these individuals know what the rules are? Such as requiring two parking spaces. Reynolds stated enforcement would be driven on a complaint basis and the police department would be called in.

Paul Davis stated he is waiting to hear from Reynolds what the biggest change he is proposing that is currently preventing someone from having a home occupation. Reynolds stated the big change would be applying for a special use instead of a conditional use permit.

Davis stated he feels there would be more residents that would be unhappy with a neighboring home occupation that would not file a complaint than those that would file a complaint. At least with the current permitting process, the business owner is made aware of the conditions and action can be taken if there are violations.

Jim Kapellen stated the regulations that are currently in the Home Occupation Permit have been established because people have caused that specific problem. They were not created to make it more difficult to establish a business.

Reynolds argued that residents of Edgerton have an obligation to abide by the local ordinance. It is their responsibility so requiring a permit is not needed. The Commission members supported the requirement of a home business owner being required to sign a document stating that they will comply with the ordinance and be given that list of conditions.

Reynolds asked the Commission to consider all home occupations only be required under the special use permit and not the conditional use permit. This is a quicker process for the applicant. In addition, the requirement for only one employee be reconsidered.

Davis stated he does not see this ordinance as a big hurdle for a business owner. He feels it is a bigger issue if the neighbors have to put up with excessive traffic.

Flanigan was asked if the City's ordinance is that different from other communities. Flanigan responded that a comparison has not been done but the original ordinance was established by the City's consultant that does this type of work throughout the area communities.

Reynolds stated a local realtor asked him to pursue making a home occupation easier for home buyers because they have had a number of buyers turn away due to the conditions. He knows there are people not opening a business because of it. Mayor Lund stated the Commission has not turned down anyone applying either. Kapellen added that he recalls potential buyers coming in to discuss their intentions before they pursued a purchase.

Jim Kapellen moved to review home occupation ordinances from other cities and do some comparisons failed due to a lack of a second.

An Ann Radtke/Jim Burdick motion to deny the request to change the home occupation ordinances passed on a 7/0 roll call vote.

**Temporary Outdoor Sales:** Flanigan stated the temporary outdoor sales are regulated as a Temporary Use. These are commercial outdoor sales currently allowed on a commercial property. Temporary outdoor sales do not include garage sales. The request is to allow outdoor sales in the residential districts. Temporary outdoor sales are limited to 14 days in a calendar year.

Reynolds would like to make this opportunity available to the home occupation businesses. Hagemann stated at first glance she didn't think 14 days was a big deal until it occurred to her that it can be someone's neighbor with a sale 14 Saturdays in a row during the summer. They have the option of joining the Central Park Farmer's Market instead of a residential neighborhood.

Jim Kapellen pointed out that in the home occupation ordinance it prohibits the sale of any goods outside the premise. Changing the temporary outdoor sales does not benefit these individuals.

A Jim Kapellen/Julie Hagemann motion to deny changing the temporary outdoor sales ordinance passed on a 7/0 roll call vote.

**Potbelly Pigs:** Flanigan stated a resident has requested the City allow potbelly pigs as pets in the City. A substantial amount of information was provided by the resident and shared with the Commission members. The current ordinance considers potbelly pigs as a farm animal.

Citizen Veronica Ellingworth, 204 E Hubert St, provide information regarding the smaller size, cleanliness and justifications why potbelly pigs make good house pets. These pigs are not aggressive, they are very smart, and are not used for food. They do like to rut and graze in yards so she recommends they be fenced in.

Ellingworth is interested in creating a potbelly pig therapy animal program. The training involves

bringing these animals into her home to train them with special needs individuals. She provided ideas on how to adapt the City's ordinance to allow for potbelly pigs as pets. These ideas include:

- A weight limit of not more than 100 lbs. per animal.
- Consider potbelly pigs as a domestic animal or pet instead of livestock.
- Consider potbelly pigs the same as chickens by adding them to the chick guidelines.
- Allow a maximum of two potbelly pigs.
- Create a domestic animal permit program.
- Fencing requirement.
- Create a therapy support animal allowance.

Julie Hagemann asked if potbelly pigs sleep inside or outside. Ellingworth stated it can be either.

Anne Radtke asked if staff has looked if other communities that allow potbelly pigs. Staff had not done this research. Radtke stated she did some research and did not find any ordinance that allowed them. Ellingworth stated she had found a few.

Jim Kapellen asked why they cannot be used for food. Ellingworth stated she guesses they could be but the intent of the ordinance is to allow potbelly pigs as pets.

Anne Radtke stated that the City should be cautious about referring to any animal as an emotional support animal because it opens up for a wide variety of species.

Paul Davis asked if the next step is drafting an ordinance to review or take it to public hearing. Jim Kapellen supported creating a draft ordinance first.

Jim Burdick asked what authority does the City have in enforcing some of the suggestions being made to accommodate potbelly pigs. Flanigan stated we require a permit for chickens and the same could be applied here.

Ellingworth noted that many of the concerns with potbelly pigs can also be applied to dogs. The pigs that have been abandon are primarily due to ordinances that do not allow pigs. With the requirement of a permit, it shows the owners really do want them.

A Jim Kapellen/Julie Hagemann motion to have staff create a draft ordinance to allow potbelly pigs as a pet and bring it back for Commission review passed on a 6/1 roll call vote. Burdick voted against the motion.

**Bee Keeping:** Flanigan stated the ordinance currently allows bee keeping in the Agriculture, Suburban Commercial District, and the manufacturing districts. The City has received some requests from residents to allow bee keeping in the residential areas. Some cities do allow bee keeping in residential areas.

Anne Radtke stated she found communities that allow bee keeping with a permit. Flanigan agreed with the permitting because then the rules and restrictions can be provided to the bee keeper.

Julie Hagemann asked if residents would need to go through a conditional use process or would permits just be issued.

A resident stated the bees stay within their hives and only go out to gather food. There is a great need for bee keeping in the area. Jim Kapellen noted he lived beside someone with hives and they are more of a nuisance and not stinging bees.

Commission members discussed how big of lot is needed for bee keeping and do you allow one or more hives. Staff was asked to find examples of other ordinances.

A Jim Kapellen/Ron Webb motion to direct staff to review bee keeping ordinances; their conditions; and bring it back to the Commission passed on a 6/1 roll call vote. Burdick voted against the motion.

Being no other business before the Commission, a Ron Webb/Paul Davis motion to adjourn passed on a 7/0 roll call vote.

Ramona Flanigan/ch  
City Administrator

Approved October 29, 2020