

Village of Mukwonago  
**Notice of Meeting and Agenda**

**PLAN COMMISSION MEETING**  
**Tuesday, November 14, 2023**

Time: **6:30 pm**

Place: **Mukwonago Municipal Building, Board Room, 440 River Crest Ct**

**1. Call to Order**

**2. Roll Call**

**3. Comments from the Public**

*Please be advised, per Wisconsin Statute Sec. 19.84(2), information and comment will be received from the public by the Plan Commission. The Public Comment Session is granted to the public at the start of each Plan Commission meeting. The Public Comment Session shall last no longer than fifteen (15) minutes and individual presentations are limited to three (3) minutes per speaker. However, these time limits may be extended at the discretion of the Chief Presiding Officer. The Plan Commission may not respond to or have any discussion on information received during the public comment session unless it is placed upon the Agenda for a subsequent meeting. Public comments should be addressed to the Plan Commission as a body. Presentations shall not deal in personalities personal attacks on members of the Plan Commission, the applicant for any project or Village Employees. Comments shall not be used to engage others in a debate in this forum. All comments, questions and concerns should be presented in a respectful professional manner. Any questions to an individual member of the Plan Commission or Staff will be deemed out of order by the Presiding Officer.*

**4. Approval of Minutes**

- 4.1 Approval of minutes from October 10, 2023 regular meeting.  
[20231010 PlanCommissionMinutesdraft.pdf](#)

**5. New Business**

*Discussion and Possible Action on the Following Items*

- 5.1 Discussion and possible approval of **PC-RESOLUTION 2023-10** for a Site Plan and Architectural Review for the Lighting Plan at Empire Level/Milwaukee Tool; 929 Empire Dr and Holz Pkwy; Parcels MUKV 1969-988-006 and MUKV 1969-988-001.  
[Staff Report - SPAR Lighting Plan - Mke Tool](#)  
[Empire Mke Lighting on Temp Lot.pdf](#)  
[PC-RESOLUTION 2023-10 SPAR MKE Tool.pdf](#)
- 5.2 Discussion and possible recommendation to the Village Board for approval of **RESOLUTION 2023-49** for the Extraterritorial CSM Review for Linda and Scott Kosteretz; N9033and N9025 Army Lake Rd in the Town of East Troy; Parcel P ET1500005B.  
[Staff - Kosteretz Resubmit ETZ.docx](#)  
[4-October-2023-CSM Town Approval.pdf](#)  
[ETZ Kosteretz docs CSM update 101623.pdf](#)  
[RESOLUTION 2023-49 Kosteretz EXTR TER.pdf](#)

- 5.3 Discussion and possible approval for **PC-RESOLUTION 2023-11** for a Site Plan and Architectural Review at 201 N Rochester St; Harjinder Khasria, applicant; Parcel MUKV 1976-091-002.

[Staff - SPAR - Site Plan - 201 N Rochester St.docx](#)

[201 N Rochester St - Site Plan 2023.pdf](#)

[PC-Resolution\\_2023-11\\_-\\_SPAR\\_-\\_201\\_N\\_Rochester\\_St.pdf](#)

- 5.4 Sign and Zoning Code Overview

[Memo #5.pdf](#)

[Draft of 11-06-2023.pdf](#)

## **6. Adjournment**

### ***Membership:***

*Eric Brill, John Meiners, Karl Kettner, Mark Penzkover, Tim Rutenbeck, Jason Wamser, Fred Winchowky, and Village Planner Erin Scharf (Advisory)*

It is possible that a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Municipal Clerk's Office, (262) 363-6420.

## **MINUTES OF THE PLAN COMMISSION MEETING**

### **Tuesday, October 10, 2023**

#### **Call to Order**

President Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

#### **Roll Call**

Commissioners present: Fred Winchowky, Chairman  
John Meiners  
Jason Wamser  
Eric Brill  
Tim Rutenbeck  
Karl Kettner

Excused: Mark Penzkover

Also present: Erin Scharf, Community Planner/Zoning Administrator  
Linda Gourdoux, Deputy Clerk/Treasurer

#### **Comments from the Public**

Opened at 6:31 pm

James Pauer, 1314 Regees Rd, spoke against Honeywell Rd 4-Unit PUD.

Attorney Gabrielle Boehm, representing Carol Pankowski, spoke against Honeywell Rd 4-Unit PUD.

Carol Pankowski, 1271 Honeywell Rd, spoke against Honeywell Rd 4-Unit PUD.

Closed at 6:36 pm

#### **Approval of Minutes**

Motion by Meiners/Brill to approve minutes from September 12, 2023 regular meeting, carried.

#### **Public Hearings**

Public Hearing for Comprehensive Plan 2035 Amendment for the future land use of the Small Farm Road Lot 26 from Open Space/Recreational and Primary Environmental Corridor to Medium Lot Single Family II and Primary Environmental Corridor, located at the Northwest Corner of Small Farm Road and Holz Parkway (MUKV 1971-139-002), submitted by applicant and owner, Abdulaziz Sanqur.

Opened at 6:37 pm

No Comments

Closed at 6:38 pm

Public Hearing for rezoning of the Small Farm Road Lot 26 from M-1 Limited Industrial to R-1 Single-Family Medium Lot and a Planned Unit Development overlay, located at the Northwest Corner of Small Farm Road and Holz Parkway (MUKV 1971-139-002), submitted by applicant and owner, Abdulaziz Sanqur.

Opened at 6:38 pm

No Comments

Closed at 6:39 pm

Public Hearing for rezoning to develop a 4-Unit (4-Lot) PUD on land currently zoned R-1 single-family residential with a minimum lot size of 15,000 square feet within new or existing neighborhoods designated within the Update to Comprehensive Plan 2035 as medium lot single family II.

Opened at 6:39 pm

Attorney Gabrielle Boehm, representing Carol Pankowski, spoke against Honeywell Rd 4-Unit PUD.

James Pauer, 1314 Regees Rd, spoke against Honeywell Rd 4-Unit PUD.

Andrew Gertner, 1304 Regees Rd, spoke against Honeywell Rd 4-Unit PUD.

Closed at 6:42 pm

## **New Business**

**Discussion and possible recommendation to the Village Board for ORDINANCE 1023 for a Comprehensive Plan Map Amendment from Open Space/Recreational and Primary Environmental Corridor to Medium Lot Single Family II and Primary Environmental Corridor at the northwest corner of Small Farm Road and Holz Parkway; Parcel MUKV 1971-139-002; Abdulaziz Sanqur, applicant.**

Scharf gave overview of project.

Motion Meiners/Brill to recommend to the Village Board for approval of ORDINANCE 1023 for a Comprehensive Plan Map Amendment from Open Space/Recreational and Primary Environmental Corridor to Medium Lot Single Family II and Primary Environmental Corridor at the northwest corner of Small Farm Road and Holz Parkway; Parcel MUKV 1971-139-002; Abdulaziz Sanqur, applicant, carried.

**Discussion and possible recommendation to the Village Board on ORDINANCE 1024 for a Zoning Map Amendment from M-1 Light Industrial to R-1 Single Family Medium Lot Residential District and PUD-Planned Unit Development Overlay at the northwest corner of Small Farm Road and Holz Parkway; Parcel MUKV 1971-139-002; Abdulaziz Sanqur, applicant.**

Scharf gave overview of project.

Motion by meiners/Kettner to approve ORDINANCE 1024 for a Zoning Map Amendment from M-1 Light Industrial to R-1 Single Family Medium Lot Residential District and PUD-Planned Unit Development Overlay at the northwest corner of Small Farm Road and Holz Parkway; Parcel MUKV 1971-139-002; Abdulaziz Sanqur, applicant, carried.

**Discussion and possible recommendation to the Village Board for a Planned Unit Development at 1271 Honeywell Road; Parcels MUKV 2011-990 and MUKV 2011-992-013; Warren Hansen, applicant.**

Scharf gave overview of project.

Action tabled until December 12, 2023 Plan Commission meeting.

**Discussion and possible recommendation to the Village Board for RESOLUTION 2023-55 for an Extraterritorial Review of a Certified Survey Map at N9022 Army Lake Road in the Town of East Troy; Parcel P ET 1000009; V2G Surveying, applicant; Dennis DeGrave/Francis DeGrave Life Estate, owner.**



Scharf gave overview of project.

Motion by Meiners/Brill to approve **RESOLUTION 2023-55** for an Extraterritorial Review of a Certified Survey Map at N9022 Army Lake Road in the Town of East Troy; Parcel P ET 1000009; V2G Surveying, applicant; Dennis DeGrave/Francis DeGrave Life Estate, owner, carried.

**EMC Sign Compliance Update.**

**Community and Economic Development Department Process Improvements and Updates to Website.**

**Adjournment**

Meeting adjourned at 7:10 p.m.

Respectfully Submitted,  
Linda Gourdoux, WCMC, CMC  
Deputy Clerk/Treasurer

DRAFT



## Site Plan and Architectural Review Request

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Staff has reviewed the lighting plan and has no concerns.

### Staff Review

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Engineering	No concerns at this time
Public Works	No concerns at this time
Utilities	No concerns at this time
Police	No concerns at this time
Fire	No concerns at this time
Building Inspection	No concerns at this time
Planning	No concerns at this time

### Recommendation

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#### Site Plan and Architectural Review

Staff recommends the Planning Commission approve with conditions, for the request to construct a parking lot as set forth in the attached resolution.

1. Obtain any necessary permits from the Village Building Inspection Department.
2. Final Inspection by Village staff once complete.
3. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, additions, etc. shall require Site Plan and Architectural Review.

### Attachments

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1. Plans
2. Resolution



© COPYRIGHT 2023 R.A. Smith, Inc.
DATE: 10/23/2023
SCALE: 1" = 20'
JOB NO. 310234-01
PROJECT LOCATION RVA-1, LANCOSE, P.E.
DESIGNED BY: R.A.
CHECKED BY: R.A.
SHEET NUMBER C100

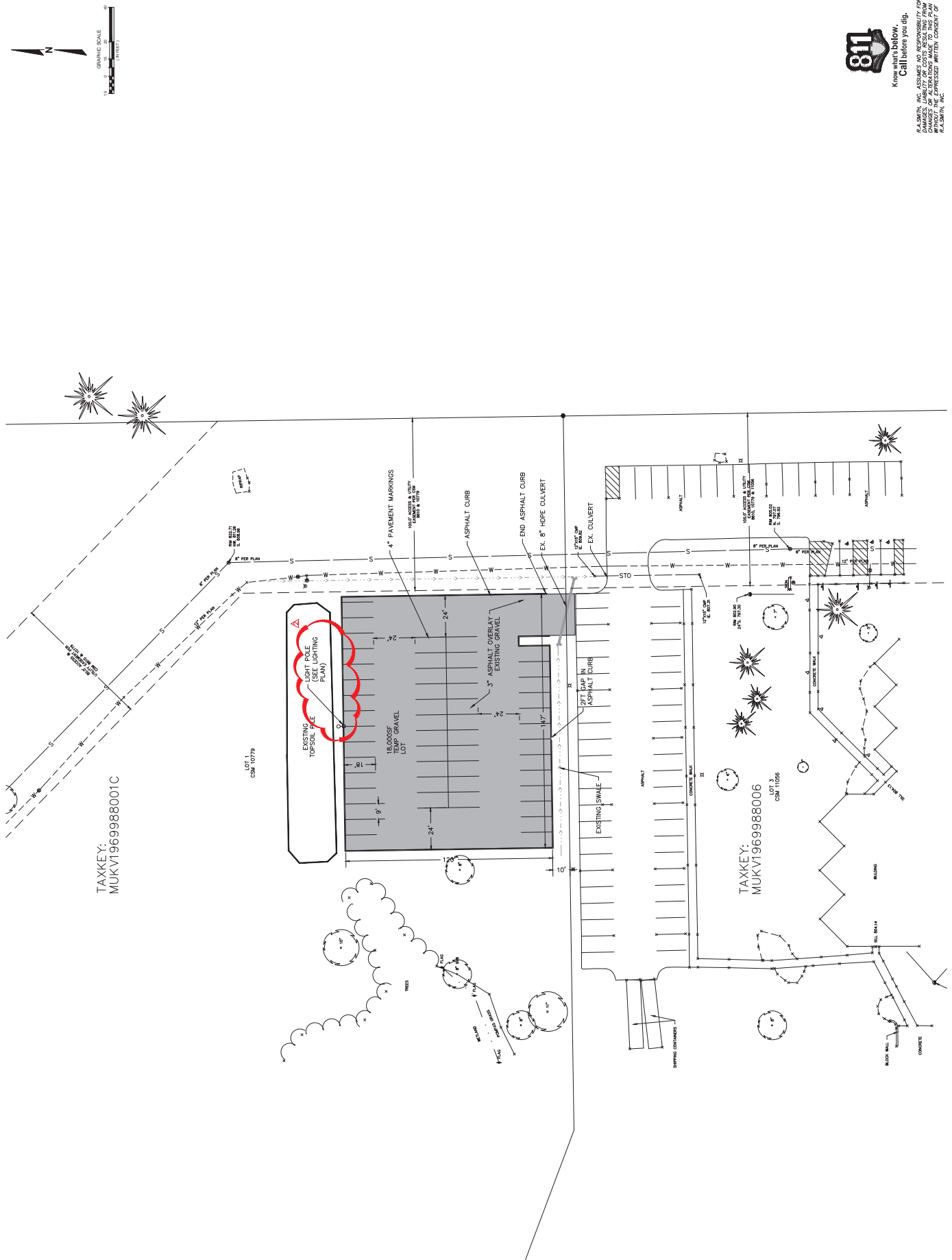


Know what's below.  
Call before you dig.  
R.A. SMITH, INC. ASSUMES NO RESPONSIBILITY FOR  
UNDERGROUND UTILITIES OR OBSTRUCTIONS  
UNLESS SPECIFICALLY NOTED ON THE PLAN.  
CHANGES OR ALTERATIONS MADE TO THIS PLAN  
MUST BE APPROVED WRITTEN CONSENT OF  
R.A. SMITH, INC.

929 EMPIRE DR.  
MUKWONAGO, WI  
SITE  
PLAN

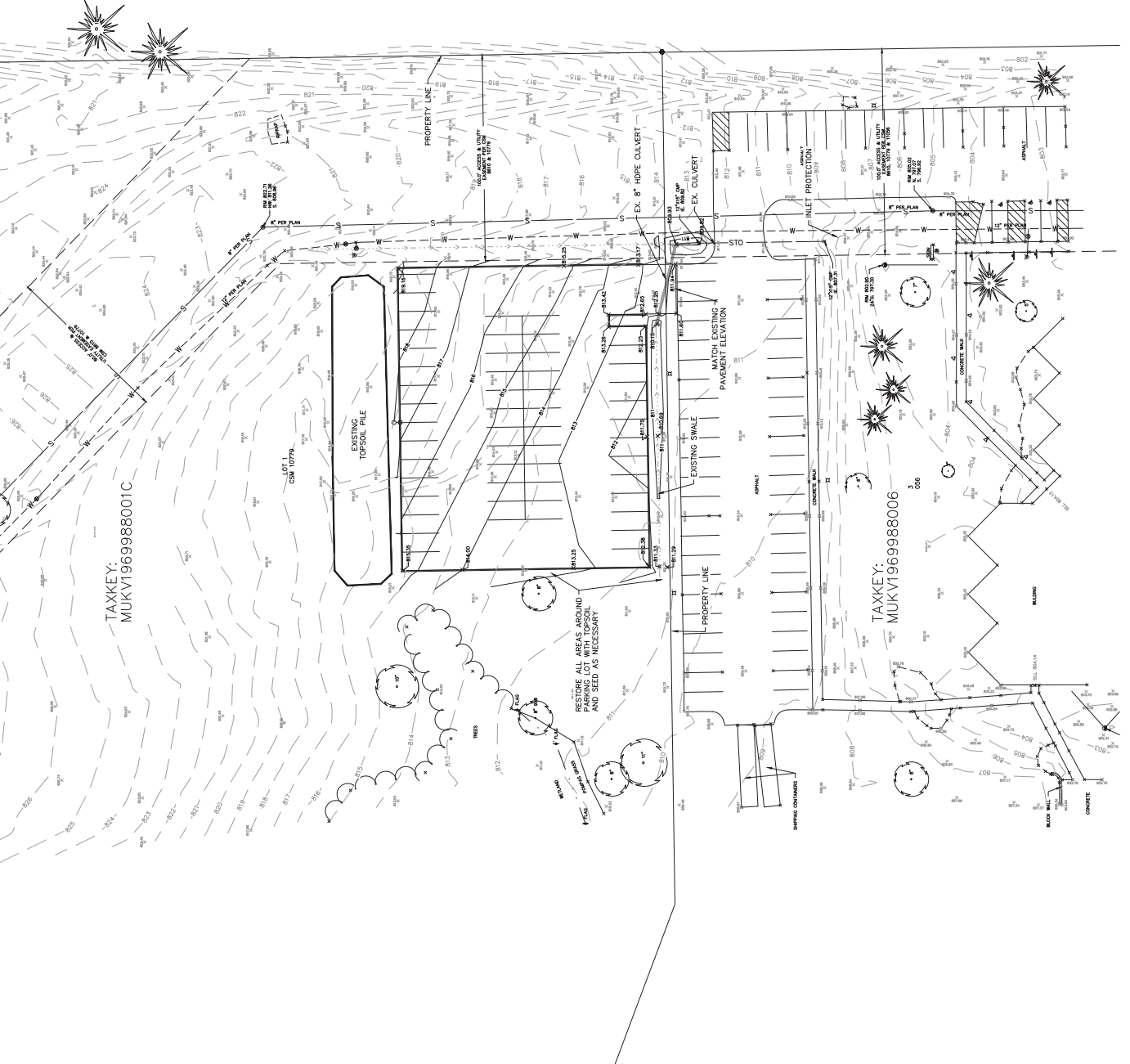
creativity beyond engineering  
rasmith.com  
16745 W. Blumound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
Brookfield, WI | Milwaukee, WI | Appleton, WI | Madison, WI  
Caledonia, WI | Shawano, WI | Port Koshong, WI

DATE	DESCRIPTION
10/23/23	ADDED LIGHT POLE



TAXKEY:  
MUKV196988001C

TAXKEY:  
MUKV196988006







**VILLAGE OF MUKWONAGO  
WAUKESHA AND WALWORTH COUNTIES**

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**PC RESOLUTION NO. 2023-10**

**A RESOLUTION FOR SITE PLAN AND ARCHITECTURAL REVIEW FOR  
EMPIRE/MILWAUKEE TOOL/SCHWER PHLECHT & WERKZEUG PROPERTIES, LLC AT  
929 EMPIRE DR AND HOLZ PARKWAY, PARCEL NUMBER MUKV 1969-988-006 AND  
MUKV 1969-988-001**

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**WHEREAS**, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval for an additional and building and site modifications, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application has been submitted by Milwaukee Tool (Owner),

**WHEREAS**, the use is permitted within the M-4 – Medium Heavy Industrial in which the subject property is located, and

**WHEREAS**, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for the lighting at 929 Empire Dr, based upon the plans submitted to the Village.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** this site plan and architectural review approval shall be subject to the following conditions:

Staff recommends the Planning Commission approve with conditions, for the request to add lighting to the temporary parking lot as set forth in the attached resolution.

1. Obtain any necessary permits from the Village Building Inspection Department.
2. Final Inspection by Village staff once complete.
3. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, additions, etc. shall require Site Plan and Architectural Review.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Mukwonago,

Approved and Adopted this 14<sup>th</sup> day of November 2023 by the Plan Commission of the Village of Mukwonago, Wisconsin.



APPROVED:

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Fred H. Winchowky, Village President

ATTESTATION:

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Linda Gourdoux, WCMC, CMC  
Deputy Clerk-Treasurer



# TOWN OF EAST TROY

N9330 Stewart School Road • P.O. Box 872  
East Troy, Wisconsin 53120  
Telephone (262) 642-5386  
Fax (262) 642-9701

## RESOLUTION APPROVAL PETITION REZONE/CSM

Whereas, the Planning Commission for the Town of East Troy convened on October 4, 2023; and

Whereas, the applicant, Estate of Audrey Noffz, Owners / Don Chaput Applicants, Parcel No. PA 260 400 002, PA 2604 00 003 applied for a REZONE/CSM to request to make some zoning changes to their CSM that was approved by the Planning Commission and Town Board in April of 2023. The County Zoning Administration did a further review of the CSM and asked the applicant to make some changes due to the rear setback of lot 1 where the applicant's primary residence is located; and

Whereas, the County Zoning Administration has asked the applicant to rezone Lot 1 to become C-3, Lot 3 to become C-2, Lot 4 to become R-1 and the wetlands to become C-1; and

Whereas, The Commission clarified that the purpose of this request today is to honor the request of the County Zoning administration as illustrated in a letter attached in the packet information that was sent by the Zoning Administration.

Whereas, the Planning Commission voted unanimously to APPROVE the applicants' REZONE/CSM as presented on October 4, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission requests a motion by the Town of East Troy, Town Board to APPROVE the REZONE/CSM at N9033 Army Lake Road, N9025 Army Lake Road East Troy, WI Parcel No. PA 2604 00 003, PA 2604 00 003, PA 322 500 003.

STATE OF WISCONSIN  
SS  
COUNTY OF WALWORTH

I, JENNIFER OLSON do hereby certify that I am the duly elected, qualified and acting Secretary of the Town of East Troy, Planning Commission and that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the Planning Commission, of the Town of East Troy held in said Town on the 4th day of October, 2023, at which meeting a quorum was present and that said resolution is duly recorded in the minutes of said meeting.

IN WITNESS WHEREOF, I have affixed my name as Secretary on this 4th day of October, 2023.

  
JENNIFER OLSON,  
PLANNING COMMISSION SECRETARY  
Town of East Troy

# TOWN OF EAST TROY

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Whereas, The Commission clarified that the purpose of this request today is to honor the request of the County Zoning administration as illustrated in a letter attached in the packet information that was sent by the Zoning Administration.

Whereas, the Planning Commission voted unanimously to APPROVE the applicants' REZONE/CSM as presented on October 4, 2023;

NOW, THEREFORE, BE IT RESOLVED that REZONE/CSM at N9033 Army Lake Road, N9025 Army Lake Road East Troy, WI Parcel No. PA 260400003, PA 260400003, PA 322500003 is APPROVED.

STATE OF WISCONSIN  
SS  
COUNTY OF WALWORTH

I, KIM BUCHANAN do hereby certify that I am the duly elected, qualified and acting Clerk of the Town of East Troy and that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the Board of Supervisors of the Town of East Troy held in said Town on the 9th day of October, 2023, at which meeting a quorum was present and that said resolution is duly recorded in the minutes of said meeting.

IN WITNESS WHEREOF, I have affixed my name as Clerk on this 11th day of October, 2023.

KIM BUCHANAN, CLERK/TREASURER  
Town of East Troy

**CERTIFIED SURVEY MAP NO.**

A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North Range 18 East,  
**TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN**  
Being a redivision of Certified Survey Map No. 2604 & 3225

REFERENCE BEARING:  
BEARINGS REFER TO THE  
NORTHLINE OF THE  
SOUTHEAST 1/4 OF  
SECTION 10, T4N, R18E  
HAS A BEARING OF  
N. 89° 52' 39" E. PER  
WISCONSIN STATE PLANE  
COORDINATE SYSTEM  
GRID, SOUTH ZONE.

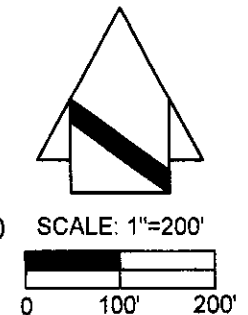
OWNERS:  
THOMAS J. MILBRATH  
LINDA L. MILBRATH  
LINDA R. KOSTERETZ-  
EXECUTOR  
LINDA R. KOSTERETZ  
SCOTT G KOSTERETZ  
N9025 ARMY LAKE ROAD  
EAST TROY, WI 53120  
(414) 852-3854

NORTHWEST CORNER  
OF THE SOUTHEAST 1/4  
OF SECTION 9-4-18  
CONCRETE MONU. FD.  
WITH BRASS CAP.  
303,567.60  
2,404,259.67

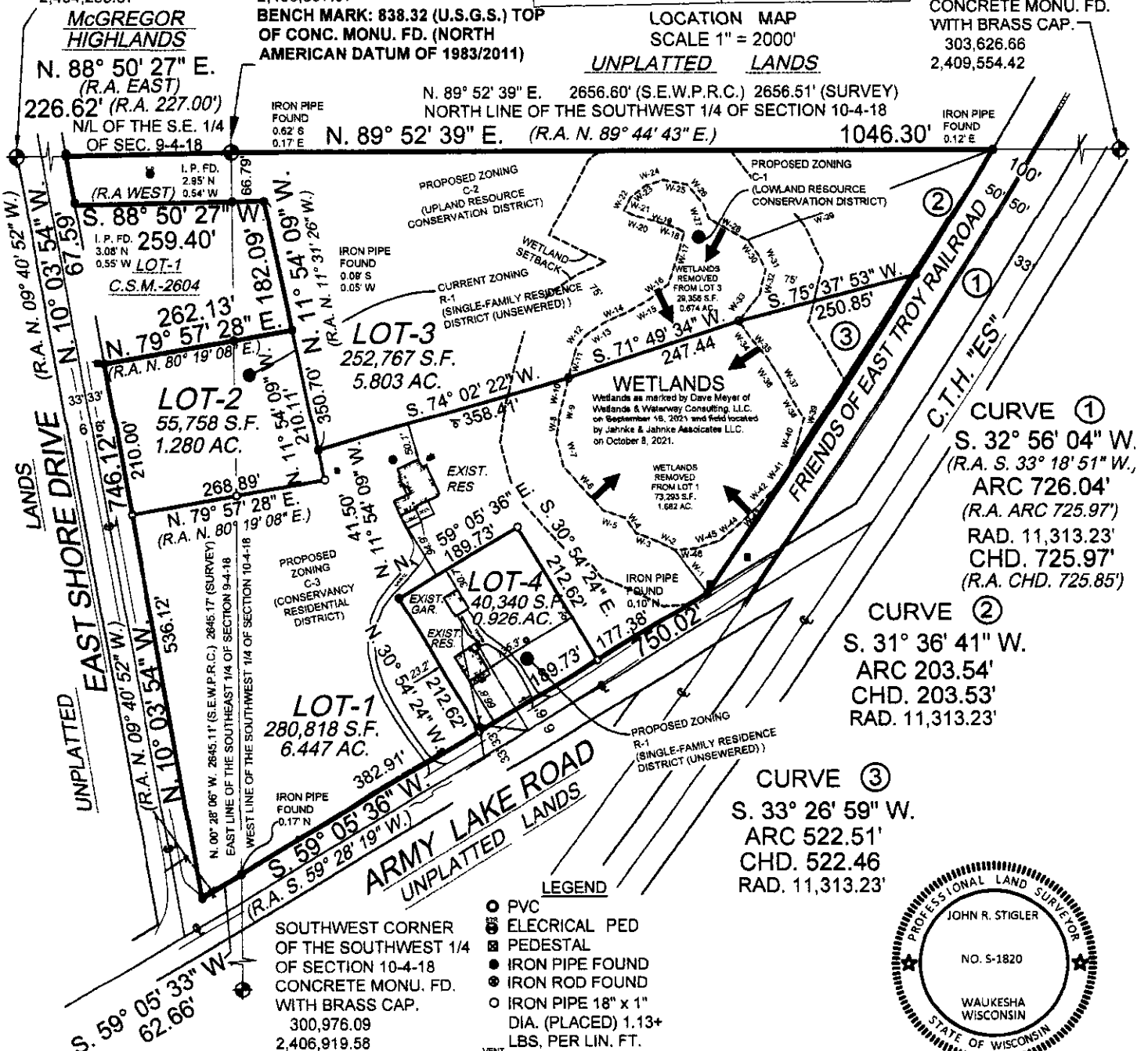
NORTHWEST CORNER  
OF THE SOUTHWEST 1/4  
OF SECTION 10-4-18  
CONCRETE MONU. FD.  
WITH BRASS CAP.  
303,620.96  
2,406,897.97

BENCH MARK: 838.32 (U.S.G.S.) TOP  
OF CONC. MONU. FD. (NORTH  
AMERICAN DATUM OF 1983/2011)

LOCATION MAP  
SCALE 1" = 2000'

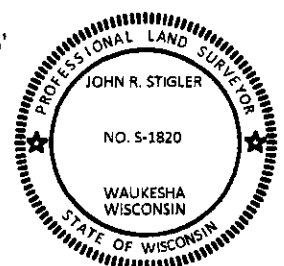


NORTHEAST CORNER  
OF THE SOUTHWEST 1/4  
OF SECTION 10-4-18  
CONCRETE MONU. FD.  
WITH BRASS CAP.  
303,626.66  
2,409,554.42



SURVEYOR:  
JOHN R. STIGLER S-1820  
JAHNKE & JAHNKE ASSOC., LLC.  
524 BLUEMOUND ROAD  
WAUKESHA, WI. 53188  
(262) 542-5797

- LEGEND
- PVC
  - ELECTRICAL PED
  - PEDESTAL
  - IRON PIPE FOUND
  - IRON ROD FOUND
  - IRON PIPE 18" x 1"
  - DIA. (PLACED) 1.13+
  - LBS. PER LIN. FT.
  - SEPTIC VENT
  - CLEAN OUT
  - POWER POLE
  - WELL



JOHN R. STIGLER-WIS. REG. NO. S-1820  
DATED THIS 21st DAY OF DECEMBER 2022.

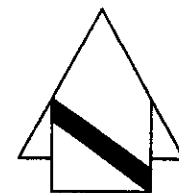
**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 2 of 11

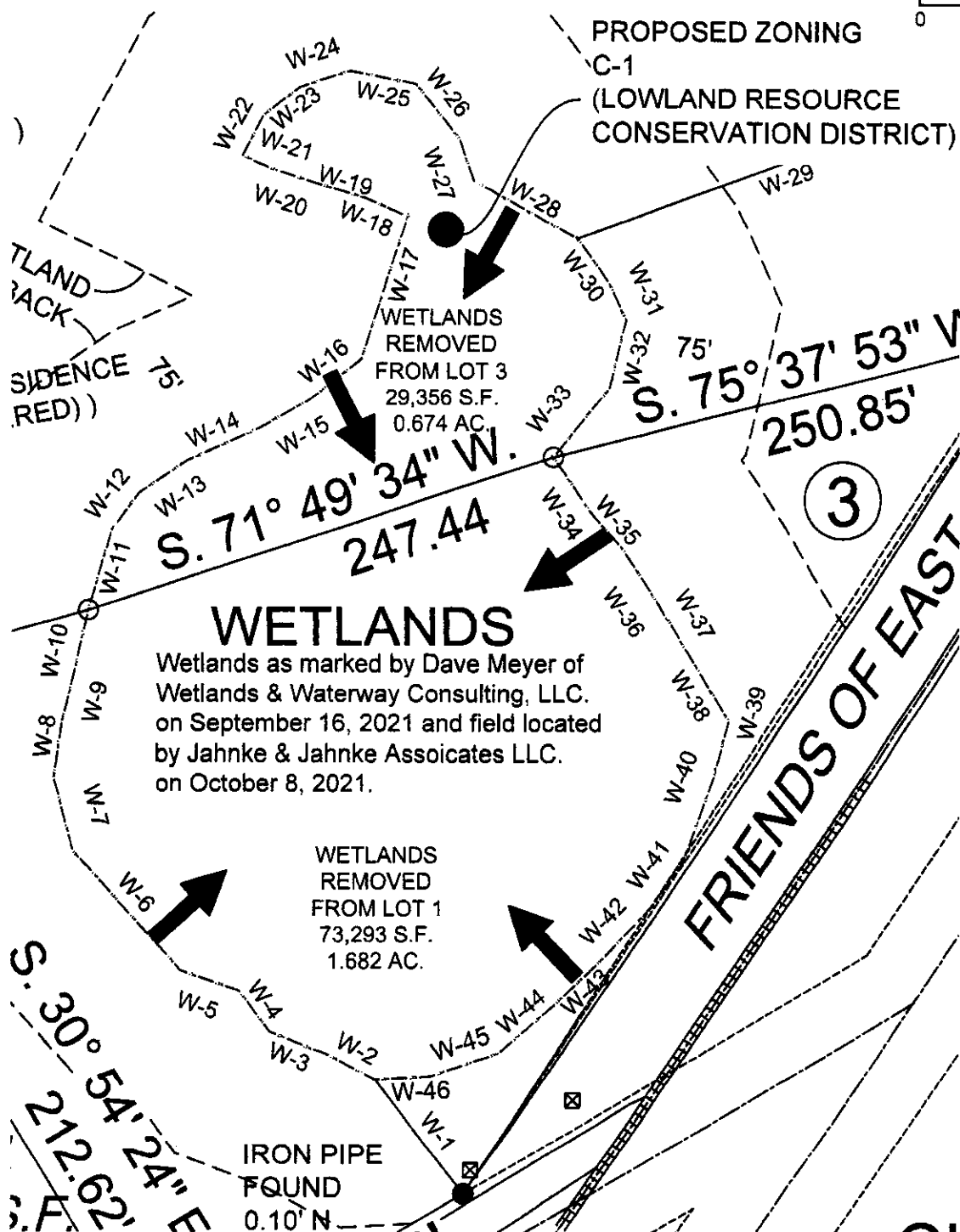
A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North Range 18 East,  
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N. 89° 52' 39" E. PER  
WISCONSIN STATE PLANE  
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GRID, SOUTH ZONE.

OWNERS:  
THOMAS J. MILBRATH  
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LINDA R. KOSTERETZ-  
EXECUTOR  
LINDA R. KOSTERETZ  
SCOTT G KOSTERETZ  
N9025 ARMY LAKE ROAD  
EAST TROY, WI 53120  
(414) 852-3854



SCALE: 1"=80'



SURVEYOR:  
JOHN R. STIGLER S-1820  
JAHNKE & JAHNKE ASSOC., LLC.  
711 W. MORELAND BLVD.  
WAUKESHA, WI. 53188  
(262) 542-5797

JOHN R. STIGLER-WIS. REG. NO. S-1820  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_** Sheet 3 of 11

**A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North Range 18 East, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN Being a redivision of Certified Survey Map No. 2604 & 3225**

REFERENCE BEARING:  
BEARINGS REFER TO THE  
NORTHLINE OF THE  
SOUTHEAST 1/4 OF  
SECTION 10, T4N, R18E  
HAS A BEARING OF  
N. 89° 52' 39" E. PER  
WISCONSIN STATE PLANE  
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SCOTT G KOSTERETZ  
N9025 ARMY LAKE ROAD  
EAST TROY, WI 53120  
(414) 852-3854

**WETLAND CHART**

W-1	74.00'	N. 37° 33' 23" W. (TIE)	W-24	26.44'	N. 71° 19' 45" E.
W-2	26.54'	N. 61° 54' 42" W.	W-25	34.14'	S. 78° 44' 41" E.
W-3	31.99'	N. 68° 43' 29" W.			
W-4	25.60'	N. 36° 09' 27" W.	W-26	36.13'	S. 38° 20' 44" E.
W-5	31.85'	N. 71° 07' 53" W.	W-27	21.98'	S. 18° 39' 23" E.
			W-28	59.82'	S. 60° 59' 42" E.
W-6	81.55'	N. 41° 52' 31" W.	W-29	359.90'	S. 69° 44' 51" W. (TIE)
W-7	38.24'	N. 14° 55' 33" W.	W-30	26.83'	S. 36° 09' 05" E.
W-8	28.84'	N. 08° 23' 27" E.			
W-9	24.10'	N. 13° 56' 30" E.	W-31	21.08'	S. 24° 59' 45" E.
W-10	34.08'	N. 13° 06' 24" E.	W-32	35.58'	S. 13° 30' 17" W.
			W-33	45.55'	S. 38° 41' 54" W.
W-11	43.07'	N. 16° 12' 45" E.	W-34	31.60'	S. 34° 32' 51" E.
W-12	21.95'	N. 37° 39' 34" E.	W-35	25.68'	S. 41° 07' 34" E.
W-13	29.29'	N. 55° 26' 13" E.			
W-14	40.49'	N. 65° 56' 35" E.	W-36	34.44'	S. 33° 39' 52" E.
W-15	29.57'	N. 60° 07' 25" E.	W-37	27.71'	S. 29° 43' 38" E.
			W-38	41.21'	S. 31° 11' 53" E.
W-16	33.16'	N. 51° 16' 49" E.	W-39	30.83'	S. 14° 53' 39" W.
W-17	75.42'	N. 17° 43' 38" E.	W-40	45.33'	S. 20° 05' 04" W.
W-18	22.72'	N. 66° 37' 33" W.			
W-19	29.44'	N. 73° 14' 47" W.	W-41	28.33'	S. 36° 34' 32" W.
W-20	21.74'	N. 72° 12' 30" W.	W-42	31.69'	S. 42° 17' 23" W.
			W-43	36.90'	S. 46° 00' 43" W.
W-21	15.21'	N. 64° 22' 24" W.	W-44	36.76'	S. 49° 27' 43" W.
W-22	22.85'	N. 28° 10' 31" E.	W-45	36.54'	S. 70° 59' 44" W.
W-23	23.48'	N. 52° 04' 47" E.	W-46	28.39'	S. 86° 36' 55" W.

**SURVEYOR:**  
JOHN R. STIGLER S-1820  
JAHNKE & JAHNKE ASSOC., LLC.  
711 W. MORELAND BLVD.  
WAUKESHA, WI. 53188  
(262) 542-5797

JOHN R. STIGLER-WIS. REG. NO. S-1820  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_



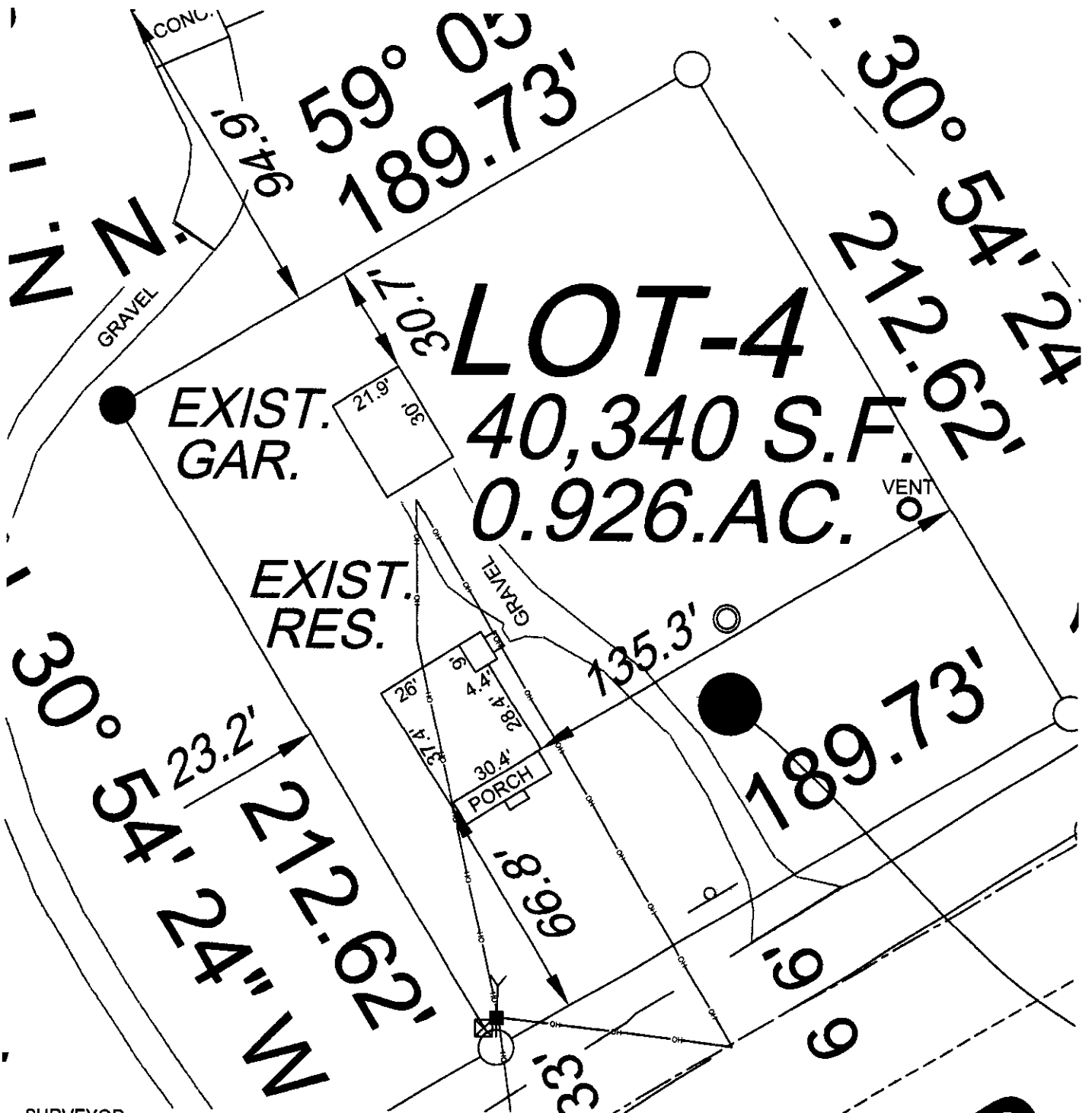
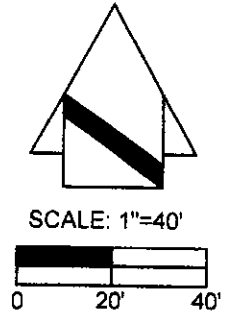
**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 4 of 11

A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North Range 18 East,  
**TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN**  
Being a redivision of Certified Survey Map No. 2604 & 3225

REFERENCE BEARING:  
BEARINGS REFER TO THE  
NORTHLINE OF THE  
SOUTHEAST 1/4 OF  
SECTION 10, T4N, R18E  
HAS A BEARING OF  
N. 89° 52' 39" E. PER  
WISCONSIN STATE PLANE  
COORDINATE SYSTEM  
GRID, SOUTH ZONE.

OWNERS:  
THOMAS J. MILBRATH  
LINDA L. MILBRATH  
LINDA R. KOSTERETZ-  
EXECUTOR  
LINDA R. KOSTERETZ  
SCOTT G KOSTERETZ  
N9025 ARMY LAKE ROAD  
EAST TROY, WI 53120  
(414) 852-3854



SURVEYOR:  
JOHN R. STIGLER S-1820  
JAHNKE & JAHNKE ASSOC., LLC.  
711 W. MORELAND BLVD.  
WAUKESHA, WI. 53188  
(262) 542-5797

JOHN R. STIGLER-WIS. REG. NO. S-1820  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

INSTRUMENT DRAFTED BY JOHN R. STIGLER

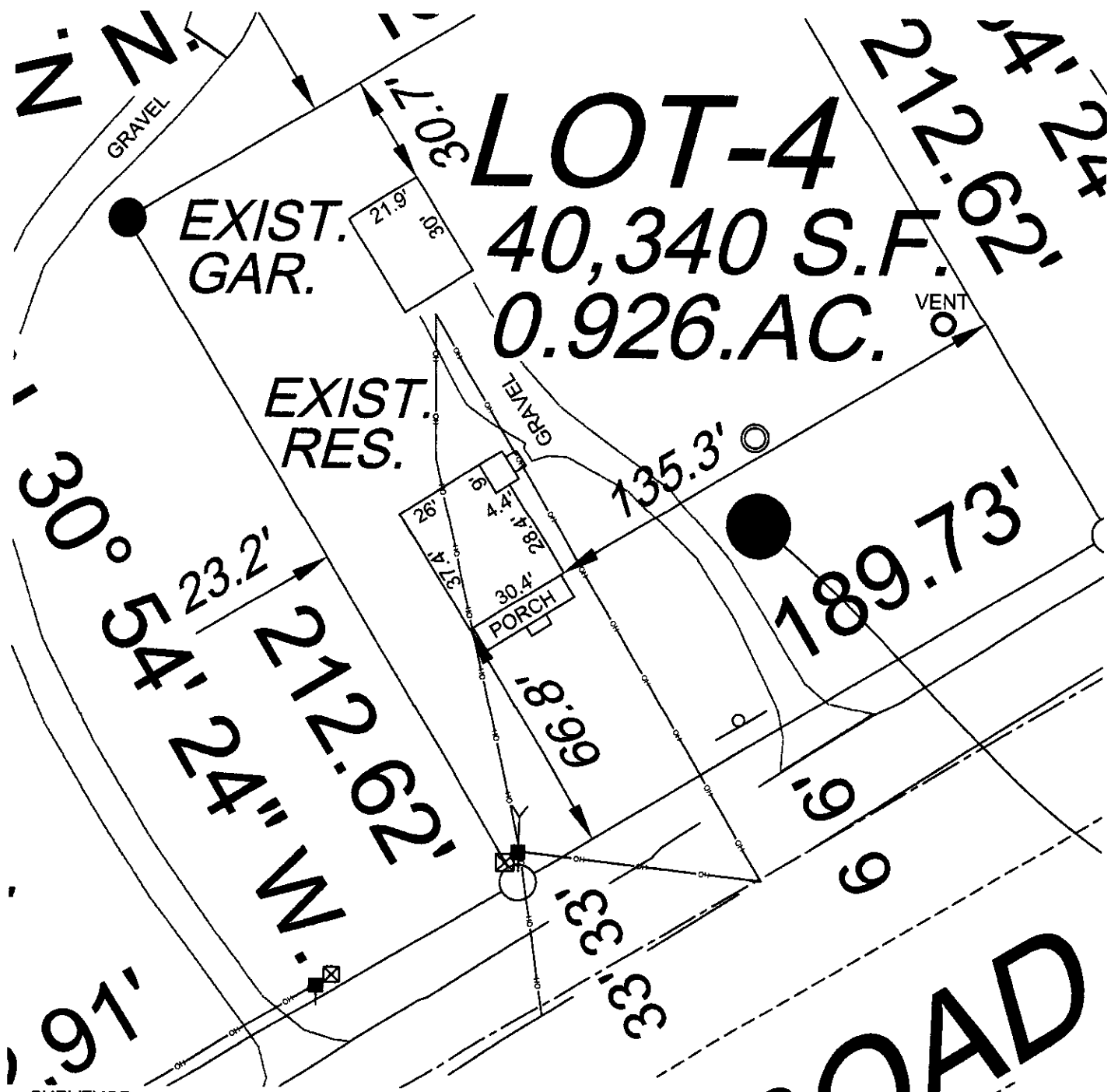
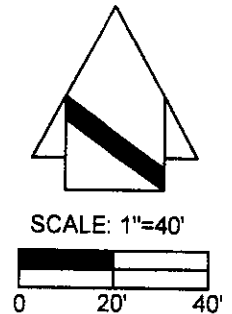
FILE NAME:21-9496/dwg P.S.WALWORTH 268



## Sheet 5 of 11

REFERENCE BEARING:  
BEARINGS REFER TO THE  
NORTHLINE OF THE  
SOUTHEAST 1/4 OF  
SECTION 10, T4N, R18E  
HAS A BEARING OF  
N. 89° 52' 39" E. PER  
WISCONSIN STATE PLANE  
COORDINATE SYSTEM  
GRID, SOUTH ZONE.

**OWNERS:**  
**THOMAS J. MILBRATH**  
**LINDA L. MILBRATH**  
**LINDA R. KOSTERETZ-**  
**EXECUTOR**  
**LINDA R. KOSTERETZ**  
**SCOTT G KOSTERETZ**  
**N9025 ARMY LAKE ROAD**  
**EAST TROY, WI 53120**  
**(414) 852-3854**



**SURVEYOR:**  
JOHN R. STIGLER S-1820  
JAHNKE & JAHNKE ASSOC., LLC.  
711 W. MORELAND BLVD.  
WAUKESHA, WI. 53188  
(262) 542-5797

JOHN R. STIGLER-WIS. REG. NO. S-1820  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

INSTRUMENT DRAFTED BY JOHN R. STIGLER

FILE NAME:21-9496/dwg P.S.WALWORTH 268

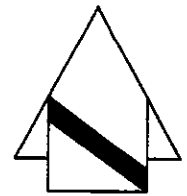
**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_

Sheet 6 of 11

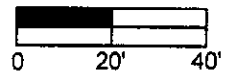
A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North Range 18 East,  
TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN  
Being a redivision of Certified Survey Map No. 2604 & 3225

REFERENCE BEARING:  
BEARINGS REFER TO THE  
NORTHLINE OF THE  
SOUTHEAST 1/4 OF  
SECTION 10, T4N, R18E  
HAS A BEARING OF  
N. 89° 52' 39" E. PER  
WISCONSIN STATE PLANE  
COORDINATE SYSTEM  
GRID, SOUTH ZONE.

OWNERS:  
THOMAS J. MILBRATH  
LINDA L. MILBRATH  
LINDA R. KOSTERETZ-  
EXECUTOR  
LINDA R. KOSTERETZ  
SCOTT G KOSTERETZ  
N9025 ARMY LAKE ROAD  
EAST TROY, WI 53120  
(414) 852-3854



SCALE: 1"=40'



SURVEYOR:  
JOHN R. STIGLER S-1820  
JAHNKE & JAHNKE ASSOC., LLC.  
711 W. MORELAND BLVD.  
WAUKESHA, WI. 53188  
(262) 542-5797

JOHN R. STIGLER-WIS. REG. NO. S-1820  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 7 of 11

A part of the Northeast ¼ of the Southeast ¼ of section 9 and part of the Northwest ¼ of the Southwest ¼ of  
Section 10, Town 4 North, Range 18 East,  
TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN  
Being a redivision of Certified Survey Map Nos. 2604 & 3225

**Legal Description for Lot 1 to be Rezoned C-3:**

A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North Range 18 East, Town of East Troy, Walworth County, Wisconsin, being a redivision of Certified Survey Map Numbers 2604 & 3225 described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of Section 9, Town 4 North, Range 18 East; thence South 88° 50' 27" West along the North line of the Southeast 1/4 of Section 9, Town 4 North, Range 18 East, 226.62 feet to the East right-of-way line of East Shore Drive; thence South 10° 03' 54" East along said right-of-way line, 499.65 feet for the point of beginning; thence North 79° 57' 28" East, 268.89 feet; thence North 11° 54' 09" West; 41.50 feet; thence North 74° 02' 22" East, 358.41; thence North 71° 49' 34" East, 247.44 feet; thence North 75° 37' 53" East, 250.85 to the west right-of-way line of Friends of East Troy Railroad; thence 522.51 feet Southwesterly along the arc of a curve of radius 11,313.23 feet, chord bears South 33° 26' 59" West, 522.46 feet with curve line to the East and along said West railroad right-of-way line to the North right-of-way line of Army Lake Road; thence South 59° 05' 36" West along said North right-of-way line, 750.02 feet to a point on the East line of said 1/4 section; thence continuing along said North right-of-way line South 59° 05' 33" West, 62.66 feet to the East right-of-way line of East Shore Drive; thence North 10° 03' 54" West along said East right-of-way line, 536.12 feet to the point of beginning.

Excepting therefrom wetlands area described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of Section 9, Town 4 North, Range 18 East; thence South 88° 50' 27" East along the North line of said Southeast 1/4 Section, 226.62 feet; thence South 10° 03' 54" East along the East right-of-way line of East Shore Drive, 1,035.76 feet to a point on the north right-of-way line of Army Lake Road; thence North 59° 05' 36" East along the North right-of-way of Army Lake Road, 750.02 feet; thence North 37° 33' 23" West, 74.00 feet for the point of beginning; thence North 61° 54' 42" West, 26.54 feet; thence North 68° 43' 29" West, 31.99 feet; thence North 36° 09' 27" West, 25.60 feet; thence North 71° 07' 53" West, 31.85 feet; thence North 41° 52' 31" West, 81.55 feet; thence North 14° 55' 33" West, 38.24 feet; thence North 08° 23' 27" East, 28.84 feet; thence North 13° 56' 30" East, 24.10 feet; thence North 13° 06' 24" East, 34.08 feet; thence North 71° 49' 34" East, 247.44 feet; thence South 34° 32' 51" East, 31.60 feet; thence South 41° 07' 34" East, 25.68 feet; thence South 33° 39' 52" East, 34.44 feet; thence South 29° 43' 38" East, 27.71 feet; thence South 31° 11' 53" East, 41.21 feet; thence South 14° 53' 39" West, 30.83 feet; thence South 20° 05' 04" West, 45.33 feet; thence South 36° 34' 32" West, 28.33 feet; thence South 42° 17' 23", 31.69 feet; thence South 46° 00' 43" West, 36.90 feet; thence South 49° 27' 43" West, 36.76 feet; thence South 70° 59' 44" West, 36.54 feet; thence South 86° 36' 55" West, 28.39 feet to the point of beginning.

Containing 280,818 square feet or 6.447 acres more or less.

JOHN R. STIGLER – Wis. Reg. No. S-1820

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

OWNERS: SCOTT G. AND LINDA R. KOSTERETZ  
Instrument drafted by John R. Stigler

P.S. Walworth 268

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 8 of 11

A part of the Northeast ¼ of the Southeast ¼ of section 9 and part of the Northwest ¼ of the Southwest ¼ of  
Section 10, Town 4 North, Range 18 East,  
TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN  
Being a redivision of Certified Survey Map Nos. 2604 & 3225

**Legal Description for Lot 3 to be Rezoned C-2:**

A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4, North Range 18 East, Town of East Troy, Walworth County, Wisconsin, being a redivision of Certified Survey Map Numbers 2604 & 3225 described as follows:

Beginning at the Northwest corner of the Southwest 1/4 of Section 10, Town 4 North, Range 18 East; thence North 89° 52' 39" East along the North line of the Southwest 1/4 of Section 10, Town 4 North, Range 18 East, 1,046.30 feet to the West right-of-way line of Friends of East Troy Railroad; thence Southeasterly 203.54 feet along the arc of a curve with curve line to the East and along said West railroad right-of-way line, with a radius of 11,313.23 feet, chord bears South 31° 36' 41" West, 203.53 feet; thence South 75° 37' 53" West, 250.85 feet; thence South 71° 49' 34" West, 247.44 feet; thence South 74° 02' 22" West, 358.41 feet; thence North 11° 54' 09" West, 350.70 feet; thence South 88° 50' 27" West, 259.40 feet to the East right-of-way line of East Shore Drive; thence North 10° 03' 54" West, 67.59 feet along said East right-of-way line to the North line of the Southeast 1/4 of Section 9, Town 4 North, Range 18 East; thence North 88° 50' 27" East along the North line of the Southeast 1/4 of Section 9, Town 4 North, Range 18 East, 226.62 feet to the point of beginning.

Excepting therefrom wetlands area described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of Section 10, Town 4 North, Range 18 East; thence North 89° 52' 39" East along the North line of said Southwest 1/4 Section, 1,046.30 feet to the West right-of-way line of Friends of East Troy Railroad; thence South 69° 44' 51" West, 359.90 feet for the point of beginning; thence South 36° 09' 05" East, 26.83 feet; thence South 24° 59' 45" East, 21.08 feet; thence South 13° 30' 17" West, 35.58 feet; thence South 38° 41' 54" West, 45.55 feet; thence South 71° 49' 34" West, 247.44 feet; thence North 16° 12' 45" East, 43.07 feet; thence North 37° 39' 34" East, 21.95 feet; thence North 55° 26' 13" East, 29.29 feet; thence North 65° 56' 35" East, 40.49 feet; thence North 60° 07' 25" East, 29.57 feet; thence North 51° 16' 49" East, 33.16 feet; thence North 17° 43' 38" East, 75.42 feet; thence North 66° 37' 33" West, 22.72 feet; thence North 73° 14' 47" West, 29.44 feet; thence North 72° 12' 30" West, 21.74 feet; thence North 64° 22' 24" West, 15.21 feet; thence North 28° 10' 31" East, 22.85 feet; thence North 52° 04' 47" East, 23.48 feet; North 71° 19' 45" East, 26.44 feet; thence South 78° 44' 41" East, 34.14 feet; thence South 38° 20' 44" East, 36.13 feet; thence South 18° 39' 23" East, 21.98 feet; thence South 60° 59' 42" East, 59.82 feet to the point of beginning.

Containing 252,767 square feet or 5.803 acres more or less.

**Legal Description for Lot 4 to be Rezoned R-1:**

A part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North, Range 18 East, Town of East Troy, Walworth County, Wisconsin, being a redivision of Certified Survey Map Numbers 2604 & 3225 described as follows:

Commencing at the Northeast corner of the Northeast 1/4 of Section 9, Town 4 North, Range 18 East; thence South 88° 50' 27" West along the north line of Section 9, Town 4 North, Range 18 East, 226.62 feet to the East right-of-way line of East Shore Drive; thence South 10° 03' 54" East along said right-of-way line, 1,035.76 feet to the North right-of-way line of Army Lake Road; thence North 59° 05' 33" East along said North right-of-way line, 62.66 feet to a point on the East line of said 1/4 section; thence North 59° 05' 36" East, 382.91 feet along said North right-of-way line for the point of beginning; thence North 30° 54' 24" West, 212.62 feet; thence North 59° 05' 36" East, 189.73 feet; thence South 30° 54' 24" East, 212.62 feet to said North right-of-way line; thence South 59° 05' 36" West along said North right-of-way line, 189.73 feet to the point of beginning.

Containing 40,340 square feet or 0.926 acres more or less.

JOHN R. STIGLER – Wis. Reg. No. S-1820

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

OWNERS: SCOTT G. AND LINDA R. KOSTERETZ  
Instrument drafted by John R. Stigler

P.S. Walworth 268

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 9 of 11

A part of the Northeast ¼ of the Southeast ¼ of section 9 and part of the Northwest ¼ of the Southwest ¼ of  
Section 10, Town 4 North, Range 18 East,  
TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN  
Being a redivision of Certified Survey Map Nos. 2604 & 3225

**Legal Description for Wetlands to be Rezoned C-1:**

Commencing at the Northeast corner of the Southeast 1/4 of Section 9, Town 4 North, Range 18 East; thence South 88° 50' 27" East along the North line of said Southeast 1/4 Section, 226.62 feet; thence South 10° 03' 54" East along the east right-of-way line of East Shore Drive, 1,035.76 feet to a point on the North right-of-way line of Army Lake Road; thence North 59° 05' 33" East along the North right-of-way line of Army Lake Road; thence North 59° 05' 36" East along the north right-of-way of Army Lake Road, 750.02 feet; thence North 37° 33' 23" West, 74.00 feet for the point of beginning; thence North 61° 54' 42" West, 26.54 feet; thence North 68° 43' 29" West, 31.99 feet; thence North 36° 09' 27" West, 25.60 feet; thence North 71° 07' 53" West, 31.85 feet; thence North 41° 52' 31" West, 81.55 feet; thence North 14° 55' 33" West, 38.24 feet; thence North 08° 23' 27" East, 28.84 feet; thence North 13° 56' 30" East, 24.10 feet; thence North 13° 06' 24" East, 34.08 feet; thence North 16° 12' 45" East, 43.07 feet; thence North 37° 39' 34" East, 21.95 feet; thence North 55° 26' 13" East, 29.29 feet; thence North 65° 56' 35" East, 40.49 feet; thence North 60° 07' 25" East, 29.57 feet; thence North 51° 16' 49" East, 33.16 feet; thence North 17° 43' 38" East, 75.42 feet; thence North 66° 37' 33" West, 22.72 feet; thence North 73° 14' 47" West, 29.44 feet; thence North 72° 12' 30" West, 21.74 feet; thence North 64° 22' 24" West, 15.21 feet; thence North 28° 10' 31" East, 22.85 feet; thence North 52° 04' 47" East, 23.48 feet; North 71° 19' 45" East, 26.44 feet; thence South 78° 44' 41" East, 34.14 feet; thence South 38° 20' 44" East, 36.13 feet; thence South 18° 39' 23" East, 21.98 feet; thence South 60° 59' 42" East, 59.82 feet; thence South 36° 09' 05" East, 26.83 feet; thence South 24° 59' 45" East, 21.08 feet; thence South 13° 30' 17" West, 35.58 feet; thence South 38° 41' 54" West, 45.55 feet; thence South 34° 32' 51" East, 31.60 feet; thence South 41° 07' 34" East, 25.68 feet; thence South 33° 39' 52" East, 34.44 feet; thence South 29° 43' 38" East, 27.71 feet; thence South 31° 11' 53" East, 41.21 feet; thence South 14° 53' 39" West, 30.83 feet; thence South 20° 05' 04" West, 45.33 feet; thence South 36° 34' 32" West, 28.33 feet; thence South 42° 17' 23", 31.69 feet; thence South 46° 00' 43" West, 36.90 feet; thence South 49° 27' 43" West, 36.76 feet; thence South 70° 59' 44" West, 36.54 feet; thence South 86° 36' 55" West, 28.39 feet to the point of beginning.

Containing 102,649 square feet or 2.356 acres more or less.

JOHN R. STIGLER – Wis. Reg. No. S-1820

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

OWNERS: SCOTT G. AND LINDA R. KOSTERETZ  
Instrument drafted by John R. Stigler

P.S. Walworth 268

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 10 of 11

A part of the Northeast ¼ of the Southeast ¼ of section 9 and part of the Northwest ¼ of the Southwest ¼ of  
Section 10, Town 4 North, Range 18 East,  
TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN  
Being a redivision of Certified Survey Map Nos. 2604 & 3225

I, John R Stigler, professional land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed, divided, and mapped the following land bounded and described as follows:

All that part of Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 4 North, Range 18 East, Town of East Troy, Walworth County, Wisconsin, further described as follows:

Beginning at the Northwest corner of the Southwest 1/4 of Section 10, Town 4 North, Range 18 East being marked by a concrete monument; thence North 89° 52' 39" East, 1046.30 feet (recorded as North 89° 44' 43" East) to the West right-of-way line of "Friends of East Troy Railroad"; thence 726.04 feet Southwesterly along the arc of a curve of radius 11,313.23 feet, chord bears South 32° 56' 04" West, 725.97 feet along said Westerly right-of-way line of "Friends of East Troy Railroad"; thence South 59° 05' 36" West (recorded as South 59° 28' 19" West), 750.02 feet to a point on the West line of said 1/4 section; thence South 59° 05' 33" West, 62.66 feet to the East right-of-way line of East Shore Drive; thence North 10° 03' 54" West, 746.12 feet along said east right-of-way line; thence North 79° 57' 28" East (recorded as North 80° 19' 08" East), 262.13 feet; thence North 11° 54' 09" West (recorded as North 11° 31' 26" West), 182.09 feet; thence South 88° 50' 27" West (recorded as West), 259.40 feet; thence North 10° 03' 54" West (recorded as North 09° 40' 52" West), 67.59 feet; thence North 88° 50' 27" East (recorded as East), 226.62 feet (recorded as 227.00 feet), to the point of beginning.

Containing an area of 732,372 square feet or 16.813 acres of land more or less.

I further certify that I have made such survey, land division, and map by the direction of the owners of said land; that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made; and that I fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236.34) and the regulations of the Town of East Troy and County of Walworth in surveying, dividing, and mapping the same.

\_\_\_\_\_  
JOHN R. STIGLER - Wis. Reg. No. S-1820

STATE OF WISCONSIN)/SS  
WAUKESHA COUNTY)

The above certificate subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

My commission expires April 17th, 2027.

\_\_\_\_\_  
MOHAMMAD RANJHA - NOTARY PUBLIC

OWNERS: SCOTT G. AND LINDA R. KOSTERETZ  
Instrument drafted by John R. Stigler

P.S. Walworth 268

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 11 of 11

A part of the Northeast ¼ of the Southeast ¼ of section 9 and part of the Northwest ¼ of the Southwest ¼ of  
Section 10, Town 4 North, Range 18 East,  
TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN  
Being a redivision of Certified Survey Map Nos. 2604 & 3225

**OWNER'S CERTIFICATE:**

As owners we hereby certify that we caused the land described on this map to be surveyed, divided, and mapped as represented on this map. We also certify that this Certified Survey Map is required to be submitted to the following for approval: Town of East Troy and Walworth County.

\_\_\_\_\_  
SCOTT G. KOSTERETZ – OWNER

\_\_\_\_\_  
LINDA R. KOSTERETZ (WIFE) - OWNER

STATE OF \_\_\_\_\_ )ss  
\_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_ and \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC –

**CONSENT OF CORPORATE MORTGAGEE:**

\_\_\_\_\_, a corporation duly organized and existing by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, consents to the surveying, dividing and mapping of the land described in the foregoing affidavit of John R. Stigler, surveyor, and consents to the above certificate of SCOTT G. KOSTERETZ and LINDA R. KOSTERETZ, owners.

IN WITNESS WHEREOF, the \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its \_\_\_\_\_, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITIZENS BANK MUKWONAGO

STATE OF WISCONSIN)ss  
WAUKESHA COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the \_\_\_\_\_ of the corporation, and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

**WALWORTH COUNTY APPROVAL:**

Approved by resolution of the Walworth County Zoning Agency this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
RYAN G. SIMONS - CHAIRPERSON

**TOWN OF EAST TROY APPROVAL:**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Town Board of the Town of East Troy, Walworth County, Wisconsin.

\_\_\_\_\_  
JOSEPH S. KLARKOWSKI – TOWN OF EAST TROY CHAIRMAN

\_\_\_\_\_  
JOHN R. STIGLER – Wis. Reg. No. S-1820

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

OWNERS: SCOTT G. AND LINDA R. KOSTERETZ  
Instrument drafted by John R. Stigler

P.S. Walworth 268

**VILLAGE OF MUKWONAGO RESOLUTION 2023-49**

**RESOLUTION APPROVING A CERTIFIED SURVEY FOR A PROPERTY LOCATED AT  
N9033 AND N9025 ARMY LAKE ROAD IN THE TOWN OF EAST TROY, WALWORTH  
COUNTY**

**WHEREAS**, Linda and Scott Kosteretz (applicant) on behalf of the Estate of Audrey Noffz, this property located at in the Town of East Troy and has submitted a certified survey map to the Village for review; and

**WHEREAS**, the property is located in the Village's extraterritorial review area and is therefore subject to the review by the Village; and

**WHEREAS**, the Village Plan Commission reviewed the petitioner's request at their meeting on November 14, 2023, and recommended approval of the same as set forth in this resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board of the Village of Mukwonago approves the proposed certified survey map subject to the following conditions:

1. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.
2. The certified survey map must comply with the Town of East Troy's approval which was granted on October 11, 2023.
3. The property owner must pay all fees and charges that are owed to the Village.

The Village President is authorized to sign the original certified survey map when the above conditions have been satisfied as determined by the Village Planner.

Passed and dated this 15th day of November 2023.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana Dykstra, Village Clerk





## Site Plan and Architectural Review Request

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Staff has reviewed the plan and has no concerns. Several years ago the canopy and pumps were removed. Paving was to be completed at that time, but was not followed through on from the previous owner.

There is a new tenant working through the occupancy process and we are requesting the property be brought into compliance. A new mini-mart will be going into the space and the residential tenant will remain upstairs.

As indicated on the plan there is a dumpster enclosure planned for the rear of the building. The parking lot is being paved and properly stripped. Handicap signage will be provided.

The 3ft buffer required in the code will be completed in spring of 2024. Plantings shall be approved by staff. The dumpster enclosure can be

Any signage will need to be approved by staff with the proper permits.

## Staff Review

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Engineering	No concerns at this time
Public Works	No concerns at this time
Utilities	No concerns at this time
Police	No concerns at this time
Fire	No concerns at this time
Building Inspection	No concerns at this time
Planning	No concerns at this time

## Recommendation

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### Site Plan and Architectural Review

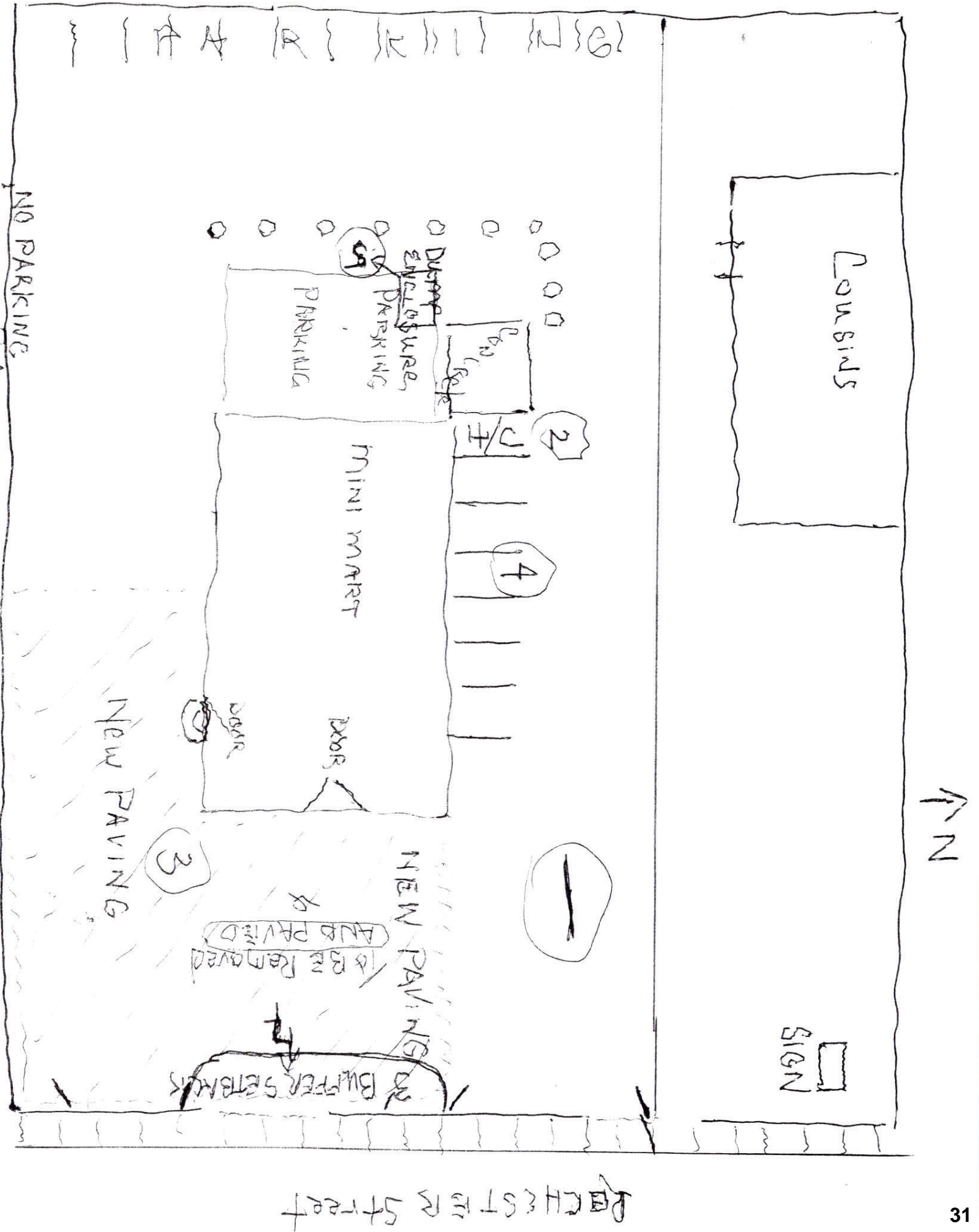
Staff recommends the Planning Commission approve with conditions, for the request to add stripping, add a landscape buffer, and a dumpster enclosure as set forth in the attached resolution.

1. Obtain any necessary permits from the Village Building Inspection Department.
2. Landscape buffer plants to be planted by June 1, 2024 and approved by staff.
3. All landscaping shall be maintained.
4. Dumpster enclosure details to be worked out with staff and to be completed by June 1, 2024.
5. Any signage shall be approved by Village staff with the proper submittal of permits.
6. Final Inspection by Village staff once complete.
7. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, additions, etc. may require Site Plan and Architectural Review by the Plan Commission.

## Attachments

---

1. Plans
2. Resolution



ms Scharf

- ① ANSWER / SITE PLAN
- ② HC parking
- ③ New paving
- ④ Striping
- ⑤ Dumpster
- ⑥ Removal Parking HAZARD
- ⑦ Curb Buffer

**VILLAGE OF MUKWONAGO  
WAUKESHA AND WALWORTH COUNTIES**

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**PC RESOLUTION NO. 2023-11**

**A RESOLUTION FOR SITE PLAN AND ARCHTIEICTURAL REVIEW FOR MINI-MART/NHI  
REAL ESTATE HOLDINGS TWO, LLC AT 201 N ROCHESTER ST,  
PARCEL NUMBER MUKV 1976-091-002**

---

**WHEREAS**, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval for an additional and building and site modifications, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application has been submitted by Harjinder Khasria (Owner),

**WHEREAS**, the use is permitted within the Village Center/B-2 General Business District – in which the subject property is located, and

**WHEREAS**, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for the modifications at 201 N Rochester St, based upon the plans submitted to the Village.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** this site plan and architectural review approval shall be subject to the following conditions:

Staff recommends the Planning Commission approve with conditions, for the request to add stripping, add a landscape buffer, and a dumpster enclosure as set forth in the attached resolution.

1. Obtain any necessary permits from the Village Building Inspection Department.
2. Landscape buffer plants to be planted by June 1, 2024 and approved by staff.
3. All landscaping shall be maintained.
4. Dumpster enclosure details to be worked out with staff and be completed by June 1, 2024.
5. Any signage shall be approved by Village staff with the proper submittal of permits.
6. Final Inspection by Village staff once complete.
7. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, additions, etc. may require Site Plan and Architectural Review by the Plan Commission.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Mukwonago,

Approved an Adopted this 14<sup>th</sup> day of November 2023 by the Plan Commission of the Village of Mukwonago, Wisconsin.

APPROVED:

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Fred H. Winchowky, Village President

ATTESTATION:

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Linda Gourdoux, WCMC,CMC  
Deputy Clerk-Treasurer

Date: November 8, 2023

To: Village of Mukwonago Plan Commission  
Erin Sharf, Community Planner/Zoning Administrator

From: Tim Schwecke

Subject: Village of Mukwonago Zoning/Sign Code Rewrite  
Memo #5



Please find attached a good portion of the zoning code in draft form. There are parts that are highlighted in **yellow**. Those are things to be verified as we continue reviewing and drafting other parts of the code.

There is obviously a lot to review. If you have limited time, check out Article 6 first. It describes the various zoning districts. Below is a summary of the proposed changes to the zoning districts. As you'll see, we are proposing fewer residential, commercial, and industrial districts and making the Village Center overlay districts into base zoning districts. In addition, we are proposing to show each of the individual planned development districts.

The proposed zoning map can be viewed online at  
[https://proposed\\_villageofmukwonago.zoninghub.com/zoningmap.aspx](https://proposed_villageofmukwonago.zoninghub.com/zoningmap.aspx)

District Abbreviation/Name	Current Status	Disposition
<b>Residential</b>		
<b>R-1</b> Single-Family Medium Lot	Existing - keep	
<b>R-2</b> Single-Family Historical Lot	Existing – keep	
<b>R-3A</b> Single-Family Small Lot	New	This is for 9,000 sf
<b>R-3B</b> Single-Family Small Lot	Existing - keep	This is the R-3 district for 10,000 sf lots
<b>R-5</b> Low Density Multi-Family	Existing - keep	
<b>R-7</b> Single-Family Intermediate Lot	Existing – remove	Remove (there are no such parcels)
<b>R-8</b> Single-Family Executive Large Lot	Existing – remove	Remove (there are no such parcels)
<b>R-9</b> Single-Family Rural Residential	Existing – remove	Remove (there are no such parcels)
<b>R-10</b> Medium Density Multi-Family	Existing – keep	
<b>R-15</b> High Density Multi-Family	Existing – keep	
<b>Business</b>		
<b>B-1</b> Neighborhood Business	Existing – keep	
<b>B-2</b> General Business	Existing – remove	Remove and merge with B-3 to create B-6
<b>B-3</b> Community Business	Existing – remove	Remove and merge with B-2 to create B-6
<b>B-4</b> Commercial Business	Existing – remove	Remove and merge with B-5 to create B-7, satellite lots reclassified as B-8
<b>B-5</b> Planned Business and Light	Existing – remove	Remove and merge with B-4 to create B-7,

District Abbreviation/Name	Current Status	Disposition
Industrial Development		satellite lots reclassified as B-8
<b>B-6</b> General Business	New	This is a new district
<b>B-7</b> Planned Business Center	New	This is a new district
<b>B-8</b> Planned Business Center, Satellite Lots	New	This is a new district
<b>Industrial</b>		
<b>M-1</b> Limited Industrial	Existing - keep	
<b>M-2</b> Light Industrial	Existing - keep	
<b>M-3</b> General Industrial	Existing – remove	Remove (there are no such parcels)
<b>M-4</b> Medium/Heavy Industrial	Existing - keep	
<b>M-5</b> Heavy Industrial	Existing – remove	Remove (there are no such parcels)
<b>Village Center</b>		
<b>VC-R</b> Village Center Overlay – Retail Center	Existing – remove overlay	Remove as an overlay district and establish a base district to replace it (VC-1)
<b>VC-MP</b> Village Center Overlay – Multi-Purpose Perimeter	Existing – remove overlay	Remove as an overlay district and establish a base district to replace it (VC-1)
<b>VC-RP</b> Village Center Overlay – Residential Perimeter	Existing – remove overlay	Remove this overlay district, because it has little if any effect on development potential (VC-1)
<b>Special Purpose</b>		
<b>P-1</b> Public and Semipublic	Existing - keep	
<b>SP-1</b> Railroad	New	
<b>A-1</b> Agricultural	Existing - Remove	Remove this district and reclassify the parcels with this designation as Rural Residential.
<b>RR</b> Rural Residential	New	This is a new district.
<b>BMX-1</b> Business Mixed Use Overlay	Existing – remove overlay	Retain the overlay district but show it as a Planned Development District.
<b>BMX-2</b> Business Mixed Use Overlay	Existing – remove overlay	Retain the overlay district but show it as a Planned Development District.
<b>BMX-3</b> Business Mixed Use Overlay	Existing – remove overlay	Retain the overlay district but show it as a Planned Development District.



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## CHAPTER 102 ZONING

### ARTICLE 1 GENERAL PROVISIONS

#### 102.01 Title

This chapter shall be known as “Zoning” and may be referred to herein as “this chapter” or the “Village's zoning regulations.”

#### 102.02 Authority

This chapter is adopted under the authority granted under §§ 60.62, 61.35, and 62.23, Wis. Stats., as amended, and other provisions referenced in other parts of this chapter.

#### 102.03 Jurisdiction

This chapter applies to the area within the corporate limits of the Village of Mukwonago, the boundary of which may change over time through annexations and detachments.<sup>[1]</sup>

**Editorial notes:**

[1] An annexation removes land from a town and adds it to a city or village. A detachment removes land from a city or village and adds it to a town or to another city or village.

#### 102.04 Legislative findings

- A. **General findings.** The Village Board makes the following legislative findings:
- (1) The Village Board adopted a comprehensive plan pursuant to § 66.1001, Wis. Stats., and has made various amendments since then.
  - (2) This chapter is intended to be consistent with the overall intent of the Village's comprehensive plan, as may be amended.
- B. **Other findings.** Other legislative findings are included in various articles, divisions, and sections of this chapter as may be appropriate.

#### 102.05 Purpose

- A. **General purpose.** This chapter promotes the public health, safety, and welfare and is intended to:
- (1) implement the goals, objectives, and policies of the Village's comprehensive plan to the greatest extent practicable;
  - (2) encourage the most appropriate use of land throughout the Village;
  - (3) conserve the value of buildings;
  - (4) establish clear and consistent standards, regulations, and procedures for the review of proposed development as may be regulated by this chapter; and
  - (5) establish minimum standards for the use or development of land within the Village.
- B. **Specific purposes.** Consistent with § 62.23 (7)(c), Wis. Stats., this chapter is also intended to:
- (1) secure safety from fire, panic, and other dangers;
  - (2) promote health and general welfare;
  - (3) provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;

- (4) encourage the protection of groundwater resources;
  - (5) prevent the overcrowding of land;
  - (6) avoid undue concentration of population;
  - (7) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
  - (8) preserve burial sites, as defined in § 157.70 (1)(b), Wis. Stats.
- C. **Other purposes.** Other purposes may be included in various articles, divisions, and sections as may be appropriate.

### 102.06 Re-enactment and repeal

This chapter carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters which the Village Board adopted under authority of state law prior to the effective date of this chapter. This chapter is not intended to repeal those regulations in their entirety, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter. If a provision in the regulations which were in effect on the date this chapter became effective is not specifically carried forward in this chapter, such provision is repealed. As to the effect of this section on existing land uses refer to Article 19.

### 102.07 Compliance

- A. **Generally.** Except as specifically provided, the provisions of this chapter apply to all development within the Village of Mukwonago. No development shall be undertaken without the prior authorizations required by this chapter and other applicable rules and regulations of the Village of Mukwonago.
- B. **Exception for a previously granted permit or other approval.** If a permit or other approval has been previously granted and the authorized work, in whole or in part, is no longer allowed under the current zoning regulations, the holder of the permit is authorized to establish the use or undertake the authorized work within one year of the date of the approval. If the authorized work does not commence within that time period and continue in good faith to completion, such permit or other approval shall lapse and be null and void without any further action by the Village.
- C. **Exception for the establishment of a use, structure, or building not requiring authorization.** If prior to the adoption of this chapter, or amendment thereto, a lawful land use, structure, or building is actively being established that did not require a permit or other approval under the zoning regulations in effect at that time, said work may continue to completion even when such land use, structure, or building (1) now requires a permit or other authorization under this chapter, (2) is being developed contrary to this chapter, or (3) is otherwise prohibited under this chapter. If such work does not continue in good faith to completion, any work must thereafter conform to this chapter.

### 102.08 Liability

The Village of Mukwonago and its officials, agencies, employees, agents, and assigns are not liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter.

### 102.09 Severability

- A. If any section, clause, provision, or portion of this chapter is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected by such ruling.

- B. If any application of this chapter to a particular structure or parcel is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not apply to any other structure or parcel not specifically included in the ruling.

### **102.10 Relationship of this chapter to other regulations**

In addition to meeting the requirements contained in this chapter, development must comply with all applicable regulations of federal and state agencies. In all cases, the strictest of the applicable provisions apply.

### **102.11 Relationship of this chapter to private agreements**

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing land development. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter apply.

### **102.12 Additional local regulations**

In addition to meeting the regulations contained in this chapter, development must comply with all applicable regulations in the municipal code, including the following and any amendments thereto:

- (1) Chapter 6 – Alcohol Beverages
- (2) Chapter 10 – Amusements and Entertainments
- (3) Chapter 14 – Animals
- (4) Chapter 18 – Buildings and Building Regulations
- (5) Chapter 22 – Businesses
- (6) Chapter 34 – Environment
- (7) Chapter 38 – Fire Prevention, Protection, and Control Code
- (8) Chapter 44 – Impact Fees
- (9) Chapter 45 – Land Division
- (10) Chapter 50 – Mobile Homes and Trailers
- (11) Chapter 106 – Sign Code

In all cases, the strictest of the applicable provisions shall apply.

### **102.13 No defense to nuisance action**

Compliance with the standards and requirements in this chapter does not constitute an absolute defense to an action to abate a public or private nuisance.

### **102.14 Applicability to public entities**

This chapter applies to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted by state or federal law from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

### **102.15 Relief from other provisions**

Nothing in these provisions shall relieve any person from satisfying any condition or requirement associated with a previous approval issued under this chapter, or any local, state, or federal law or requirement.

**102.16 Applicability to projects under the purview of the Public Service Commission**

This chapter applies to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.<sup>[1]</sup> The Plan Commission and/or the Village Board may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

**Editorial notes:**

[1] See § 196.491 (3)(i), Wis. Stats., and also *American Transmission Co., LLC v. Dane County*, 2009 WI App. 126

**102.17 Repeal of conflicting provisions**

All other ordinances or parts of ordinances of the Village that are inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are repealed.

**102.18 Copyright protection**

This chapter contains images that are copyright protected and are denoted as such. All such images are used with permission of the copyright holder for the exclusive purposes of this chapter. Any images subject to copyright protection may be reproduced as part of this chapter and are subject to the open records law of Wisconsin, but may not be used in other works without the permission of the copyright holder.

**102.19 through 102.49 Reserved**

## ARTICLE 2 INTERPRETATION, CONSTRUCTION AND DEFINITIONS

### 102.50 General rules

- A. **Generally.** In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the Village so the true intent and meaning of this chapter is carried out as set forth in § 102.05.
- B. **Minimum requirements.** The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other power granted by state statute.

### 102.51 Interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued consistent with Article 5.

### 102.52 Delegation of authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform some act, such individual may designate, delegate, or authorize a subordinate to perform the act unless state law or the provision clearly specifies otherwise.

### 102.53 Internal conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions unless the context otherwise requires. Additionally, the most restrictive provisions shall apply.

### 102.54 Website

The Village may create and maintain a website to share the key aspects of this chapter, including the zoning map, in an interactive platform. If there is any discrepancy between such website and this chapter, this chapter controls.

### 102.55 Use of graphics, illustrations, headings, references, and editorial notes

- A. **Purpose.** Graphics, illustrations, headings, references, statutory citations, and editorial notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Editorial notes are included to supplement and/or further clarify a sentence or provision but are not part of this chapter.
- B. **Interpretation.** A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.
- C. **Effect of deficiency.** Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or editorial note.

### 102.56 Reference to state and federal law

If a provision in this chapter references a specific state or federal law, such reference shall be interpreted to mean the most current version of the referenced section at the time the reference is applied. If a referenced section is repealed and replaced by another section with comparable subject matter, the replacement

section shall control. If a referenced section is repealed and not replaced, the repealed section shall control if it is determined by the village attorney that the Village has the authority to apply the repealed language.

### 102.57 Interpretation of boundaries and designations for zoning districts

A. **Boundary line interpretations.** Interpretations regarding boundaries of zoning districts shall be made in accordance with the following rules:

- (1) **Political boundaries.** Boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.
- (2) **Section lines.** Boundaries shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.
- (3) **Centerlines.** Boundaries shown as following, or approximately following, any railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.
- (4) **Property lines.** Boundaries shown as following, or approximately following, any platted lot line or other property line shall be construed as following such line. In the event adjoining property owners transfer land as allowed by state law and both of the original lots were in different zoning districts, the zoning district boundary line can only be changed with a revision of the zoning map as set forth in Article 5.
- (5) **Natural boundaries.** Boundaries shown as following, or approximately following, any natural feature such as a stream, river, other bodies of water, or topographical features, such as a watershed boundary, shall be construed as following such natural feature as verified by field inspection when necessary.

In the event there is a question as to the location of a zoning district boundary, the Plan Commission shall review such matter at a regular or special meeting and render a decision.

B. **Street abandonment.** In the event a public road, street, or alley is officially vacated or abandoned, the zoning provisions applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley, unless otherwise provided by Village action.

### 102.58 General rules of interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

- (1) **Gender.** Words of the masculine gender include the feminine and neuter, and vice versa.
- (2) **Singular and plural words.** Words in the singular include the plural and words in the plural include the singular.
- (3) **Tense.** Words in the present tense include the past and future tense, and the future tense includes the present tense.
- (4) **"Must", "shall" and "will".** The words "must", "shall" and "will" imply a mandatory condition.
- (5) **"May" or "should".** The words "may" and "should" imply a permissive condition.
- (6) **"Includes" or "including".** The words "includes" or "including" do not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.
- (7) **"Such as".** The phrase "such as" does not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) **Conjunctions.** When used at the end of a series, the word "and" indicates that all listed items apply. When the word "or" is used at the end of a series, it indicates that one or more of the listed items apply.

**102.59 Computation of time**

When a time period is specified in this chapter, the first day of the period shall be the first day after the event that triggered the time clock to start. If the last day of the time period is a Saturday, Sunday, or a legal holiday recognized by the state of Wisconsin, that day is excluded and the time period is extended to the next business day.

**102.60 Land use descriptions**

For the purpose of chapter, land uses that are permissible in one or more of the zoning districts are described as set forth in Appendix B. For organizational purposes, similar land uses are grouped together to form a series. The first 16 series are for principal land uses, accessory land uses are found in Series 17, and temporary land uses are found in Series 18.

**102.61 General definitions**

- A. **Words and phrases not defined.** Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. **Words and phrases defined.** For the purpose of this chapter, certain words and phrases are defined in Appendix F and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

**102.62 through 102.99 Reserved**



## ARTICLE 3 ADMINISTRATIVE BODIES

### DIVISION 1 PLAN COMMISSION

#### 102.100 Establishment

A Plan Commission is established pursuant to §§ 62.23 (1) and 61.35, Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

#### 102.101 Authority

- A. **Generally.** The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote the proper planning for the Village of Mukwonago, whether enumerated in this section or not.<sup>[1]</sup>
- B. **Right to enter property.** The Plan Commission, along with its individual members and authorized agents, may enter upon land which is the subject of a pending application it has authority to act on as set forth in § 102.203.<sup>[2]</sup>
- C. **Staff.** The Plan Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Village Board for such purpose.<sup>[3]</sup>
- D. **Comprehensive plan.** The Plan Commission may by resolution recommend to the Village Board the adoption of or amendment to a comprehensive plan.<sup>[4]</sup>
- E. **Development review.** The Plan Commission shall render decisions and recommendations relating to development applications required by this chapter.
- F. **Amendments to this chapter.** The Plan Commission may recommend amendments to this chapter it deems advisable.
- G. **Official map.** The Plan Commission may recommend amendments to the Village's official map adopted pursuant to §§ 62.23 (6) and 61.35, Wis. Stats.<sup>[5]</sup>

**Editorial notes:**

[1] See §§ 62.23 (4) and 61.35, Wis. Stats.

[2] See §§ 62.23 (4) and 61.35, Wis. Stats.

[3] See §§ 62.23 (1)(e) and 61.35, Wis. Stats.

[4] See §§ 62.23 (2) and 61.35, Wis. Stats.

[5] Commentary: An official map depicts existing and planned public infrastructure and facilities, including planned streets.

#### 102.102 Composition and appointment of members

- A. **Number and appointment.** The Plan Commission shall consist of 7 regular members as follows: the village president, two village trustees, and four citizen members.
- B. **Terms.** Each citizen member of the Plan Commission shall be appointed to a 3-year term.<sup>[1]</sup> The term of a village trustee shall coincide with his or her appointment to the above-mentioned committee. The term of the village president shall coincide with his or her elected term.
- C. **Considerations in making citizen appointments.** Citizen members of the Plan Commission must be residents of the Village of Mukwonago and must be persons of recognized experience and qualifications.<sup>[2]</sup> To the extent possible, citizen members should represent different experiences and qualifications. A village employee may not serve on the commission.
- D. **Conditions for removal.** A citizen member must be removed from the Plan Commission and the member's office declared vacant when the member moves outside of the village. If the village president or a village trustee serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

- E. **Others.** The village clerk shall serve as secretary to the Plan Commission. The village planner and zoning administrator shall serve as staff liaison to the commission. The commission may seek the advice of the village attorney, building inspector, director of public works, director of utilities, or other staff member as deemed appropriate.

**Editorial notes:**

[1] See §§ 62.23 (1)(d) and 61.35, Wis. Stats.

[2] See §§ 62.23 (1)(a) and 61.35, Wis. Stats.

### 102.103 Officers

The village president shall serve as the chairperson of the Plan Commission. In the event the village president is not in attendance, the village clerk will call the meeting to order after which the members will elect a chairperson for the duration of the meeting.

### 102.104 Commission procedures

The Plan Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other village regulations, and state law and be filed in the office of the village clerk.<sup>[1]</sup> The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt.

**Editorial notes:**

[1] See §§ 62.23 (2) and 61.35, Wis. Stats.

### 102.105 Meetings

Meetings of the Plan Commission are open to the public unless conducted in close session as authorized by state law. All meetings, except site visits described in Article 4, must be conducted in the village hall or in such other public place as may be selected by the commission.

### 102.106 Schedule of meetings

The Plan Commission shall establish a meeting schedule. Other meetings may be held at the call of the chairperson of the commission and at such other times as the commission may determine.

### 102.107 Voting and quorum

- A. **Requirements for quorum.** A quorum of the Plan Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** Unless otherwise prescribed by state law, a decision of the Plan Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention.** A member of the Plan Commission must abstain from voting on a particular issue or must be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19 Wis. Stats., or any ethics code as may be adopted by the village; (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, he or she may participate in the meeting as a member of the public.

**102.108 Official oath**

Citizen members of the Plan Commission must take the official oath as required by § 19.01, Wis. Stats. The village clerk must keep a copy of such oaths.

**102.109 through 102.119 Reserved****DIVISION 2  
HISTORIC PRESERVATION COMMISSION****102.120 Establishment**

A Historic Preservation Commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

**102.121 Authority**

- A. **Historic districts.** The Historic Preservation Commission shall have the power to recommend designation of historic districts consistent with the requirements in Article 5.
- B. **Historic structures and sites.** The Historic Preservation Commission shall have the power to designate historic structures and sites consistent with the requirements in Article 5.
- C. **Certification of appropriateness.** The Historic Preservation Commission shall have the power to act on requests for work related to a historic structure or site consistent with the requirements in Article 5.
- D. **Recognition of historic districts, structures, and sites.** The Historic Preservation Commission may establish a plaques program to recognize the designation of a historic district, structure, or site. The plaque should state the accepted name of the historic property, the date of its construction of significance, and other information deemed proper by the commission. Such plaque should be placed as to be easily visible to passing pedestrians.
- E. **Funding.** The Historic Preservation Commission may receive and solicit funds for the purpose of historic preservation in the Village. Such funds must be placed in a special Village account, managed by the village treasurer, for such purpose.
- F. **Amendments to this chapter.** The Historic Preservation Commission may recommend amendments to this chapter it deems advisable.

**102.122 General duties**

- A. **Education and outreach.** The Historic Preservation Commission should inform village residents about the historical heritage of the Village and the need and desirability of having a historic preservation program in the Village, including how it enhances the quality of life.
- B. **Cooperation.** The Historic Preservation Commission may cooperate with the State of Wisconsin historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the state register of historic places.

**102.123 Composition and appointment of members**

- A. **Number and appointment.** The Historic Preservation Commission shall consist of 7 members, one of which may be a Village Board member. The other members are citizen members as appointed by the village president, subject to confirmation by the Village Board.
- B. **Terms.** Citizen members on the Historic Preservation Commission shall be appointed to staggered 3-year terms. The term of a village trustee shall be for one year and can be reappointed for consecutive terms without limitation.

- C. **Considerations in making citizen appointments.** Citizen members must reside in the Village of Mukwonago. A village employee may not serve on the commission. Each member should have a demonstrated interest in historic preservation. To the extent possible, citizen members should include a person with land within a historic district, a registered architect, a historian, and a licensed real estate broker.
- D. **Vacancies.** Vacancies on the Historic Preservation Commission must be filled for the unexpired term of any member whose term becomes vacant.
- E. **Conditions for removal.** A citizen member must be removed from the Historic Preservation Commission and the member's office declared vacant when the member moves outside of the village. If the village president or a village trustee serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

#### 102.124 Officers

The village president shall designate a village trustee to be the chairperson of the Historic Preservation Commission. The commission may designate other such officers deemed necessary. If the chairperson is absent for a meeting, the village clerk shall call the meeting to order and the commission shall appoint a chair for that meeting.

#### 102.125 Commission procedures

The Historic Preservation Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other village regulations, and state law and be filed in the office of the village clerk. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt.

#### 102.126 Meetings

Meetings of the Historic Preservation Commission are open to the public unless conducted in closed session as authorized by state law. All meetings, except site visits, will be conducted in the village hall or in such other public place as may be selected by the commission.

#### 102.127 Schedule of meetings

The Historic Preservation Commission should establish a meeting schedule. Other meetings may be held at the call of the chairperson of the commission and at such other times as the commission may determine.

#### 102.128 Voting and quorum

- A. **Requirements for quorum.** A quorum of the Historic Preservation Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** Unless otherwise specifically stated, a decision of the Historic Preservation Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention.** A member of the Historic Preservation Commission must abstain from voting on a particular issue or must be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19 Wis. Stats., or any ethics code as may be adopted by the village; (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.

**102.129 Official oath**

Citizen members of the Historic Preservation Commission must take the official oath as required by § 19.01, Wis. Stats. The village clerk must keep a copy of such oaths.

**102.130 through 102.149****Reserved****DIVISION 3  
BOARD OF ZONING AND BUILDING APPEALS****102.150 Establishment**

A Board of Zoning and Building Appeals is established pursuant to §§ 62.23 (7)(e) and 61.35, Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

**102.151 Authority**

- A. **Administrative appeals.** The Board of Zoning and Building Appeals has the authority to hear and decide administrative appeals consistent with the requirements in Article 5 where it is alleged that the zoning administrator or building inspector erred in the administration of the zoning code. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made and to that end has all the powers of the officer from whom the appeal is taken.
- B. **Variances.** The Board of Zoning and Building Appeals has the authority to hear and decide variances consistent with the requirements in Article 5.
- C. **Right to enter.** The Board of Zoning and Building Appeals, its individual members, employees, and authorized agents, may enter upon land which is the subject of a pending application as set forth in § 102.203.
- D. **Amendments to this chapter.** The Board of Zoning and Building Appeals may recommend amendments to this chapter it deems advisable.

**102.152 Authority of chairperson**

The chairperson of the Board of Zoning and Building Appeals or acting chairperson may administer oaths and compel the attendance of witnesses.<sup>[1]</sup> The chairperson may request the attendance of the zoning administrator and the building inspector.

**Editorial notes:**

[1] See §§ 62.23 (7)(e)(3) and 61.35, Wis. Stats.

**102.153 Composition and appointment of members**

- A. **Number and appointment.** The Board of Zoning and Building Appeals shall consist of 5 regular members as appointed by the village president, subject to confirmation by the Village Board.<sup>[1]</sup>
- B. **Alternates.** The village president, subject to confirmation by the Village Board, shall appoint 2 alternates to the Board of Zoning and Building Appeals for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate.<sup>[2]</sup>
- C. **Terms.** Each regular member on the Board of Zoning and Building Appeals shall be appointed to hold office for a period of 3 years.
- D. **Considerations in making appointments.** Regular members and alternate members of the Board of Zoning and Building Appeals must reside in the Village of Mukwonago. A village employee may not serve as a regular member or as an alternate.

- E. **Vacancies.** Vacancies on the Board of Zoning and Building Appeals must be filled for the unexpired term of any member or alternate whose term becomes vacant.
- F. **Removal.** The village president may remove a regular member or an alternate from the Zoning Board of Appeals.

**Editorial notes:**

[1] See §§ 62.23 (7)(e)(2) and 61.35, Wis. Stats.

[2] See §§ 62.23 (7)(e)(2) and 61.35, Wis. Stats.

**102.154 Officers**

The village president shall designate one regular member to be the chairperson of the Board of Zoning and Building Appeals, subject to the approval of the Village Board. The board may designate other such officers deemed necessary. If the chairperson is absent for a meeting, the village clerk will call the meeting to order and the board will appoint a chair for that meeting.

**102.155 Board procedures**

The Board of Zoning and Building Appeals may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other village regulations, and state law and be filed in the office of the village clerk. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt.

**102.156 Meetings**

Meetings of the Board of Zoning and Building Appeals are open to the public unless conducted in closed session as authorized by state law.<sup>[1]</sup> Meetings, except for site visits, must be conducted in the village hall or in such other public place as may be selected by the board.

**Editorial notes:**

[1] See §§ 62.23 (7)(e)(3) and 61.35, Wis. Stats.

**102.157 Schedule of meetings**

The Board of Zoning and Building Appeals shall establish a schedule of meetings. Other meeting may be held at the call of the chairperson and at such other times as the board may determine.

**102.158 Voting and quorum**

- A. **Requirements for quorum.** A quorum consists of 3 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** A decision of the Board of Zoning and Building Appeals must be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.<sup>[1]</sup>
- C. **Disqualification or voluntary abstention.** A member of the Board of Zoning and Building Appeals must abstain from voting on a particular issue or must be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19, Wis. Stats., or any ethics code as may be adopted by the village, (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, he or she may participate in the meeting as a member of the public.
- D. **Voting by alternates.** The first alternate may vote only when one of the regular members of the Board of Zoning and Building Appeals is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.<sup>[2]</sup>

**Editorial notes:**

[1] See §§ 62.23 (7)(e)(3m) and 61.35, Wis. Stats.

[2] See §§ 62.23 (7)(e)(2) and 61.35, Wis. Stats.

**102.159 Official oath**

Members of the Board of Zoning and Building Appeals must take the official oath as required by § 19.01, Wis. Stats. The village clerk must keep a copy of such oaths.

**102.160 through 102.169 Reserved****DIVISION 4  
ZONING ADMINISTRATOR****102.170 Establishment**

The position of zoning administrator is established to undertake the responsibilities as defined in this chapter and state law.

**102.171 Authority**

The zoning administrator will administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties has the authority to:

- (1) meet with applicants to advise them of the requirements of this chapter;
- (2) issue administrative permits;
- (3) revoke or modify any administratively-issued permit or interpretation with reasonable cause;
- (4) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;
- (5) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;
- (6) work with the village clerk in the preparation of meeting agendas for the Plan Commission and Board of Zoning and Building Appeals;
- (7) develop, amend, and utilize application forms, checklists, and other forms he or she deems appropriate to administer the development review processes set forth in this chapter;
- (8) recommend amendments to this chapter and to other chapters of the municipal code of the Village of Mukwonago relating to land use and development;
- (9) undertake enforcement proceedings as may be requested;
- (10) notify the regional office of the Wisconsin Department of Natural Resources of any violations of the floodplain regulations;
- (11) inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred; and
- (12) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter or any other section of the municipal code of the Village of Mukwonago as may be appropriate.

**102.172 Conflict of interest**

The zoning administrator may not perform work on a proposed or approved development project in which he or she has a direct financial interest in the outcome of the matter at issue or otherwise has a conflict of interest.

**102.173 through 102.199    Reserved**



## **ARTICLE 4 GENERAL PROCEDURAL REQUIREMENTS**

### **DIVISION 1 GENERALLY**

#### **102.200 Legislative findings**

The Village Board makes the following legislative findings:

- (1) Development review procedures should be easily understood and well-structured, and only involve those steps and requirements that are needed to properly review the application. Excessive procedural requirements add unnecessary costs to development projects.
- (2) The general public, property owners in the area, and affected agencies have a right to know about proposed development projects and have meaningful participation in the review process to the extent allowed or required by this chapter.
- (3) Enforcing the rules and regulations contained in this chapter is an important function of government.

#### **102.201 Purpose**

The development review requirements and procedures in this chapter are intended to:

- (1) provide efficient and timely review of applications and ensure fairness and due process,
- (2) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions, and
- (3) ensure complete and timely compliance.

#### **102.202 Authority to file an application**

Unless otherwise specified in this chapter, the owner of the property or a person having the power of attorney for the property owner must sign the application submitted for review. A person signing an application under the authority of a power of attorney must include a copy of the power of attorney with the application.

#### **102.203 Permission to enter subject property**

Submission of an application as may be required in this chapter authorizes village officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

#### **102.204 Burden of proof**

- A. **During application review process.** During the application review process, the applicant has the burden of proof to show that the application should be approved based on the decision criteria relating to that application.
- B. **During appeal of an administrative decision.** During an administrative appeal proceeding, the petitioner has the burden of proof to show that such decision is not consistent with this chapter.
- C. **During enforcement proceedings.** During an enforcement proceeding, the zoning administrator or administrative unit taking enforcement action has the burden of proof to show that the action or development is in violation of this chapter.

**102.205 Effect of an outstanding violation**

If the zoning administrator determines that a parcel is in violation of this chapter, no permit or approval of any kind may be granted under this chapter that would benefit such parcel, except to correct the violation or as may be required by state law.

**102.206 Effect of an outstanding obligation**

No permit or approval of any kind may be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, or other required payments are delinquent and unpaid.

**102.207 Concurrent review**

To the extent possible, a development project requiring multiple reviews should be done concurrently. When one approval is a condition precedent to approval of another application, the approvals must be issued in the requisite order.

**102.208 Application fees and other charges**

- A. **Assessment of fees.** From time to time, the Village Board may by resolution establish application fees and other charges it deems necessary in the administration of this chapter.
- B. **After the fact fees.** The Village Board may establish an "after-the-fact" fee for any procedure it deems appropriate. Payment of such fees does not release the applicant from full compliance with this chapter nor from prosecution for a violation of this chapter.
- C. **Timing for payment.** Application fees must be paid at the time the application is submitted for review.
- D. **Refunds.** Application fees are nonrefundable, except when village staff accepts the payment in error.

**102.209 Charge back of professional service fees**

An applicant must comply with § 70.15 of the Municipal Code with regard to professional service fees.

**102.210 Non-confidentiality of submitted information**

All written information that an applicant submits during a pre-submittal meeting or at any point in the review process is considered part of the public record subject to disclosure under state and local law.

**102.211 Nature of staff comments**

Any statements and recommendations that are made by the zoning administrator, village staff and officials, and other representatives prior to or during the application review process are not binding on the decision-making body responsible for making the final decision.

**102.212 Withdrawal of application**

- A. **Timing of withdrawal.** An applicant may withdraw an application anytime after submittal, but prior to a final decision.
- B. **Effect of withdrawal.** A request to withdraw an application terminates the review process; there is no decision.
- C. **Retention of application materials.** A withdrawn application and related review documents should be kept as a permanent public record.

**102.213 Appeals**

If a development project is approved under this chapter, the applicant may, upon receipt of the decision notice and satisfaction of all precedent conditions of approval, commence the work as authorized under the approval with the understanding that an aggrieved person may file an appeal with the appropriate review body. Prior to the end of the appeal period, all such work proceeds at the risk of the applicant. Similarly, any work that is done while an appeal is pending is done at the risk of the applicant.

**102.214 Revocation or modification of an approval**

If a development project is approved under this chapter, the reviewing authority granting final approval may revoke or modify an approval if it is determined that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.

**102.215 Application review schedule**

The zoning administrator will make the current review schedule available to the public and may post it on the Village's website.

**102.216 Application forms**

The zoning administrator must prepare application forms and may amend them from time to time.

**102.217 Other approvals**

It is the responsibility of those undertaking development projects within the Village to obtain all applicable permits and other approvals as may be required by the Village of Mukwonago, Walworth County, Waukesha County, and federal and state authorities as may be required.

**102.218 Building permit**

A building permit for the construction of a new building or the expansion of an existing building may not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.

**102.219 through 102.229 Reserved****DIVISION 2  
NOTICE REQUIREMENTS****102.230 Generally**

The type of notice that is given for each of the various procedures outlined in this article is dictated by the nature of the decision. Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter or it does not. In contrast, there are other decisions that involve more discretion and judgment based on particular circumstances. The review of a conditional use application, for example, involves discretion on the part of those involved in making recommendations and a final determination whether the application should be approved or not. As a general rule, notice for an application is not given for administrative decisions. More notice is given when a proposed action could potentially affect other parties, including nearby property owners, other governmental bodies, and the general public. This division describes the different types of notice and related requirements.

**102.231 Cost to provide notice**

The Village pays the costs related to the provision of notice required under this division, unless otherwise specified in the adopted fee schedule.

**102.232 Public hearing notice**

- A. **Generally.** When required in Article 5, the official responsible for processing the application must place public hearing notice in the official newspaper as set forth in this section.
- B. **Time requirements.** A class 1 public hearing notice must be published one time at least 7 days before the meeting or hearing. A class 2 public hearing notice must be published once each week for 2 consecutive weeks, the last one occurring at least 7 days before the meeting or hearing.<sup>[1]</sup>
- C. **Content.** The notice must include the information listed in Exhibit 4-1.

**Editorial notes:**

[1] See §§ 985.01 (1m) and 985.07, Wis. Stats.

**102.233 Property owner notice**

- A. **Generally.** When required in Article 5, the zoning administrator must mail a notice to property owners within 250 feet of the subject property involved in the application as set forth in this section. In the event an outlot associated with a certified survey map or subdivision is located within the 250-foot area and lot owners within the certified survey map or subdivision have a property interest in the outlot, each of those property owners must also receive the notice.
- B. **Additional notice.** When the applicant also owns the land adjoining the subject property involved in the application, the administrator must mail a notice to those property owners within 250 feet of such property.
- C. **Time requirements.** The notice must be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.
- D. **Content.** The notice must include the information listed in Exhibit 4-1.
- E. **Source of names and addresses.** The names and addresses of property owners are those listed on the tax records maintained by Walworth County or Waukesha County.
- F. **Failure to receive notice.** The failure of a person to receive notice as described in this section does not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.
- G. **Affidavit of mailing.** The person sending the notices should prepare an affidavit of mailing to certify that notice was provided as described in this section. Such affidavit must be kept as a public record.

**102.234 Distribution list notice <sup>[1]</sup>**

- A. **Establishment of distribution list.** The village clerk must maintain a list of persons who submit a written request to receive notice of any proposed regulation or amendment thereof that may affect the allowable use of the person's property.
- B. **When notice is required.** The body conducting the public hearing must send a notice, which contains a copy of the proposed regulation or amendment, to each person on the distribution list whose property, the allowable use of which may be affected by the proposed regulation or amendment.
- C. **Method of distribution of notices.** The notice must be by mail or in any reasonable form that is agreed to by the person and the village clerk.
- D. **Establishment of charges.** The Village Board may from time to time adopt a resolution establishing a processing fee that shall be charged to each person on the list who is sent a notice. The amount of such fee may not exceed the approximate cost of providing the notice to the person.
- E. **Effect of failure to send notice.** An ordinance or amendment will take effect if the body conducting the meeting fails to send the notice as required by this section.

**Editorial notes:**

[1] See § 62.23(7)(d)(4), Wis. Stats. (§ 61.35, Wis. Stats.)

**102.235 Meeting agenda notice**

When required, the body responsible for acting on the application must place the item on its meeting agenda.

**102.236 Content of required notice**

Notices must include the information listed in Exhibit 4-1.

**Exhibit 4-1. Content of notice**

	<b>Public Hearing Notice</b> (§ 102.232)	<b>Property Owner Notice</b> (§ 102.233)	<b>Distribution List Notice</b> (§ 102.234)
Applicant name	X	X	X
Subject property address or other description by which the public can locate the subject property	X	X	X
Nature of the application	X	X	X
A description of the proposed project	X	X	X
Name of body or official who will consider the application	X	X	X
Date, time and location of the public hearing	X	X	X
Location where the public can view the application	X	X	X
The criteria that will be used to evaluate the proposal	-	X	-
General location map (or available from the village clerk during normal office hours)	X	X	-

Key: An "X" means that the indicated information is required; a dash "-" means that the indicated information is not required

1. If the proposed amendment would have the effect of changing the allowable use of any property, the notice must include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the village clerk.

**102.237 through 102.249 Reserved**

### DIVISION 3 PUBLIC HEARINGS

**102.250 Legislative findings**

The Village Board makes the following legislative findings relating to public hearings:

- (1) Public hearings should be conducted in an orderly, timely, and efficient manner.
- (2) Public input is important and should be encouraged.

**102.251 General requirements**

- A. Meetings to be public.** All public hearings must be conducted in the village hall or in such other public place as may be selected by the body conducting the hearing.
- B. Notice of meetings.** Notice of public hearings must be given as provided for in Division 2 of this article.
- C. Presiding officer for joint meeting.** In the event the public hearing involves both the Plan Commission and the Village Board, the village president will be the presiding officer.

### 102.252 General procedure

The presiding officer conducting the public hearing may follow the following procedure listed in this section as a general guideline. For matters of little complexity or controversy, the presiding officer may adjust the procedures as appropriate.

1. Announce the purpose and subject of the public hearing.
2. Determine whether public notice as required by this chapter has been provided. If notice has not been provided, the hearing must be postponed until such time as proper notice has been provided.
3. Ask if any member of the body conducting the public hearing has a conflict of interest in regard to the matter being discussed and excuse those who do.
4. Ask if any member of the body conducting the public hearing believes another member has a conflict of interest in regard to the matter being discussed. If so, and following a discussion of the alleged conflict of interest, the members (except the member with the alleged conflict) must determine by vote whether a reasonable person may conclude that the member has a conflict of interest and should be removed from the pending decision.
5. Ask the applicant to describe the proposal.
6. Ask the staff to present a staff report, if required.
7. Allow members of the body conducting the public hearing to direct questions to the applicant and staff, if present.
8. Ask for statements from the public.
9. Read aloud written comments which were submitted when the individual submitting the comments is not in attendance.
10. Call for discussion of the members of the body conducting the public hearing during which time they may ask questions of a member of the public, the applicant, and the staff, if present.
11. Ask the applicant if they want to (1) respond to any comment made by an individual during the proceeding, (2) submit additional information, (3) amend the application, or (4) request a continuance.
12. Announce that the body will not accept any additional comment from the applicant or any member of the public once the public hearing is closed.
13. Ask for a motion and second to close the public hearing.

### 102.253 Continuances

- A. **Prior to start of public hearing.** In the event the applicant or the applicant's agent is not present for the public hearing, the body conducting the public hearing may authorize a continuance.
- B. **During a public hearing.** Prior to the close of the public hearing, the applicant may request a continuance and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant such request. If the applicant does not grant a continuance, the body will act on the information at its disposal.
- C. **Effect.** A continuance stops the time clock, if any, for making a decision.
- D. **Notice requirements.** A public hearing may be continued to a later date without again providing public notice, provided the location, date, and time for the continued hearing are announced at the time of the continuance.

### 102.254 Public comment

- A. **Time limitations on public comment.** The presiding officer may impose a time limit on members of the public who wish to address the body conducting the public hearing to assure completion of the agenda in a timely manner. The time limit may not be less than 3 minutes.

- B. **Written comment.** Prior to the close of the public hearing, members of the public may submit written comments to the body conducting the public hearing. Such documents must be retained and made part of the public record for the proceeding. If a person submits written comments, a member of the reviewing authority should read the comments into the record and for the benefit of all attending.

## **102.255 through 102.269    Reserved**

### **DIVISION 4 SITE VISITS**

#### **102.270    Authorization**

The Historic Preservation Commission, Board of Zoning and Building Appeals, Plan Commission, and Village Board may conduct a site visit to inspect a property as it relates to a pending development application.

#### **102.271    Open meeting requirements**

A site visit is a public meeting and must comply with Wisconsin's open meeting requirements and the requirements of the Americans with Disabilities Act (ADA). Any person who would like to attend a site visit should notify the village clerk in advance of the date. The village clerk will follow established procedures in complying with such request.

#### **102.272    Rules of conduct**

- A. **Participation.** To ensure everyone hears what is being said during a site visit, participants should stay together as they tour the subject property.
- B. **Comments.** No recommendations can be offered, and no decisions can be made during a site visit.
- C. **Quorum required.** A site visit must be attended by a quorum of the reviewing authority.
- D. **Overview of site visit.** When the reviewing authority reconvenes their meeting or public hearing, the presiding officer should initiate a discussion of the members to document the major points that were discussed and/or observations made on the site visit.

#### **102.273    Site visit during a public hearing**

If a site visit is conducted as part of a public hearing, discussion is strictly limited to points of clarification, such as (1) the location of features (e.g., property boundary lines), (2) placement of proposed improvements, (3) features to be retained or removed as part of the proposed project, and the like. The merits of the proposal must not be discussed during the site visit.

#### **102.274    Site visit not part of a public hearing**

If a site visit is not part of a public hearing, the petitioner and Plan Commission members may engage in a general discussion related to the pending application. Such discussion should however be limited to what is observed during the tour as it relates to the proposed project.

## **102.275 through 102.279    Reserved**

## DIVISION 5 FINANCIAL GUARANTEES

### 102.280 Performance bond

For the purpose of this chapter, a performance bond is not an acceptable financial guarantee.

### 102.281 Letter of credit

- A. **Form.** The letter of credit must be irrevocable and in a form acceptable to the village attorney.
- B. **Amount.** The amount of the letter of credit must conform to the amount established in this chapter. If an amount is not specified in this chapter, the Village Board will establish the amount.
- C. **Acceptance required.** A letter of credit is not accepted by the Village until formal action by the Village Board upon the recommendation of the village attorney.
- D. **Minimum requirements for issuer.** The bank, savings and loan, or other financial institution issuing the letter of credit must be authorized to do business in the state of Wisconsin and have a financial standing acceptable to the village attorney.
- E. **Obligation of private party.** The provision of a letter of credit does not remove the burden of performing the work the letter of credit is intended to guarantee.

### 102.282 Cash deposit

- A. **Generally.** If a cash deposit is provided under this chapter, the Village is not obligated to pay interest thereon. Any such cash deposit will remain in the custody of the village treasurer.
- B. **Amount.** The amount of the cash deposit must conform to the amount established in this chapter. If an amount is not specified in this chapter, the Village Board will establish the amount.
- C. **Acceptance required.** A cash deposit is not accepted by the Village until formal action by the Village Board.
- D. **Obligation of private party.** The provision of a cash deposit does not remove the burden of performing the work the cash deposit is intended to guarantee.
- E. **Administrative fee.** When a cash deposit is offered as a financial guarantee, the Village may charge a fee for the additional work required of the village clerk and village treasurer to monitor and handle the cash deposit. The amount of such fee must be set by the Village Board by resolution.

### 102.283 Insufficient funds

If the Village exercises its right to use a financial guarantee and the cost of performing the authorized work exceeds the amount of the financial guarantee, the Village must send a bill to the property owner for the outstanding balance. If the property owner does not pay such costs within 30 days after billing, such costs constitute a special charge under § 66.0628, Wis. Stats., or as otherwise authorized by state law.

### 102.284 through 102.299 Reserved



## **ARTICLE 6 ZONING DISTRICTS AND LAND USE**

### **Divisions**

1. General provisions
2. Zoning map
3. Zoning districts
4. Allowable land uses

## **DIVISION 1 GENERAL PROVISIONS**

### **102.1000 Legislative findings**

The Village Board makes the following legislative findings:

- (1) The use of land in the Village has a direct bearing on the public health, safety, and welfare.
- (2) Standards are needed to ensure that new development is done in a coordinated manner.
- (3) The provisions in this article are adopted consistent with state statutes.
- (4) Each parcel of land in the Village is intended to have a zoning designation.
- (5) In some instances, state and federal law limit the Village's ability to regulate certain land uses.

### **102.1001 Purpose**

This article promotes the public health, safety, and welfare and is intended to:

- (1) promote a sound development pattern by separating the Village into various districts where each has uniformly applicable development standards;
- (2) separate incompatible land uses to the greatest extent possible;
- (3) encourage the most appropriate use of land throughout the Village;
- (4) regulate and control the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land;
- (5) provide for a variety of housing options;
- (6) allow different, but compatible land uses (i.e., mixed uses), to occur in specified areas of the Village;
- (7) avoid, or, as a less preferred alternate, minimize congestion; and
- (8) avoid, or, as a less preferred alternate, minimize environmental degradation.

### **102.1002 through 102.1019 reserved**

## **DIVISION 2 ZONING MAP**

### **102.1020 Title**

The map that depicts the location of the various zoning districts must be titled "Zoning Map – Village of Mukwonago."

### **102.1021 Official zoning map**

The village clerk must maintain one paper copy of the zoning map as the official map bearing the signature of the mayor and as attested by the village clerk. If there is a discrepancy between this zoning map and other maps as may be made available, the map maintained by the village clerk is controlling in all instances.

### **102.1022 Availability**

The zoning map maintained by the village clerk must be available for public inspection upon request. The village clerk and zoning administrator may post the zoning map on the Village's website and otherwise make and distribute copies in a manner deemed appropriate.

### **102.1023 Preparation of a new official map**

In the event the zoning map maintained by the village clerk is damaged, lost, or destroyed, and after each amendment, the zoning administrator must prepare a new zoning map and submit it to the mayor and village clerk for signature.

### **102.1024 History of amendment**

The zoning map maintained by the village clerk may contain a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.

### **102.1025 Archive of superseded maps**

The village clerk should maintain a permanent archive of superseded zoning maps that are created after January 1, 2024.

### **102.1026 Amendment**

The procedure and requirements to amend the zoning map are described in Article 5.

### **102.1027 through 102.1039 reserved**

## DIVISION 3 ZONING DISTRICTS

### 102.1040 Generally

The Village is divided into a number of base zoning districts so that each parcel of land is located in at least one district and potentially more than one district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable.

### 102.1041 Base zoning districts

- A. **Generally.** Recognizing that different areas of the Village serve unique functions, the Village is divided into a number of zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time, they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this article and development limitations as described in § 102.1040 and other sections. Each of the land uses listed in the land use table (Appendix A) that are shown as being allowed in a zoning district are determined to be consistent with the purpose statements of such district.
- B. **Establishment.** Base zoning districts are as follows:

#### **Residential Districts**

- |     |      |                              |
|-----|------|------------------------------|
| (1) | R-1  | Single-Family Medium Lot     |
| (2) | R-2  | Single-Family Historical Lot |
| (3) | R-3A | Single-Family Small Lot      |
| (4) | R-3B | Single-Family Small Lot      |
| (5) | R-5  | Low Density Multi-Family     |
| (6) | R-10 | Medium Density Multi-Family  |
| (7) | R-15 | High Density Multi-Family    |

#### **Village Center**

- |      |      |  |
|------|------|--|
| (8)  | VC-1 | Village Center Retail                  |
| (9)  | VC-2 | Village Center Multi-Purpose Perimeter |
| (10) | VC-3 | Village Center Residential Perimeter   |

#### **Commercial Districts**

- |      |     |   |
|------|-----|---|
| (11) | B-1 | Neighborhood Business                   |
| (12) | B-6 | General Business                        |
| (13) | B-7 | Planned Business Center                 |
| (14) | B-8 | Planned Business Center, Satellite Lots |

#### **Manufacturing**

- |      |     |                    |
|------|-----|--------------------|
| (15) | M-1 | Limited Industrial |
| (16) | M-2 | Light Industrial   |
| (17) | M-4 | General Industrial |

#### **Special Purpose Districts**

- |      |      |                       |
|------|------|-----------------------|
| (18) | P-1  | Public and Semipublic |
| (19) | SP-1 | Railroad              |
| (20) | RR   | Rural Residential     |

Descriptions for each are found in Appendix C along with dimensional standards.

### 102.1042 Overlay zoning districts

- A. **Generally.** Overlay zoning districts, as the name would suggest, are applied on top of base zoning districts to account for unique conditions or requirements.
- B. **Establishment.** The following overlay zoning districts are established:
  - (1) **Historic preservation overlay district.** This overlay district includes those districts established pursuant to Article 5 and is established to protect the integrity of such districts. Additional details are in Article 11.
  - (2) **Floodplain overlay district.** This district includes those lands within the 100-year floodplain, including any mapped subdistricts, as established by the Federal Emergency Management Agency. Additional details are in Article 12.
  - (3) **Well head protection overlay district.** This district includes those lands surrounding a public well head. Provisions are intended to further control what land uses may occur so that the Village's municipal water supplies are reasonably protect from contamination. Additional details are in Article 13.
  - (4) **Shoreland-wetland overlay district.** This district includes specified wetlands within the shoreland areas. Additional details are in Article 14.
  - (5) **Shoreland overlay district.** This district includes land within the shoreland areas. Additional details are in Article 15.

### 102.1043 Defunct districts

- A. The following revisions were made as part of the 2024 code rewrite:
  - (1) The A-1 base district was removed and parcels with that classification were reclassified as Rural Residential (RR).
  - (2) The R-7 base district was removed; there were not parcels with this classification.
  - (3) The R-8 base district was removed; there were not parcels with this classification.
  - (4) The R-9 base district was removed; there were not parcels with this classification.
  - (5) The B-2 base district was removed and parcels with that classification were reclassified as B-6.
  - (6) The B-3 base district was removed and parcels with that classification were reclassified as B-6.
  - (7) The B-4 base district was removed and parcels with that classification were reclassified as B-7.
  - (8) The B-5 base district was removed and parcels with that classification were reclassified as B-7.
  - (9) The M-3 base district was removed; there were not parcels with this classification.
  - (10) The M-5 base district was removed; there were not parcels with this classification.
  - (11) The BMX-1 overlay district was reclassified as a planned development district.
  - (12) The BMX-2 overlay district was reclassified as a planned development district.
  - (13) The BMX-3 overlay district was reclassified as a planned development district.

**Temporary Note:** This section to be verified based on a final determination.

- B. Reserved

### 102.1044 Planned development districts (PDDs)

Planned development districts are a special type of zoning district and are established pursuant to the procedures and requirements in Article 5. Each district is unique and therefore has its own set of development

standards that are documented in the general development plan, and associated development agreement, if any. PDD districts are numbered sequentially (i.e., PDD-01, PDD-02, etc.).

#### **102.1045 Relationship between base and overlay zoning districts**

If a parcel is located in one or more overlay districts, the regulations that apply to the underlying base zoning district remain in effect, except as modified by the overlay district(s), and if there is any conflict between the overlay districts, the most restrictive controls.

#### **102.1046 Necessity of zoning district designation**

It is the intent of this article that no land shall be without a zoning district designation, unless specifically noted on the zoning map. In the event a parcel of land is for any reason deemed to be without a designation, no land development may occur until such time as the Village Board has assigned the parcel, or part thereof, an appropriate zoning classification.

#### **102.1047 Effect of a land transfer on zoning designation**

Adjoining property owners are able to transfer land from one lot to another in certain circumstances pursuant to ch. 236, Wis. Stats. In those situations where the affected lots are in different zoning districts, a transfer does not alter the location of the zoning district boundary until such time as the zoning map has been amended consistent with Article 5.

#### **102.1048 through 102.1059 reserved**

### **DIVISION 4 ALLOWABLE LAND USES**

#### **102.1060 Land uses generally allowed within zoning districts**

- C. **General purpose zoning districts.** For the purposes of this chapter, land uses, as defined in Appendix B are classified as principal, accessory, or temporary. Appendix A lists principal land uses (Series 1 to 16), accessory uses (Series 17), and temporary uses (Series 18). Each of the land uses are designated as one of the following:
- (14) "P" indicates that the use is permitted in the zoning district by right provided all other provisions of this chapter are met
  - (15) "C" indicates that the use is allowed in the zoning district as a conditional use provided all other provisions of this chapter are met
  - (16) "WT" indicates that the use is subject to the special review standards and procedures for wireless telecommunication facilities
  - (17) "-" indicates that the use is not permitted in the zoning district
- D. **Planned development districts.** Land uses that are permitted in a planned development district are enumerated in the general development plan for the district, along with development standards, if any.

#### **102.1061 Similarity of land uses**

Because the list of land uses cannot include every conceivable type of activity, those land uses that are listed can be interpreted to include other land uses that are of a similar nature and have similar impacts to the listed use.

**102.1062 Land uses not listed**

A land use that is not listed, and which cannot be interpreted to be similar to any listed land use as provided for above, is prohibited. In the event a person would like to establish a land use that is not listed, they can submit a petition to amend the zoning code pursuant to the procedures and requirements in Article 5.

**102.1063 Project classified in more than one land use category**

If a proposed project includes both an allowable land use and a prohibited land use, the prohibited portion of the project may not occur in the zoning district.

**102.1064 Special standards for accessory land uses**

- A. **Generally.** No accessory building may be constructed until the principal building is completed or is under construction.
- B. **Removal of a principal building while retaining an accessory building.** Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to allow the removal of a principal building, while retaining the accessory building, when the commission determines that the principal building is dilapidated and the accessory building meets current building codes and serves a useful purpose. If the commission approves the special exception, the property owner must record a deed restriction, as approved by the commission, in the register of deeds office for Walworth County or Waukesha County that controls the use of the accessory building and incorporates any requirement imposed by the commission as a condition of approval, such as time limitations (e.g., construction of a principal building).

**102.1065 Special provisions for community living arrangements**

- A. **Limitations.** Under state law, a village may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the Village's population, whichever is greater. When that threshold is exceeded, the Village Board may prohibit additional community living arrangements from being located in the Village. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the Village Board may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., and an adult family home certified under § 50.032 (1m)(b), Wis. Stats., are exempt from this provision.<sup>[1]</sup>
- B. **Periodic review of existing facilities.** Not less than 11 months but not more than 13 months after the first licensure of an adult family home under § 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the Village Board may make a determination pursuant to § 59.69 (15)(j), Wis. Stats., as to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the Village Board determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the Village Board may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility must cease operation within 90 days after date of the order, or the date of final judicial review of the order, or the date of the denial of a conditional use permit, whichever is later. The fact that an individual with acquired immunodeficiency syndrome or a positive test for the presences of HIV, as defined in § 252.01 (1M), Wis. Stats., antigen or nonantigenic products of HIV or an antibody to HIV resides in a community living arrangement with a capacity of 8 or fewer persons may not be used under this subsection to assert or prove that the existence of the community living arrangement in the community poses a threat to the health, safety, or welfare of the residents of the Village.<sup>[2]</sup>

**Editorial notes:**

[1] See §§ 59.69 (15)(b)(1) and 59.69 (15)(bm), Wis. Stats.

[2] See §§ 59.69 (15)(i) and 59.69 (15)(im), Wis. Stats.

**102.1066 Special provisions for specified foster homes and treatment foster homes**

Foster homes which are owned, operated, or contracted for by the state of Wisconsin or a county department, are not subject to this article.<sup>[1]</sup> All other foster homes and treatment foster homes must comply with this article.

**Editorial notes:**

[1] See 63 Atty. Gen. 34

**102.1067 Map of conditional uses**

The zoning administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

**102.1068 through 102.1099 reserved**

## **ARTICLE 8 BUILDING TYPES**

### **102.1300 Purpose**

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- (1) establish minimum requirements necessary to foster a suitable built environment;
- (2) ensure compatibility between different land uses and building forms;
- (3) encourage building forms that respect their context; and
- (4) encourage pedestrian movement by encouraging building forms that present an active face to the street.

A variety of building forms are defined to identify and establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. Buildings types that are not included may be allowed if they meet the intent and other design standards of the zoning district where they would be located.

### **102.1301 Applicability**

The standards in this article apply to new buildings and to building additions that exceed 50 percent of the existing gross floor area. Such additions must comply with the design standards to the extent feasible, given the placement and design of the existing building.

### **102.1302 Conflicts with district standards**

Where there is a conflict between the standards in this article and any general or specific standards, the latter standards shall prevail.

### **102.1303 Standards**

A variety of building forms are defined in this section to establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. Illustrations are included in Appendix D for the following building types (which may also correspond to a use type).

- Single-family dwelling
- Two-family dwelling
- Twin home
- Townhouse
- Multi-family
- Institutional
- Commercial
- Work/live (to be verified if needed)
- Industrial
- Parking structure

Buildings types that are not included may be allowed if they meet the intent and other design standards of the zoning district where they would be located.

The illustrations are general in nature and may not be to scale or depict every applicable requirement.

### **102.1304 through 102.1399 reserved**



## **ARTICLE 9 ALTERNATIVE DEVELOPMENT OPTIONS**

### **Divisions**

1. Conventional planned development district
2. Business mixed-use development district
3. Conservation design subdivision
4. Cottage housing project
5. Adaptive reuse project
6. Pop-Up vendor venue

## **DIVISION 1 CONVENTIONAL PLANNED DEVELOPMENT DISTRICT**

### **102.1400 Generally**

A conventional planned development is a special type of zoning district that deviates from one or more of the standards of the underlying zoning district. This option, therefore, allows greater freedom, imagination, and flexibility in the development of land while ensuring substantial compliance with the basic intent the Village's zoning regulations and comprehensive plan.

In exchange for this flexibility, conventional planned developments must provide a much higher level of site design, landscaping, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments, which may not be conceived and implemented as a comprehensive and cohesive unified project.

### **102.1401 Application and review procedure**

A conventional planned development is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

### **102.1402 Specific review criteria**

In addition to the general review parameters for a planned development district enumerated in Article 5, The Plan Commission in making its recommendation and the Village Board in making its decision must determine that the proposed development is better than what is currently permitted based on the design and development standards of the underlying zoning district. For example, a planned development district is better than what is otherwise allowed, when it includes desirable features or amenities that are not otherwise required, such as additional landscaping/buffering, open space, or enhanced design elements.

### **102.1403 Where allowed**

A conventional planned development is allowed in any zoning district.

### **102.1404 Minimum development parcel**

At the time of establishment, the conventional planned development must include **5** acres or more of contiguous lands, except for redevelopment projects which have no minimum requirements.

### 102.1405 Ownership

At the time of establishment, all land within a conventional planned development must be under single ownership or control.

### 102.1406 Permitted uses

- A. **Generally.** When the underlying zoning district is a residential or commercial district, a combination of residential, institutional, recreational, and/or commercial uses may be allowed. When the underlying zoning is an industrial district, a combination of institutional, commercial, and industrial uses may be allowed. A planned development district with a mix of residential and industrial uses is prohibited.
- B. **Listing in Appendix A.** All land uses allowed in an approved conventional planned development must be listed in Appendix A.

### 102.1407 Permissible modifications

To create a unified development that is economically successful to both the developer/owner and the Village, and to require high quality standards for site design, architectural design, landscaping, proper infrastructure, environmental protections, and protection of persons and property, the development standards specifically listed below may be modified.

- (1) **Setbacks.** Building, parking lot and drive aisle setbacks may be modified. With reduced setbacks, the Village may require larger setbacks on another part of the property and may require additional landscaping or use of berms, for example, to offset a lesser setback. Through a planned unit development, drive aisle setbacks may be modified or eliminated to promote cross access between adjacent properties in separate ownerships. Approval of a planned unit development may set a minimum standard for distance between buildings within the same planned unit development.
- (2) **Greenspace.** Minimum greenspace setbacks may be modified. With reduced setbacks, the Village may require larger setbacks on another part of the property and may require additional landscaping or use of berms, or additional or larger parking lot landscaped islands, for example, to offset a lesser setback.
- (3) **Landscaping.** The placement of landscaping may be modified, provided the overall amount of landscaping is provided to accomplish the intended purposes.
- (4) **On-site parking.** Modifications to on-site parking requirements may occur, especially in a unified development where various uses on the site have different parking demand times throughout the day or week and allows shared parking between uses, or when a use of uses on a property have an established lower parking demand than required by the parking standards. Parking modifications may apply to parking space and aisle minimum widths and sizes for uses that display vehicles or equipment. Through planned unit development modifications, the Village may establish design standards for any requested parking structure.
- (5) **Architectural design.** Modifications to the minimum architectural standards of the underlying zoning district may occur to enhance and provide greater quality to a development than the minimum standards allow, or to enhance an architectural theme of a unified development.
- (6) **Architectural embellishments.** In non-residential developments, modifications to building height maximums may occur to provide architectural embellishments, such as a spire or clock tower that is part of an architectural theme.
- (7) **Multiple buildings on a site.** Modifications may occur to allow multiple principal buildings on a site and/or to allow buildings normally considered accessory structures, such as clubhouses, pavilions, gazebos, and the like.
- (8) **Outdoor display.** Modifications may occur to allow outdoor displays of goods for sale within the adjacent principal building. The Village may establish standards for location, type, amount and duration of outdoor display.

Any development standard not listed above may not be modified.

**102.1408 Effect of approved planned unit development overlay district on land division standards**

Development in a planned unit development district is subject to the Village's land division regulations to the extent applicable, except that the Village Board, upon recommendation of the Plan Commission, may waive a development standard in the land division regulations as provided therein.

**102.1409 Review of actual development**

If the Village Board approves a conventional planned development district, proposed development in the district is reviewed consistent with the requirements of this chapter as may apply (e.g., building, site, and plan of operation) and the approved general development plan.

**102.1410 through 102.1449 Reserved****DIVISION 2  
BUSINESS MIXED-USE DEVELOPMENT DISTRICT****102.1450 Generally**

A business mixed-use development is a fully integrated and unified plan for multi-family housing together with commercial uses and open space on the same or nearby parcels.

**102.1451 Application and review procedure**

A business mixed-use development is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division. A business mixed-use development may not be allowed modifications for the mapped designated locations for business mixed-use development, for maximum density or for maximum building height; except as stated for maximum height.

**102.1452 Where allowed**

A business mixed-use development district is only allowed within the Interstate planning district and the South Main Street/River South Planning District as described and mapped within the comprehensive plan. Furthermore, within the stated planning districts, the business mixed-use overlay standards may be utilized only on properties designated for a business mixed-use land use within the corresponding maps of the comprehensive plan for the stated planning districts.

**102.1453 Characteristics of a business mixed-use development**

Each approved business mixed-use development must achieve the following characteristics:

- (1) Be located within a business/commercial setting where the addition of multi-family residential dwelling units enhances the business/commercial environment.
- (2) Be compact and efficiently utilize land pursuant to concepts of traditional neighborhood development, as defined in Wisconsin statutes.
- (3) Provide multi-family residential with commercial and open space uses in close proximity to one another on the same development site.
- (4) Provide a housing choice or choices to enhance an active and growing economic base.
- (5) Improve aesthetics of the built environment and be aesthetically synergistic with Village atmosphere and its respective business district.

- (6) Proper and adequate public sanitary sewer and public water facilities are available to serve the development site.
- (7) Proper and adequate storm water and water quality facilities are provided.
- (8) Conformance with the performance standards to a maximum multi-family density of 20 dwelling units per acre.

#### **102.1454 Underlying zoning**

Each business mixed-use development must be approved with an underlying business zoning district consistent with the base land use designated for the site pursuant to the comprehensive plan.

#### **102.1455 Maximum principal building number of stories and height**

- A. **Interstate planning district.** The maximum building height in the Interstate planning district is four stories to a maximum height of 52 feet. With Plan Commission and Village Board approval, architectural appurtenances may extend the maximum height to 60 feet.
- B. **South Main Street/River South planning district.** The maximum building height in the South Main Street/River South planning district is four stories, of which a maximum of three stories may be residential, to a maximum of 52 feet. With Plan Commission and Village Board approval, architectural appurtenances may extend the maximum height to 60 feet.

#### **102.1456 Maximum density**

The maximum multi-family residential density is 20 dwelling units per net acre of the entire development site, with net acre meaning the gross size of a site minus any right-of-way. Furthermore, the business mixed-use development must conform to all performance standards for business mixed-use development approval listed in § 102-    . [54(g)].

#### **102.1457 Site and building standards**

- A. **Ingress/egress.** Two routes of ingress/egress to an external public right-of-way must be provided. A boulevard-style driveway may count as two routes if a secondary emergency ingress/egress route is provided. The Mukwonago Fire Chief may require additional ingress/egress routes.
- B. **Parking.** The minimum number of parking spaces as required in Article 17 must be provided, with either outside surface parking spaces or within an enclosed garage accessible to the public, including handicapped parking spaces. The minimum number of parking spaces required for residential shall be one enclosed garage space per dwelling unit plus one additional space per dwelling unit that may be within an enclosed garage or as outside surface spaces. An additional 0.25 space per dwelling unit must be provided for guest parking either enclosed but accessible to guests or outside surface spaces. No detached garage parking spaces are permitted except as a multi-story parking structure providing spaces to both the businesses and residential dwelling within the business mixed-use development. However, the plan commission may recommend and the Village Board may require additional parking spaces for residential.
- C. **Driveway and parking design.** All internal driveways and parking lots must be completed with a solid paved and dustless surface. All internal driveways and parking lots must be completely surrounded by concrete curb and gutter, except for pedestrian ramps and openings for storm drainage, and except when parking spaces abut to pedestrian sidewalks raised from the surface of the driveway or parking.
- D. **Public safety access.** The site must be designed to allow police and fire access to each building, including provision that Mukwonago fire department ladder apparatus can correctly position on a flat and paved surface to reach unit porches and/or windows on the top floor surrounding 75 percent of each building exterior.
- E. **Architectural design of buildings.** The following standards apply to the architectural design of buildings of a mixed-use development.

- (1) **Proportion.** Any building with residential must have a length (in feet) at least 1.5 times the maximum height (in feet) of the building.
- (2) **Facade articulation.** Consistent with the design of traditional storefront buildings, new buildings must be divided into smaller increments through articulation of the facade. This can be achieved through combinations of the following techniques and other techniques that may meet the intent of this standard:
  - (a) Stepping back or extending forward a portion of the facade, called facade modulation.
  - (b) Vertical divisions using different textures or materials, although materials may be drawn from a common palette.
  - (c) Division of the first floor exterior into storefronts, with separate display windows and entrances.
  - (d) Variation in roof lines by alternating dormers, stepped roofs, gables or other roof elements to reinforce articulation or modulation.
  - (e) Use of arcades, awnings, window bays or porches at intervals equal to the articulation interval.
  - (f) Ground floor units intended for commercial uses must have a minimum of 40 percent of the store front to be occupied by windows, doors, etc.
- (3) **Street-facing facades.** No blank walls may face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, door, columns, changes in material, and similar details must be used to add visual interest.
- (4) **Mechanical equipment.** All roof based mechanical equipment as well as vents, pipes antennas, satellite dishes, and other roof penetrations (except chimneys), must be screened from view from the street. All ground mounted mechanical equipment must be placed at the rear or sides of the property and screened by landscaping. If ground mounted mechanical equipment has not other option than to be facing the public street then the devices must be screened with solid masonry walls with landscaping.
- (5) **Roofs/tops.** Building roof/tops must include features that distinguish the building top from the remainder of the building. Such items may include a cornice, sloping roof with overhangs, stepped parapets, etc.
- (6) **Building colors.** Exterior building colors must be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors are prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors must be muted, not metallic, not fluorescent and not specific to particular uses or tenants. Standard corporate and trademark colors are only permitted on sign face and copy areas.
- (7) **Four-sided architecture and materials.** All sides of the building or buildings must be similar in articulation and use of materials. Further, the building design must be composed of a suitable mix of the allowed materials shown within the following table.

- DRAFT November 6, 2023 -

**Table 9-1. Building materials**

Building Materials	Base and Bottom of Building	Middle of Building	Top of Building	Trim and Accent Material	Additional Standards
Brick (Face/Veneer/Tile)	X	X	X	X	None
Concrete Panels, Tilt-up or Precast	X	X	X	X	This material must incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.
EIFS/Synthetic Stucco	-	-	X	X	This material may not be within 3 feet from the floor of common access pedestrian areas or where high pedestrian traffic is anticipated as well as at least one floor above ground level.
Fiber-Cement Siding/Panels	X	X	X	X	None
Glass Curtain Wall System	X	X	X	X	None
Glass Storefront	X	X	X	X	None
Metal Panels		X	X	X	This material to be used in conjunction with a palette of materials; must be a heavy gauge (20 gauge or higher) metal, and; must be non-reflective.
Reflective Glass/Spandrel				X	This material can be used in limited quantities as an accent material.
Split Face Block	X	X	X	X	This material must be used in conjunction with a palette of materials and may not comprise more than 33 percent of any building wall adjacent to a public street or walkway.
Stone/Stone Veneer	X	X	X	X	None
Stucco; Hand-Laid			X	X	This material may not be within 3 feet from the floor of common access pedestrian areas or where high pedestrian traffic is anticipated as well as at least one floor above ground level.
Vinyl Siding				X	This material can be used as an accent material, but coverage is limited to 10 percent.
Wood/Wood Composite		X	X	X	Coverage is limited to 10 percent because of its limited durability.

Key: X means the material is allowed as specified

**F. Urban design components.** The following urban design components apply:

- (1) Buildings must be located parallel to the public right of way. The maximum setback from the right of way line is 20 feet.
- (2) Open space between the public right of way and the building facade must be landscape with pedestrian amenities at a pedestrian scale. Features must include pedestrian-scaled amenities and designs, simple lawns or paved areas is not encouraged.
- (3) Buildings must be designed to frame the corner of and adjacent street intersection or entry point to a development.
- (4) Primary entries of a building(s) must be oriented towards a public street. If a development has internal buildings facing private roads then the primary entries must orientate towards the private road, public / semipublic space.
- (5) Large sites must be broken up into smaller more pedestrian-scaled blocks.

- (6) New buildings must be configured to be located parallel to public or private rights of way to define street edges and define spaces between buildings that create pedestrian scaled spaces.
  - (7) When residential units are located on the first floor, the design of the streetscape must include a semi-public space with landscaping features such as plantings and walls to define the public space but allow for transparency from the public space into the semi-public space.
  - (8) Amenities must be provided to enhance enjoyment of the site by residents of the development and to enhance site aesthetics. While the amount and extent of provided amenities may be determined by the size of the development in terms of land area and allowed number of dwelling units, the Plan Commission and the Village Board approval will consider the amount of provided amenities.
    - (a) The types of interior building amenities may include fitness room(s), clubhouse or community/party room(s), game room(s), secure additional storage room or area for residents, porches/balconies, manned on-site management office, etc.
    - (b) The types of exterior site amenities may include natural or paved pedestrian paths, paths and sidewalks connecting to off-site paths or sidewalks, fitness trails, swimming pool and other sports/athletic facilities, outdoor gathering areas, decorative parking lot lighting, a landscape plan beyond the minimum requirements, clearly marked building/unit addresses complementary to the building design, etc.
- G. **Landscaping.** The following standards apply to landscaping of a multiple-family development. In addition, the minimum greenspace on a multiple-family property approved under these performance standards is 25 percent in the **B-6** zoning district, and 35 percent in the **B-7** zoning district.
- (1) Areas not covered by buildings, pavement and sidewalks, and storm water and water quality management facilities must be landscaped with a suitable, permanent ground cover with the planting of deciduous and coniferous trees, decorative trees, scrubs/bushes and flowers. The use of benches, fountains, tables, monuments, etc. are encouraged to enhance the overall landscape and aesthetics of the development.
  - (2) At a minimum, 0.25 deciduous and/or coniferous tree per dwelling unit must be planted in addition to shrubs/bushes and flowers. The Plan Commission may require additional plantings to enhance appearance and create buffers.
  - (3) The use of berms and decorative fencing must be utilized to enhance the landscaping to buffer neighboring uses.
  - (4) Storm water management and water quality run-off control features must be incorporated into the overall landscape plan and utilized as a site amenity. The use of rain gardens, green roofs, and/or other infiltration storm water design is strongly encouraged.
  - (5) The entire site must be designed so that each dwelling unit from its interior has views of outside landscaping and amenities.
  - (6) Preserved environmental features on a site must be incorporated into the landscape plan for viewing and/or passive enjoyment by residents of the development.
  - (7) All landscaping and landscaping enhancements must be maintained in good condition after installation at all times. Property owner or owners shall replace any plant material that becomes diseased, deteriorated, or no longer growing within 90 days.
  - (8) The landscaping plan must conform to standards of Chapter **34** of the municipal code for the preservation and planting of trees.
- H. **Conformance with other standards.** The entire site design shall conform to other development standards of the Village of Mukwonago and other agencies and may be amended from time to time. The other standards may include, but are not limited to sewer and water design, street design, storm water management and water quality, shoreland setbacks, preservation of environmental features, exterior lighting, fire code, etc.
- I. **Additional guidelines.** The Plan Commission and the Village Board may adopt guidelines to supplement the standards in this section. The guidelines may be amended from time to time.

**102.1458 through 102.1499 Reserved****DIVISION 3  
CONSERVATION DESIGN SUBDIVISION****102.1500 Generally**

The conservation design development option gives design flexibility to preserve unique or sensitive natural areas including groundwater recharge areas, floodplains, wetlands, streams, steep slopes, woodlands, prairies, wildlife habitat, and environmental corridors.

**102.1501 Application and review procedure**

A conservation design development is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

**102.1502 Where allowed**

Conservation design developments are only allowed in residential districts.

**102.1503 Minimum development parcel**

At the time of establishment, a conservation design development must include 20 acres or more of contiguous lands.

**102.1504 Ownership**

At the time of establishment, all land within a conservation design development must be under single ownership or control.

**102.1505 Density**

The number of lots in a conservation design development is determined based on the steps described below.

**Step One.** Calculate the net developable area as follows:

1. Total site area as determined by site survey: \_\_\_\_\_ acres
2. Subtract total reductions from the worksheet below: (minus) \_\_\_\_\_ acres
3. Equals net developable area: \_\_\_\_\_ acres



**Worksheet for Area Reductions for Environmental Constraints and other Features**

100 percent of the area that is needed for public right-of-way for any existing roads (i.e., from lot line to the base setback established by the Walworth County or Waukesha County highway width map)	_____ acres
100 percent of the area that is within the floodplain overlay district and that is or can be defined as floodway	_____ acres
50 percent of the area that is within the floodplain overlay district and that is or can be defined as floodfringe	_____ acres
50 percent of the area that constitutes a wetland	_____ acres
50 percent of the area where the slopes are more than 20 percent	_____ acres
50 percent of the area within the environmental corridor overlay district, if any	_____ acres
10 percent of the area where the slopes are from 12 percent to 20 percent	_____ acres
<b>Total</b>	<b>_____ acres</b>

Note: Acres are rounded to tenths of an acre. If an area is in more than one category, the most restrictive category will apply.

**Step Two.** Calculate the maximum number of residential lots by dividing the net developable area by the minimum lot size for the zoning district. (The dividend is rounded down to the next whole number.)

**Step Three.** The land division is laid out so that each lot (1) complies with all applicable dimensional standards (e.g., minimum lot area, lot width) as set forth in the zoning district regulations and land division regulations, (2) do not contain more than the maximum levels of features in Table 9-2, and (3) has a building envelope of sufficient size and configuration to accommodate principal and accessory uses that are allowed in the zoning district. Overall, lots must be laid out so as to minimize potential development in the environmentally sensitive areas.

**Table 9-2. Maximum area of a lot with environmental constraints**

Feature	Percent of Lot
Wetlands (These are to be located in outlots.)	0
Floodfringe	10
Land where the slopes are more than 15 percent	40

### 102.1506 Lot sizes

Lots in a conservation subdivision development may not be less than 60 percent of the base zoning requirements.

### 102.1507 Minimum open space requirements

A minimum of 40 percent of the net land area (e.g., total area less land dedicated for existing streets) must be set aside as protected common open space.

### 102.1508 Design of open space areas

The design and layout of residential lots and open space areas should satisfy the following to the greatest extent possible as determined by the Plan Commission:

- (1) Residential lots and open space area are designed and arranged to minimize the destruction or alteration of natural resource features. In order of priority, open space outlots should include the following natural resource, open space, and agricultural features, in whole or in combination:
  - (a) lakes, ponds, rivers, streams, wetlands, shorelands and floodplains;
  - (b) woodlots and forests;

- (c) prairies;
  - (d) environmental corridors;
  - (e) steep slopes (greater than 12 percent);
  - (f) other areas comprised of wet, poorly drained, and organic soils; and
  - (g) other drainage and stormwater facilities.
- (2) Open space areas area designed and arranged to:
- (a) provide a perimeter buffer not less than 50 feet in width between residential lots within the subdivision and adjoining residential property;
  - (b) provide for the continuation of and cross access between existing and future open space areas on adjoining properties; and
  - (c) provide at least one pedestrian-type accessway or easement from each public subdivision street to each open space area within the development that is not less than 30 feet in width;
  - (d) provide a minimum open space buffer not less than 50 feet around wetlands.
- (3) Residential lots are arranged within the parcels being developed in order to:
- (a) minimize potential conflicts with adjoining agricultural uses and operations,
  - (b) minimize the number of abutting residential lots so no more than two lots about any other lot, and
  - (c) maximize the number of lots that abut and have access to the open space areas provided within the development.
- (4) Individual lots, parcels, and outlots are designed and arranged to minimize the amount of land required for additional public roads while providing for the future extension of public streets to adjoining vacant land.

### 102.1509 Ownership of open space areas

- A. **Lot owners.** Open space areas may be held by all of the lot owners within the development as an undivided fractional interest.
- B. **Condominium.** Open space areas may be held as a common element as set forth in a condominium agreement. Such agreement must be approved as to form by the village attorney and must comply with the requirements of Chapter 703, Wis. Stats. An association of unit owners must be formed to govern the affairs of the condominium and membership is mandatory.
- C. **Fee simple transfer to a public agency.** Open space areas may be transferred to the Village or other public agency acceptable to the Village, provided:
  - (1) there is no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance;
  - (2) the common facilities are accessible to the residents of the Village, if the Village so chooses;
  - (3) the Village or other public agency agrees to maintain the common facilities; and
  - (4) the residents of the development hold a conservation easement on the common facilities, protecting it from development in perpetuity.
- D. **Fee simple transfer to a nonprofit conservation organization.** With the approval of the Village Board, open space areas may be transferred to a nonprofit conservation organization, provided:
  - (1) the organization is acceptable to the Village,
  - (2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities, and
  - (3) a maintenance agreement acceptable to the Village is established between the owner and the organization, consistent with the stewardship plan described in § 102-1510.

- E. **Dedication of conservation easement to a public agency.** The Village or other public agency acceptable to the Village may hold a conservation easement on the open space areas, provided:
  - (1) there is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance,
  - (2) a satisfactory maintenance agreement must be reached between the owner and the Village, and
  - (3) lands under a Village easement may or may not be accessible to residents of the Village.
- F. **Dedication of conservation easement to a nonprofit conservation organization.** With the approval of the Village Board, a nonprofit conservation organization may hold a conservation easement on the open space areas, provided:
  - (1) the organization is acceptable to Village,
  - (2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities, and
  - (3) a maintenance agreement acceptable to the Village is established between the owner and the organization consistent with the stewardship plan described in § 102-1510.
- G. **Ownership retained by the original landowner.** Open space areas may be held by the developer, provided:
  - (1) the Village and residents of the development hold a conservation easement protecting it from any further development, and
  - (2) resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- H. **Other.** The developer may propose other methods of ownership of the open space areas, which will be considered by the Village on a case-by-case basis.

### 102.1510 Open space stewardship plan

The developer must submit an open space stewardship plan to the Plan Commission and obtain approval of the same. The stewardship plan must be prepared by an ecologist or other expert trained in natural resource protection, as approved by the zoning administrator. The stewardship plan includes a baseline report of the land and describes how the conserved lands will be restored and maintained.

Natural features must generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved land stewardship plan. Permitted modifications may include, woodland management, reforestation, meadow management, wetland management, streambank protection, buffer area landscaping.

### 102.1511 Compliance with approved stewardship plan

In the event an open space area is not maintained as set forth in the approved stewardship plan, in whole or in part, the Village may serve written notice upon the homeowners association and/or the property owners that describes how the open space area has not been properly maintained as required. Such notice must also describe the corrections required and the time within which the corrections must be made. Upon failure to comply within the time specified, the property owners are considered to be in violation of this chapter, in which case the Village has the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Village are to be assessed against the properties that have the right of enjoyment of the common areas and facilities.

### 102.1512 through 102.1549 Reserved

## DIVISION 4 COTTAGE HOUSING PROJECT

### 102.1550 Generally

A cottage housing project is a residential development characterized by housing units that front on a common area and the housing units are comparatively small when compared to typical single-family units. A cottage housing project must reflect a coherent and high-quality design concept. The illustrations below depict an example of a cottage housing project to show some of the major features.



Note: This image is illustrative, not a prescribed layout.





Note: This image is illustrative, not a prescribed housing style.



Note: This image is illustrative, not a prescribed layout.

### 102.1551 Legislative findings

The Village Board makes the following legislative findings:

- (1) Cottage housing is a new type of housing in the Village of Mukwonago that can fill an unmet housing need.
- (2) Cottage housing can provide opportunities for homeownership that may not otherwise exist.
- (3) Cottage housing responds to demographic trends occurring locally, in the region, and nationally. These include a declining household size and more people living alone and longer.
- (4) It is not possible to define specific areas in the village where cottage housing should be developed. Rather, cottage housing is a development option that developers can explore.

- (5) Cottage housing will likely have the same, or fewer people than the single-family homes that could be built on the site.
- (6) Given the size restrictions on the housing unit, the bulk of a cottage housing project is similar to the single-family homes that could be built on the site.
- (7) Cottage housing supports the goal of the Village's 2021 housing study of providing additional housing choice.
- (8) Rather than codifying all parameters of cottage development, the standards in this division are intended to provide sufficient guidance without becoming overly prescriptive, with the understanding that the Village and the developer will work together to craft a detailed development plan that meets community needs and works well with the site and the target market.

### 102.1552 Application and review procedure

A cottage housing project is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

### 102.1553 Type

A developer can propose a cottage housing project as a traditional subdivision plat or as a condominium project.

### 102.1554 Where allowed

A cottage housing project is only allowed in the following base districts: **R-3A, R-3B, R-5, and VC-2.** (to be verified)

### 102.1555 General design principles

In the design of a cottage housing project the following design principles must be satisfied:

- (1) A majority of the dwelling units must abut a common area.
- (2) Dwelling units must be oriented in a pattern that is compatible with the development pattern in the surrounding area.
- (3) The project must accommodate emergency vehicles to the satisfaction of the Village of Mukwonago fire chief.
- (4) The project must include an internal network of pedestrian paths and sidewalks for residents and their guests. Connections to the surrounding neighborhood should be made where appropriate or required.
- (5) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

**Table 9-3. Housing Density**

Size of Dwelling Unit (square feet)	Housing Units Allowed in Place of Each Single- Family Home Allowed by Zoning District
650 to 1,000	1.75
1,001 to 1,200	1.5
1,201 to 1,500	1.25

**Note:** The total number of housing units allowed is calculated and rounded up to the next whole number if the calculated number is 0.5 or higher and rounded down if it is less than 0.5. For example, if the calculated number of housing units is 5.75, the maximum number of units is 6.

### 102.1556 Project parameters

- A. **Clusters.** A cottage housing project may consist of one or two clusters.
- B. **Number of units.** A cluster of cottage housing must have at least **4** dwelling units but no more than **12**.
- C. **Separation between clusters.** A cluster of cottage housing must be at least **400** feet from any other existing or approved cottage housing cluster in the village unless otherwise part of an overall development plan.

- D. **Density.** The base density of dwelling units in a cottage housing project is based on the density and/or minimum lot size of the underlying zoning district and the size of the dwelling units to be constructed as set forth in Table 9-3. The Village Board, upon recommendation of the Plan Commission, may allow a greater density when the project exemplifies exceptional design characteristics and integration with the character of the area.
- E. **Minimum lot size.** Beyond the density restrictions listed in this section, there is no minimum lot size for lots created through the land division process.

### 102.1557 Open space

- A. **Intent.** Open space is an integral feature of a cottage housing project and is intended to be the focal point throughout the design process. In other words, adding open space here and there as an afterthought is not acceptable.
- B. **Requirements.** A minimum of 450 square feet of open space must be provided for each dwelling unit in the project, but not less than 2,800 square feet regardless of the number of dwelling units. Such open space must be useable for active or passive recreational activities and therefore may not include stormwater basins, wetlands, steep slopes, or other similar areas.
- C. **Placement.** Open space should be centrally located to the benefit of the units in the project. As a general rule, each dwelling unit must face the open space on one side, but preferably two sides.
- D. **Improvements.** Common open space must be improved for passive and/or active recreational use and may include patios, lawns, gardens, landscaping, outdoor gathering areas, pedestrian paths, common barbeque facilities, and similar features.

### 102.1558 Building standards

- A. **Floor area.** The floor area of dwelling units is controlled by the density calculations established in § 102-1565. The minimum floor area of a dwelling unit is 650 square feet and the maximum floor area is 1,500 square feet. As a requirement of project approval, the developer must record a deed restriction against each dwelling unit indicating that the size of the dwelling unit may not be increased after initial construction and that any vaulted space within a dwelling unit may not be converted into habitable space.
- B. **Entries and porches.** Each dwelling unit must have a covered porch fronting on the common area. The porch must have a minimum floor area of 80 square feet and not be less than 5 feet in width.
- C. **No-step entry.** To the extent possible, at least one entrance to a dwelling unit should be at grade (i.e., a no-step entry).
- D. **Exterior storage area.** Each dwelling unit must have a storage area, with a floor area of at least 10 square feet that is accessible from the exterior.
- E. **Maximum building height.** The maximum height of buildings is 18 feet if the roof pitch is less than 6:12 and 25 feet if the roof pitch is 6:12 or greater.
- F. **Minimum building separation.** Dwelling units must maintain a minimum separation of 10 feet.

Example of a no-step entry



### 102.1559 Architectural standards

- A. **Adoption of standards.** The developer must prepare a set of detailed architectural standards for all buildings within the project, including dwelling units, community buildings, and garages. Such standards must address exterior building materials, roof pitch, window style, articulation, and any other feature required by the Plan Commission. The standards must include a series of renderings depicting the architectural character of the buildings in the project.



- B. **Enforcement of standards.** The developer must establish a mechanism, as approved by the Plan Commission, to ensure all buildings in the cottage housing project comply with the approved architectural standards adopted by the developer.

### 102.1560 Parking and garages

- A. **Parking requirements.** Parking requirements are based on the size of the housing units in the project as set forth in Table 9-2.
- B. **Garages.** Attached garages should front on an alley or on a public street where possible; fronting a public street may be considered if alleys are deemed inappropriate. Each dwelling may have no more than one detached garage with a maximum floor area of 250 square feet. Garages may be combined into a shared garage structure, consisting of no more than 4 garages and no more than 1,000 square feet. Storage of items which preclude the parking of a vehicle in a garage is prohibited. Carports are not permitted in a cottage housing project.
- C. **Surface parking.** Surface parking must be provided for residents and guests in clusters of not more than 5 adjoining spaces. Clusters must be separated by at least 20 feet. Individual parking spaces may be located behind the principal structure when served by an alley. If the Village allows on-street parking on streets abutting the project, such parking may satisfy surface parking requirements as determined by the Plan Commission.

**Table 9-4. Parking Requirements**

Size of Dwelling Unit (square feet)	Parking Spaces
1,000 or less	1.5
More than 1,000	2.0

**Notes:** When the calculated number of total required parking spaces results in a fraction, the number is rounded up to the next whole number.

### 102.1561 Community buildings

- A. **Generally.** A cottage housing project may contain one or more community buildings that are for the exclusive use of the residents and their guests. Such buildings may not be habitated in any manner and must be clearly incidental in use or size and related to the dwelling units in the project.
- B. **Maximum area.** The maximum area of any community buildings within a project may not exceed an aggregate total of 2,500 square feet.
- C. **Ownership.** Any community building in a cottage housing project must be commonly owned and maintained by the residents.
- D. **Design.** The roof pitch, architectural themes, exterior materials, and colors of any community building must be consistent with the architectural standards established by the developer.
- E. **Obligation to construct.** If the developer is proposing to construct one or more community buildings as part of the project, the developer must provide assurances to the satisfaction of the municipal attorney guaranteeing satisfactory completion of such buildings within the timeframe established in the approval.

### 102.1562 Lot coverage

Impervious surfaces within the project site may not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas are not be counted in impervious surface calculations.

### 102.1563 Screening

Screening, such as landscaping, decorative fencing, or berms, must be provided around the perimeter of a cottage housing project to the extent deemed appropriate by the Plan Commission to ensure the project fits in with the character of the area.



**102.1564 Amendment**

Once a cottage housing project is approved as a planned development district, such district may be amended as set forth in Article 5.

**102.1565 through 102.1599 Reserved****DIVISION 5  
ADAPTIVE REUSE PROJECT****102.1600 Generally**

An adaptive reuse project allows the use of an existing building in a residential zoning district that has been used for an institutional use (e.g., school, day care, nursing home, library, worship facility) that for practical purposes is no longer usable for the most recent use or any other institutional use allowed in the zoning district where it is located. Such institutional use must have been legally established and operated and the building must not be dilapidated or in a state of disrepair, or partly or wholly destroyed by fire, flood, wind, or other disaster.

**102.1601 Application and review procedure**

An adaptive reuse project is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

**102.1602 Ownership**

At the time of establishment, all land within an adaptive reuse project must be under single ownership or control.

**102.1603 Permitted uses**

The uses allowed in an adaptive reuse project must be designed and operated in such a way to be compatible with the land uses that are allowed on the surrounding parcels.

**102.1604 Review of actual development**

If the Village Board approves an adaptive reuse project as a planned development district, proposed development in the district is reviewed consistent with the requirements of this chapter as may apply (e.g., building, site, and plan of operation) and the approved general development plan.

**102.1605 Amendment**

Once an adaptive reuse project is approved as a planned development district, such district may be amended as set forth in Article 5.

**102.1606 through 102.1619 Reserved**

## **DIVISION 6 POP-UP VENDOR VENUE**

### **102.1620 Generally**

A pop-up vendor venue is a place where multiple vendors offer their goods from various buildings, including shipping containers and food trucks, which are located on a single parcel in a preplanned and coordinated manner. A vendor unit may be in a single independent building, or the units may be connected to other units by interior connections or exterior walkways. The vendor units are typically supplied by the site operator. Typical vendors include restaurants, taverns, retail, and limited personal services (barber, manicurist, and the like). Tattoo shops and body piercing shops are not allowed.

### **102.1621 Application and review procedure**

A pop-up vendor venue is reviewed as a planned development district as set forth in this chapter, except as modified in this section. There is no minimum lot size for a pop-up vendor venue, the architectural standards in the base zoning do not apply, and a developer agreement may be required, but is not mandatory.

### **102.1622 Ownership**

At the time of establishment, all land within a pop-up vendor venue must be under single ownership or control.

### **102.1623 Where allowed**

A pop-up vendor venue is only allowed in the **B-6** zoning district. Given the potential off-site impacts, a pop-up vendor venue may not abut a residential property.

### **102.1624 Design principles**

In the design of a pop-up vendor venue, the following design principles must be satisfied:

- (1) The placement of the individual buildings must be well coordinated so as to create an inviting and accessible space.
- (2) In addition to any other required landscaping required by the zoning code, the buildings need to be well landscaped along the rear of the building or otherwise screened if visible from the public right-of-way.
- (3) The venue must include one or more common areas with seating and similar amenities where patrons may gather and socialize.
- (4) Outdoor lighting is allowed, subject to review and approval of the Plan Commission as set forth in the final development plan.
- (5) The site operator must provide trash collection and restroom facilities for all of the vendors and their patrons.
- (6) The venue may from time-to-time host live music, provided ample parking is available, and the details are reviewed and approved by the Plan Commission.
- (7) Buildings must be oriented in a pattern that is compatible with the development pattern in the surrounding area.
- (8) The project must accommodate emergency vehicles to the satisfaction of the Village of Mukwonago Fire Chief.
- (9) The project must include an internal network of pedestrian paths.
- (10) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

**102.1625 Parking**

Parking standards are established in the final development plan depending on the proposed mix of vendors.

**102.1626 Lot coverage**

Impervious surfaces within the project site may not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas are not to be counted in impervious surface calculations.

**102.1627 Screening**

Screening, such as landscaping, decorative fencing, or berms, must be provided around the perimeter of a pop-up vendor venue to the extent deemed appropriate by the Plan Commission to ensure the project fits in with the character of the area.

**102.1628 Amendment**

Once a pop-up vendor venue is approved as a planned development district, such district may be amended as set forth in this chapter.

**102.1629 through 102.1699 Reserved**

## **ARTICLE 11**

### **HISTORIC PRESERVATION OVERLAY DISTRICT**

#### **102.1800 Legislative findings**

The Village Board makes the following legislative findings relating to the historic preservation overlay districts that may be established:

- (1) The Village is a certified local government (CLG) which means it has been certified by Wisconsin's State Historic Preservation Office (SHPO) and the Department of the Interior as meeting certain criteria.
- (2) The protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.

#### **102.1801 Purpose**

This article and the related provisions promote the public health, safety, and welfare and are intended to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the Village's cultural, social, economic, political, and architectural history.
- (2) Safeguard the Village's historic and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the Village's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the Village.
- (7) Prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

#### **102.1802 Boundary of district**

The historic districts established pursuant to the procedures and requirements in Article 5 are numbered sequentially and depicted on the zoning map.

#### **102.1803 Regulation of construction, reconstruction, alteration, and demolition**

The owner or person in charge of a historic structure, historic site, or structure within a historic district may not reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission described in Article 5. Unless such certificate has been granted by the commission, the building inspector may not issue a permit for any such work.

#### **102.1804 Maintenance**

- A. **Generally.** Every person in charge of a historic structure, historic site, or improvement in a historic district must maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this article. The Village Board may appoint the building inspector or any other individual or group of individuals to enforce this article. The duties of the inspection officer includes periodic inspection at intervals provided by the Village Board of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner,

to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a special inspection warrant pursuant to § 66.122, Wis. Stats., and take any other reasonable measures to further enforcement of this article.

- B. **Standards for maintenance.** Every person in charge of any improvement on a historic site or in a historic district must keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including:
- (1) the deterioration of exterior walls or other vertical supports;
  - (2) the deterioration of roofs or other horizontal members;
  - (3) the deterioration of external chimneys;
  - (4) the deterioration or crumbling of exterior plasters or mortar;
  - (5) the ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
  - (6) the peeling of paint, rotting, holes and other forms of decay;
  - (7) the deterioration of surrounding environment (e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping);
  - (8) the deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; and
  - (9) all interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

### **102.1805 Public works projects**

Agencies of the Village and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites, or historic districts, must obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, above-ground utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the Village.

### **102.1806 Waiver of other requirements**

Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district, any provision of the plumbing code; building code; heating, ventilating and air conditioning code; the outdoor signs and outdoor advertising ordinances; and regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

### **102.1807 Other approvals as required**

The issuance of a certificate of appropriateness does not relieve the property owner from obtaining other permits and approvals required by the Village. A building permit or other municipal permit is invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district designated under this article, any provision of the plumbing code, electrical code, or building or housing code of the Village shall apply, unless specifically waived by the appropriate state or Village appeals body.

### **102.1808 Emergency conditions**

When the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting a historic structure, site, or a property in a historic district, the building inspector may order corrective action without approval of the Historic Preservation Commission. The building inspector must promptly

notify the commission of the action being taken. When the emergency conditions do not require demolition, the building inspector must make every effort to carry out the intent of this article and related provisions and to use any design guidelines of the commission when remedying the emergency conditions.

**102.1809 through 102.1899      Reserved**

## ARTICLE 12 FLOODPLAIN OVERLAY DISTRICT

### DIVISION 1 GENERAL PROVISIONS

#### 102.1900 Authorization

This article is adopted under authority granted by §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.

#### 102.1901 Legislative findings

The Village Board makes the following legislative findings:

- (1) Uncontrolled development and use of the floodplains and rivers in the village would impair the public health, safety, convenience, general welfare, and tax base.
- (2) The requirements in this chapter relating to floodplain use and development are intended to comply with the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code and § 44 CFR 59-72 which relates to the National Flood Insurance Program.

#### 102.1902 Purpose

This article promotes the public health, safety, and welfare and is intended to regulate floodplain development to:

- (1) protect life, health and property;
- (2) minimize expenditures of public funds for flood control projects;
- (3) minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) minimize business interruptions and other economic disruptions;
- (5) minimize damage to public facilities in the floodplain;
- (6) minimize the occurrence of future flood blight areas in the floodplain;
- (7) discourage the victimization of unwary land and homebuyers;
- (8) prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

#### 102.1903 Areas to be regulated

- A. **Generally.** This article regulates all areas within the village that would be covered by the regional flood or base flood as shown on the flood insurance rate map (FIRM) or other maps approved by the Wisconsin Department of Natural Resources. Base flood elevations (BFEs) are derived from the flood profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH Zones on the flood insurance rate maps. Other regulatory zones are displayed as A and AO zones. Regional flood elevations (RFEs) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
- B. **Annexed areas.** The Walworth/Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the village adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the

purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

#### **102.1904 Municipalities and state agencies regulated**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48 (13), Wis. Stats., applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022, Wis. Stats., applies.

#### **102.1905 through 102.1909 Reserved**

### **DIVISION 2 MAPS AND DISTRICTS**

#### **102.1910 Official floodplain maps**

- A. **Generally.** The boundaries of all floodplain districts are designated as A, AE, AH, AO, or A1-30 on the maps based on the flood insurance study listed below. Any change to the base flood elevations or any change to the boundaries of the floodplain or floodway in the flood insurance study or on the flood insurance rate map must be reviewed and approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency through the letter of map change process (see § 102.1971) before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the Wisconsin Department of Natural Resources. These maps and revisions are on file in the office of the zoning administrator. If more than one map or revision is referenced, the most restrictive information shall apply.
- B. **Official floodplain maps.** The following are adopted for the purpose of this article:
  - (1) Based on the flood insurance study (FIS) volume number 55133CV001C, 55133CV002C and 55133CV003C, dated November 5, 2014, for Village lands within Waukesha County, and FIS volume number 55127CV000B for Village lands within Walworth County panel numbers 55133C0314G, 55133C0318G, 55133C0426G, 55133C0427G and 55133C0431G, dated November 5, 2014, for Village lands within Waukesha County.
  - (2) In Waukesha County, flood storage maps Panel 11 of 12, dated November 5, 2014, as approved by the Wisconsin Department of Natural Resources.

If land is annexed and is not included in any of the above-mentioned flood insurance rate map panels, such panel is included in this article upon the date of annexation.

#### **102.1911 Establishment of floodplain zoning districts**

The floodplain overlay district is divided into four districts as follows:

- (1) The Floodway District includes the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the flood insurance rate maps.
- (2) The Floodfringe District includes that portion between the regional flood limits and the floodway and displayed as AE Zones on the flood insurance rate maps.
- (3) The General Floodplain District includes those areas that may be covered by floodwater during the regional flood and does not have a base flood elevation or floodway boundary determined, including A, AH, and AO zones on the flood insurance rate maps.
- (4) The Flood Storage District is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.



**102.1912 Locating floodplain boundaries**

- A. **Generally.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in this section. If a significant difference exists, the map shall be amended according to § 102.1971. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section.
- B. **Criteria.** If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. Regional flood elevations or base flood elevations shall govern if there are any discrepancies. If flood profiles do not exist, the location of the boundary shall be determined by the map scale.
- C. **Disputes.** If an applicant does not agree with the boundary determination made by the zoning administrator, he or she shall file an administrative appeal as provided for in Article 5. If the Board of Zoning and Building Appeals determines, based on the criteria in this section, that the boundary location is incorrectly mapped, the board should inform the Plan Commission or the person contesting the boundary location to submit an application for a map amendment pursuant to the requirements and procedures in § 102.1971.

**102.1913 Removal of lands from floodplain**

Compliance with the provisions of this division shall not be grounds for removing land from the floodplain unless (1) it is filled at least 2 feet above the regional flood elevation or base flood elevation, (2) the fill is contiguous to land outside of the floodplain, and (3) the map is amended pursuant to § 102.1971.

**102.1914 through 102.1919 Reserved**

**DIVISION 3  
GENERAL PROVISIONS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

**102.1920 General standards**

The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter and all other requirements in § 102.1972. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

**102.1921 Hydraulic and hydrologic analyses**

No floodplain development shall obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or cause any increase in the regional flood height due to floodplain storage area lost. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted flood insurance rate map or other adopted map.

### **102.1922 Watercourse alterations**

No floodplain permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the zoning administrator has notified in writing all adjacent municipalities, the regional office of the Wisconsin Department of Natural Resources, and the regional office of the Federal Emergency Management Agency, and required the applicant to secure all necessary state and federal permits. The standards in § 102.1921 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation and pursuant to § 102.1921, the Village must apply for a letter of map revision (LOMR) from the Federal Emergency Management Agency. Any such alterations must be reviewed and approved by the Federal Emergency Management Agency and the Wisconsin Department of Natural Resources through the letter of map correction (LOMC) process.

### **102.1923 Docks, piers, wharves, bridges, and similar structures**

Any development that requires a permit from the Wisconsin Department of Natural Resources under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning regulations are made according to § 102.1921.

### **102.1924 Floodproofing standards**

- A. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in Divisions 3, 4, 5, and 6.
- B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan prepared by a certified by a registered professional engineer or architect or that meets or exceeds the following standards:
  - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (2) the bottom of all openings shall be no higher than one foot above grade; and
  - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- C. Floodproofing measures shall be designed, as appropriate, to (1) withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors; (2) protect structures to the flood protection elevation; (3) anchor structures to foundations to resist flotation and lateral movement; (4) minimize or eliminate infiltration of flood waters; and (5) minimize or eliminate discharges into flood waters.

### **102.1925 Public or private campgrounds**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Wisconsin Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the

procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in subsection (4) above - to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Division 4, 6, or 7 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

## **102.1926 through 102.1929 Reserved**

### **DIVISION 4 FLOODWAY DISTRICT**

#### **102.1930 Applicability**

This division applies to all floodway areas on the floodplain zoning maps and those delineated pursuant to § 102.1953.

#### **102.1931 Permitted uses**

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if they are not prohibited in the underlying zoning district, meet the development standards in this division; and the zoning administrator has issued a floodplain permit:

- (1) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of § 102.1932 (D).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with §§ 102.1932 and 102.1933.
- (5) Extraction of sand, gravel, or other materials that comply with § 102.1932 (D).

- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Wis. Stats.
- (7) Public utilities, streets, and bridges that comply with § 102.1932 (C).

### 102.1932 Development standards

- A. **General standards.** Development shall have a low flood damage potential and shall not cause an obstruction or raise the flood elevations upstream and downstream as more fully described in § 102.1920. An applicant shall provide the following data to determine the effects of the proposal according to § 102.1921:
  - (1) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  - (2) An analysis calculating the effects of this proposal on regional flood height.
- B. **Structures.** Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
  - (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
  - (2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - (3) Must be anchored to resist flotation, collapse, and lateral movement;
  - (4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
  - (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- C. **Public utilities, streets and bridges.** Public utilities, streets and bridges may be allowed by permit, if adequate floodproofing measures are provided to the flood protection elevation, and construction meets the development standards of § 102.1921.
- D. **Fills or deposition of materials.** Fills or deposition of materials may be allowed by permit, if (1) the requirements of § 102.1921 are met; (2) no material is deposited in navigable waters unless a permit is issued by the Wisconsin Department of Natural Resources pursuant to ch. 30, Wis. Stats., and a permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met; (3) the fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and (4) the fill is not classified as a solid or hazardous material.

### 102.1933 Prohibited uses

Any use that is not listed in § 102.1931 is prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Admin. Code;

- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Admin. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Admin. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

**102.1934 through 102.1939****Reserved**

## DIVISION 5 FLOODFRINGE DISTRICT

**102.1940 Applicability**

This division applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to § 102.1953.

**102.1941 Permitted uses**

Any structure, land use, or development is allowed in the floodfringe district if the standards in § 102.1942 are met, the use is not prohibited by the underlying zoning regulations, and the zoning administrator has issued a floodplain permit.

**102.1942 Development standards**

- A. **General standards.** Development shall not cause an obstruction or raise the flood elevations upstream or downstream as more fully described in § 102.1921.
- B. **Residential structures.** Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards.
  - (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of § 102.1942 (B)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
  - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
  - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except that in developments where existing street or sewer line elevations make compliance impractical, the zoning administrator may permit new development and substantial improvements where streets are below the regional flood elevation, if the municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or the municipality has an emergency evacuation plan as approved by the Wisconsin Department of Natural Resources.
- C. **Accessory structures or uses.** Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- D. **Commercial structures.** Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of § 102.1942 (B). Subject to the requirements of § 102.1942 (F), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- E. **Manufacturing and industrial uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 102.1924. Subject to the requirements of § 102.1942 (F), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- F. **Storage of materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with § 102.1924. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- G. **Public utilities, streets and bridges.** Utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans. When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with § 102.1924. Minor streets or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- H. **Sewage systems.** Sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to § 102.1924 (C), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Admin. Code.
- I. **Wells.** Wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to § 102.1924 (C), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Admin. Code.
- J. **Deposition of materials.** Any deposited material must meet all the provisions of this article.
- K. **Manufactured homes.** Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities. In an existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse or move laterally during a flood. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in § 102.1942 (B).
- L. **Mobile recreational vehicles.** All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 102.1942 (K). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

### 102.1943 Solid waste disposal

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

102.1944 through 102.1949

Reserved

## DIVISION 6 GENERAL FLOODPLAIN DISTRICT

### 102.1950 Applicability

This division applies to those floodplains mapped as A, AO, or AH zones, and in AE Zones within which a floodway is not delineated on the flood insurance rate maps identified in § 102-      .

### 102.1951 Floodway boundaries

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in § 102-1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to § 102-5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of 102-3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 102-4.0.

### 102.1952 Permitted uses

Pursuant to § 102.1953, it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses listed in § 102.1931 are permitted in the floodway and those uses listed in § 102.1941 are allowed in the floodfringe within the general floodplain district, according to the standards of § 102.1952, provided the zoning administrator has issued a floodplain permit consistent with this division.

### 102.1953 Development standards

- A. The development standards in Division 4 apply to floodway areas and the standards in Division 5 apply to floodfringe areas. The rest of this article applies to either district.
- B. In AO and AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
  - (1) at or above the flood protection elevation; or
  - (2) 2 feet above the highest adjacent grade around the structure; or
  - (3) the depth as shown on the flood insurance rate map.
- C. In AO and AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

### 102.1954 Determining the extent of the floodway and floodfringe

- A. **Request for determination.** Upon receiving an application for development within the general floodplain district, the zoning administrator shall require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the flood insurance rate map and require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
  - (1) A hydrologic and hydraulic study as specified in § 102.1972.
  - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and
  - (3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- B. **Determination.** The extent of the floodway and floodfringe shall be as determined by the Wisconsin Department of Natural Resources.



**102.1954 through 102.1959****Reserved****DIVISION 7  
FLOOD STORAGE DISTRICT****102.1960 Flood storage district**

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

**102.1961 Applicability**

The provisions of this section apply to all areas within the Flood Storage District as shown on the official floodplain zoning maps.

**102.1962 Permitted uses**

Any use or development which occurs in a flood storage district must meet the applicable requirements in § 102.1842.

**102.1963 Standards for development in flood storage districts**

- A. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- B. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- C. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as set forth in § 102.1971.
- D. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

**102.1964 through 102.1969****Reserved****DIVISION 8  
ADMINISTRATION****102.1970 Certificate of compliance**

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (2) Application for such certificate shall be concurrent with the application for a permit;



- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (4) The applicant shall submit a certificate signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued.
- (5) If the project involves floodproofing measures, the applicant shall submit a certificate signed by a registered professional engineer or architect stating that the requirements of § 102.19<sup>24</sup> are met.

### 102.1971 Amendments

- A. **Obstructions or increases.** Obstructions or increases may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, floodway lines, and water surface profiles consistent with this section.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from the Federal Emergency Management Agency and amendments are made to this chapter, the official floodplain zoning maps, floodway lines, and water surface profiles, consistent with this section. Any such alterations must be reviewed and approved by the Federal Emergency Management Agency and the Wisconsin Department of Natural Resources.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from the Federal Emergency Management Agency and amendments are made to this chapter, the official floodplain maps, floodway lines, and water surface profiles, consistent with this section.

- B. **Generally.** The Village Board may change the floodplain overlay district boundaries and the text of this article pursuant to the requirements and procedures in Article 5. Actions requiring an amendment include, but are not limited to, the following:
- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
  - (2) Any change to the floodplain boundaries and/or watercourse alterations on the flood insurance rate map;
  - (3) Any changes to any other officially adopted floodplain maps listed in § 102.19<sup>10</sup>;
  - (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
  - (5) Correction of discrepancies between the water surface profiles and floodplain maps;
  - (6) Any upgrade to floodplain zoning regulations required by § NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the municipality; and
  - (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by the Federal Emergency Management Agency.
- C. **Flood easements.** A person petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

### 102.1972 Hydraulic and hydrologic studies

- A. **Generally.** All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.
- B. **Zone A floodplains.** For projects located in a Zone A floodplain, the following provisions apply:
- (1) **Hydrology.** The appropriate method shall be based on the standards in § NR 116.07(3), Wis. Admin. Code, entitled *Hydrologic Analysis: Determination of Regional Flood Discharge*.

- (2) **Hydraulic modeling.** The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Admin. Code, entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
- (i) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
  - (ii) Channel sections must be surveyed.
  - (iii) Minimum 4-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
  - (iv) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
  - (v) The most current version of HEC-RAS shall be used.
  - (vi) A survey of bridge and culvert openings and the top of street is required at each structure.
  - (vii) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - (viii) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - (ix) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (3) **Mapping.** A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- (i) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - (ii) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

C. **Zone AE Floodplains.** For projects located in a Zone AE floodplain, the following provisions apply:

- (1) **Hydrology.** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on § NR 116.07(3), Wis. Admin. Code, entitled *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- (2) **Hydraulic model.** The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Admin. Code, entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
- (i) **Duplicate Effective Model.** The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous flood insurance study model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the flood insurance study profiles and the elevations shown in the floodway data table in the flood insurance study report to within 0.1 foot.
  - (ii) **Corrected Effective Model.** The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Wisconsin Department of Natural Resources review.

- (iii) **Existing (Pre-Project Conditions) Model.** The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
  - (iv) **Revised (Post-Project Conditions) Model.** The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
  - (v) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans, and survey notes.
  - (vi) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- (3) **Mapping.** Maps and associated engineering data shall be submitted to the Wisconsin Department of Natural Resources for review which meet the following conditions:
- (i) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps, construction plans, bridge plans.
  - (ii) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the flood insurance rate map may be more easily revised.
  - (iii) Annotated flood insurance rate map panel showing the revised 1 percent and 0.2 percent annual chance floodplains and floodway boundaries.
  - (iv) If an annotated flood insurance rate map and/or flood boundary floodway maps and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System consistent with mapping specifications established by the Federal Emergency Management Agency.
  - (v) The revised floodplain boundaries shall tie into the effective floodplain boundaries.
  - (vi) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
  - (vii) Both the current and proposed floodways shall be shown on the map.
  - (viii) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

### 102.1973 Record of nonconforming uses and structures

- A. **Nonconforming uses.** The zoning administrator shall maintain a list of those properties that contain a nonconforming use.
- B. **Nonconforming structures.** The zoning administrator shall maintain a list of those properties that have a nonconforming structure. For every such structure, the following information shall be recorded:
  - (1) present assessed value,
  - (2) cost of all modifications or additions which have been permitted, and
  - (3) percentage of the structure's total current value those modifications represent.

### 102.1974 Public information

- A. The zoning administrator shall place marks on structures to show the depth of inundation during the regional flood.

- B. All maps, engineering data, and regulations shall be available and widely distributed.
- C. Real estate transfers should show what floodplain district any real property is in.

### 102.1975 Interpretation

In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the Village of Mukwonago and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

### 102.1976 through 102.1979 Reserved

## DIVISION 8 NONCONFORMITIES

### 102.1980 General

- A. **Generally.** As used in this division, the words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling, and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.  
  
The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- B. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.
- C. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- D. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements in Article 19. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 102.1942 (B)(3). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this section.
- E. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50 percent of its present assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 102.1942 (B)(3).
- F. If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50 percent of the present assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 102.1942 (B)(3).
- G. Except as provided in subsection (H), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially

damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present assessed value.

- H. For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(1) Residential.

- a. The lowest floor, including basement, is elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 102.1924.
- b. The structure is anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.
- e. In AO Zones with no elevations specified, the lowest floor, including basement, meets the standards in § 102.1952 (B).
- f. In AO Zones, adequate drainage paths around structures are provided on slopes to guide floodwaters around and away from the structure.

(2) Nonresidential structures.

- a. Shall meet the requirements of subsection (H)(1)a-f.
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in § 102.1924 (A) or (B).
- c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 102.1952 (B).

- (3) Historic structures. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with § 102.1932 (A), flood resistant materials are used, and construction practices and floodproofing methods that comply with § 102.1924 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 102.1980 (H)(1) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

### 102.1981 Nonconformities in the floodway district

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:
- (1) has been granted a permit or variance which meets all ordinance requirements;
  - (2) meets the requirements of § 102.1980;
  - (3) shall not increase the obstruction to flood flows or regional flood height;
  - (4) any addition to the existing structure shall be floodproofed, pursuant to § 102.1924, by means other than the use of fill, to the flood protection elevation; and
  - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

- a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
  - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
  - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  - d. The use must be limited to parking, building access, or limited storage.
- B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, § 102.19<sup>24</sup> and ch. SPS 383, Wis. Admin. Code.
- C. No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, § 102.19<sup>24</sup> (C) and chs. NR 811 and NR 812, Wis. Admin. Code.

#### **102.1982 Nonconformities in the floodfringe district**

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of § 102.19<sup>42</sup> except where subsection (B) is applicable.
- B. Where compliance with the provisions of subsection (A) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning and Building Appeals, using the procedures established in Article 5, may grant a variance from those provisions of subsection (A) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if (i) no floor is allowed below the regional flood elevation for residential or commercial structures; (ii) human lives are not endangered; (iii) public facilities, such as water or sewer, shall not be installed; (iv) flood depths shall not exceed 2 feet; (v) flood velocities shall not exceed 2 feet per second; and (vi) the structure shall not be used for storage of materials as described in § 102.19<sup>42</sup> (G).
- C. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, § 102.19<sup>24</sup> (C), and ch. SPS 383, Wis. Admin. Code.
- D. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, § 102.19<sup>24</sup> (C), and ch. NR 811 and NR 812, Wis. Admin. Code.

#### **102.1983 Nonconformities in the flood storage district**

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in § 102.19<sup>63</sup> are met.

#### **102.1984 through 102.1999 Reserved**

## **ARTICLE 13 WELL HEAD PROTECTION OVERLAY DISTRICT**

### **102.2000 Legislative findings**

The Village Board makes the following legislative findings relating to the well head protection overlay district:

- (1) The residents of the Village of Mukwonago depend exclusively on groundwater for a safe drinking water supply.
- (2) Certain land use practices and activities can seriously threaten or degrade groundwater quality.
- (3) The Village has the authority to adopt regulations relating to well head protection under §§ 62.23 (7)(a) and (c), Wis. Stats.
- (4) Regulations in this chapter relating to well head protection are adopted to promote the public health, safety, and general welfare of village residents.

### **102.2001 Boundary of district**

The boundary of the well head protection overlay districts are as follows:

- (1) Well #3 – 1,200-foot radius
- (2) Well #4 – 1,200-foot radius
- (3) Well #5 – 1,200-foot radius
- (4) Well #6 – 1,200-foot radius
- (5) Well #7 – 3,612-foot radius

### **102.2002 Permitted land uses and activities**

The land uses/activities listed below are permitted in a well head overlay district provided the specified separation distances are met and the use/activity is otherwise allowed in the base zoning district.

- (1) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities must meet the installation requirements of § ATP 93.260, Wis. Admin. Code and receive written approval from the department of safety and professional services or its designated Local Program Operator under § ATP 93.110, Wis. Admin. Code.
- (2) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers must be successfully air pressure tested in place. The air pressure test must meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains must be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125 percent of the pump shut-off head.
- (3) Two hundred feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two-family residential heating fuel oil underground storage tank or above ground storage tank or POTS treatment tank or holding tank component and associated piping.
- (4) Three hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations must meet the most restrictive installation requirements of § ATP 93.260, Wis. Admin. Code and receive written approval from the department of safety and professional services or its designated Local Program Operator under § ATP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- (5) Three hundred feet between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations must meet the most restrictive installation requirements of § ATP 93.260, Wis. Admin. Code and receive written approval from the department of safety and professional services or its designated Local Program Operator under § ATP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (6) Four hundred feet between a well and a private onsite wastewater treatment system dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery, or a storm water retention or detention pond.
- (7) Six hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations must meet the standard double wall tank or single wall tank secondary containment installation requirements of § ATP 93.260, Wis. Admin. Code and receive written approval from the department of safety and professional services or its designated Local Program Operator under § ATP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (8) One thousand feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718, Wis. Admin. Code, while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or a private onsite wastewater treatment system dispersal component with a design capacity of 12,000 gallons per day or more.
- (9) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140, Wis. Admin. Code enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under § ATP 93.110, Wis. Admin. Code for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

### 102.2003 Nonconforming uses

Land uses that were legally established, but do not comply with the regulations in this article are nonconforming and are subject to the requirements set forth in Article 19. In addition, the operator of a nonconforming use must (1) provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the Village; (2) provide additional environmental or safety structures/monitoring as deemed necessary by the Village Board, which may include but is not limited to stormwater runoff management and monitoring; (3) replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence; and (4) prepare and submit a contingency plan satisfactory to the zoning administrator for the immediate notification of village officials in the event of an emergency.



**102.2004 Responsibility for contamination cleanup**

An individual and/or facility that releases a contaminant in the well head protection overlay district that has the potential of endangering the municipal water supply must immediately stop the release and clean up the contaminant to the satisfaction of the Village Board and other state and federal regulatory agencies. The individual/facility is responsible for all costs of cleanup, including those incurred by the Village, which may include:

- (1) consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;
- (2) the cost of village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the village administrator representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;
- (3) the cost of village equipment used in the response and cleanup; and
- (4) the cost of mileage reimbursed to village employees attributed to the cleanup.

The Village Board may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the Village Board may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

**102.2005 through 102.2099 Reserved**

## **ARTICLE 14**

### **SHORELAND-WETLAND OVERLAY DISTRICT**

#### **102.2100 Legislative findings**

The Village Board makes the following legislative findings relating to the shoreland-wetland overlay district:

- (1) Villages are required by § 61.351, Wis. Stats., to adopt shoreland-wetland zoning regulations within 6 months after receipt of final wetland inventory maps prepared by the Wisconsin Department of Natural Resources.
- (2) The Village adopted zoning regulations on \_\_\_\_\_, \_\_\_\_\_ which included shoreland-wetland regulations and the wetland inventory maps with a date of \_\_\_\_\_.
- (3) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

#### **102.2101 Purpose**

This article promotes the public health, safety, and welfare and is intended to:

- (1) maintain the storm and flood water storage capacity of wetlands;
- (2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (3) protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (4) prohibit certain uses detrimental to the shoreland-wetland area; and
- (5) preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth moving activities.

#### **102.2102 Wetland functions**

In the context of this article, wetlands serve the following important functions:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

#### **102.2103 Boundary of district**

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of \_\_\_\_\_, \_\_\_\_\_ that (1) are 5 acres or more; (2) are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or are located within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater; (3) were not legally filled before \_\_\_\_\_ and cannot be classified as a wetland; and (4) are not located

between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982 under § 30.11, Wis. Stats.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Article 12 are used in determining the extent of the 100-year floodplain.

#### **102.2104 Discrepancies between delineated wetlands and field conditions**

If the zoning administrator believes there is a discrepancy between the wetland inventory map and actual field conditions at the time the map was adopted, he or she must contact the regional office of the Wisconsin Department of Natural Resources and request a determination. If the department determines that the area in question was incorrectly mapped as a wetland, this article will not apply to such area. As soon as is practical after such determination, the zoning administrator must submit an application to amend the zoning map consistent with the procedures and requirements in this chapter.

#### **102.2105 Permitted activities without a permit**

The following uses are allowed without issuance of a zoning permit, provided there is no wetland alteration:

- (1) hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
- (2) the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) the practice of silviculture, including the planting, thinning, and harvesting of timber;
- (4) the pasturing of livestock;
- (5) the cultivation of agricultural crops; and
- (6) the construction and maintenance of duck blinds.

The following uses, which may involve wetland alterations, are allowed without issuance of a zoning permit, provided any wetland alterations comply with the following terms:

- (1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
- (2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- (3) the maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
- (4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (5) the construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- (6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in § 102.2102; and
- (7) the maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

#### **102.2106 Permitted activities with a permit**

Upon issuance of a zoning permit, the following uses are allowed, which may involve wetland alterations but only to the extent specifically allowed:

- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted in this section provided (i) the road cannot, as a practical matter, be located outside the wetland; (ii) the road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in § 102.2102; (iii) the road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; (iv) road construction activities are carried out in the immediate area of the roadbed only; and (v) any wetland alteration must be necessary for the construction or maintenance of the road.
- (2) The construction and maintenance of nonresidential buildings provided (i) the building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals; (ii) the building cannot, as a practical matter, be located outside the wetland; (iii) the building does not exceed 500 square feet in floor area; and (iv) only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided (i) any private development allowed under this paragraph must be used exclusively for the permitted purpose; (ii) only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed; (iii) the construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subsection (1) above; and (iv) wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves must be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided (i) the utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; (ii) only limited filling or excavating necessary for such construction or maintenance is allowed; and (iii) such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in § 102.2102.

### **102.2107 Prohibited uses**

Any use not listed in this article as being permitted, is prohibited. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are strictly prohibited.

### **102.2108 Rezoning of lands in the shoreland-wetland district**

For all proposed text and map amendments to the shoreland-wetland provisions of this chapter, the following are submitted to the regional office of the Wisconsin Department of Natural Resources:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within five days of the filing of such petition with the village clerk. Such petition must include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- (2) Written notice of the public hearing to be held on the proposed amendment at least 10 days prior to such hearing;
- (3) A copy of the village zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the Village Board; and
- (4) Written notice of the Village Board's decision on the proposed amendment within 10 days after it is issued.

A wetland, or a portion thereof, in the shoreland-wetland overlay district may not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against soil erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types.

If the department notifies the Village that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in this section, that amendment, if approved by the Village Board, must contain the following provision:

"This amendment does not take effect until more than 30 days have elapsed after written notice of the Village Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the village under § 59.971 (6), Wis. Stats. If the Department does so notify the Village Board, the effect of this amendment is stayed until the § 59.971 (6) adoption procedure is completed or otherwise terminated."

#### **102.2109 Nonconforming uses and structures**

- A. A legal nonconforming structure or an environmental control facility related to a legal nonconforming structure, in existence on       , the effective date of this article, may be repaired, reconstructed, renovated, remodeled, or expanded.
- B. If a nonconforming use or the use of a nonconforming structure is discontinued for a period of 12 consecutive months, any future use of the property or structure must conform to the requirements of this section.
- C. Any legal nonconforming use of property which does not involve the use of a structure may be continued although such use does not conform with this article, provided such nonconforming use may not be extended.
- D. The maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark of a navigable waterway must comply with § 30.121, Wis. Stats.

#### **102.2110 through 102.2199      Reserved**

## **ARTICLE 15 SHORELAND OVERLAY DISTRICT**

### **102.2200 Legislative findings**

The Village Board makes the following legislative findings relating to the shoreland overlay district:

- (1) Villages are required by § 62.353, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section by July 1, 2014.
- (2) The Village Board adopted such regulations.
- (3) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

### **102.2201 Purpose**

This article promotes the public health, safety, and welfare and is intended to:

- (1) further the maintenance of safe and healthful conditions and prevent and control water pollution;
- (2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;
- (3) control the placement of principal buildings by establishing setbacks from waterways; and
- (4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

### **102.2202 Boundary of district**

The shoreland overlay district includes land located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Article 12 are used in determining the extent of the 100-year floodplain.

### **102.2203 Vegetation management within shoreline buffer zone**

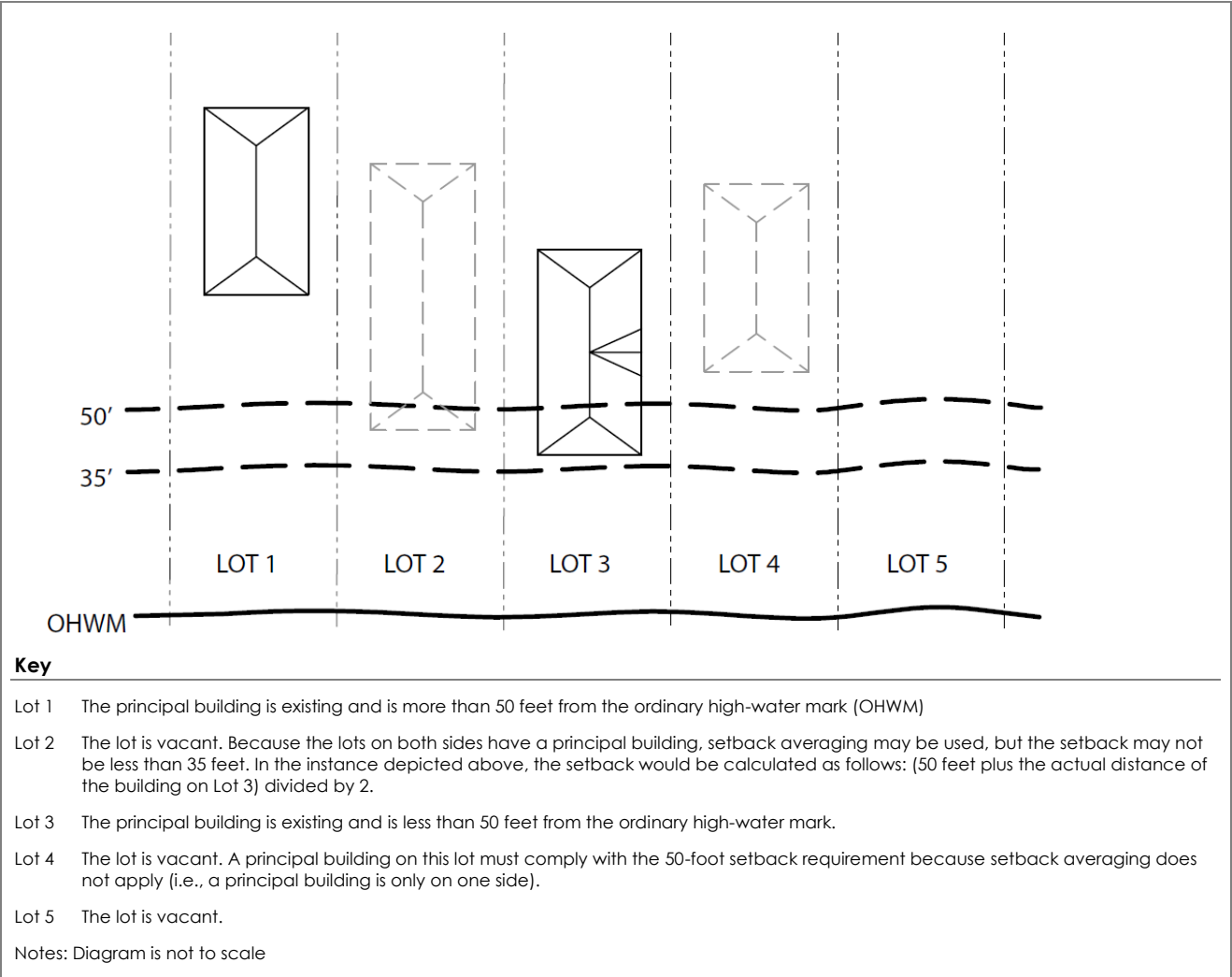
- A. **Generally.** Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) shall not be removed, except as described in this section.
- B. **Removal of invasive species.** Vegetation in the shoreline buffer zone that is listed by the Wisconsin Department of Natural Resources as an invasive species under ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Plan Commission.
- C. **Viewing/access corridor.** The property owner may remove vegetation in the shoreline buffer zone to create and maintain a viewing/access corridor no more than 30 feet wide for every 100 feet of shoreline frontage.

### **102.2204 Shoreline setback**

- A. **Principal buildings.** Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:
  - (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

- (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.
- B. **Accessory buildings.** Accessory buildings shall comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 35 feet of the ordinary high-water mark as set forth in § 102.2205.

Exhibit 15-1. Shoreline setback requirements



102.2205 Boathouses

A boathouse if otherwise allowed may be constructed in the viewing/access corridor as allowed in § 102.2203.

102.2206 through 102.2299 Reserved

## **ARTICLE 16**

### **LANDSCAPING AND BUFFERYARDS**

#### **DIVISION 1**

#### **GENERAL PROVISIONS**

##### **102.2300 Legislative findings**

The Village Board makes the following legislative findings:

- (1) A healthy environment is an indication of a healthy community.
- (2) Landscaping helps maintain and increase property values, which helps to protect public and private investment in a community.
- (3) Landscaping provides lasting social, economic, environmental, and aesthetic benefits to the community.
- (4) Landscaping helps to reduce the “heat-island” effect by shading parking lots, streets, and other hard-surfaced areas.
- (5) Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics.
- (6) Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.
- (7) Xeriscape planting techniques help promote water and energy conservation.
- (8) A variety of landscape plants is needed to ensure that the effect of a single disease (e.g., Dutch elm disease) or pest (e.g., emerald ash borer) on landscape plants is minimized.

##### **102.2301 Purpose**

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

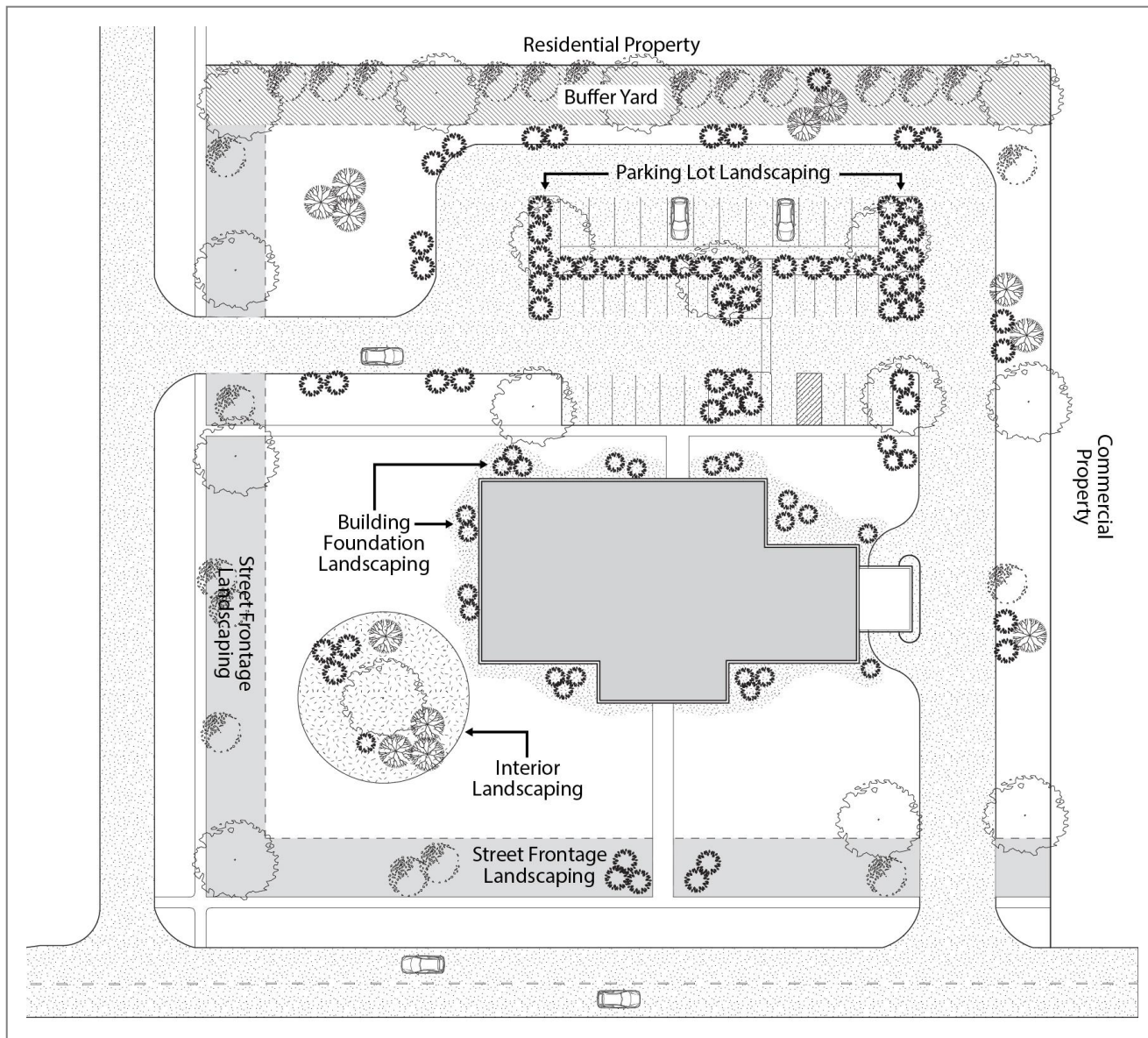
- (1) make the Village of Mukwonago more attractive and aesthetically pleasing;
- (2) provide flexible standards where possible, rather than overly prescriptive requirements;
- (3) promote and improve public health and safety through the abatement of noise, the glare of lights, dust, and air pollution;
- (4) Improve the aesthetic appearance of the built environment;
- (5) ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;
- (6) create aesthetically pleasing tree-lined streetscapes;
- (7) promote economic development by providing a high quality of life;
- (8) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and noise, glare, and heat abatement; and
- (9) encourage the preservation, expansion, protection, and proper maintenance of the community forest.

##### **102.2302 Applicability**

The provisions of this article apply to different areas as generally depicted in Exhibit 16-1.



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**Exhibit 16-1. General applicability of landscape and bufferyard requirements****102.2303 Landscape plan**

A landscape plan consists of a completed worksheet as may be used by the zoning administrator and a plan view drawing that shows where the required plants will generally be planted. Such drawing must be drawn at the same scale as the site plan drawing.

**102.2304 Description of landscape points and classification of plant species**

- A. **Generally.** The required level of landscape plants is stated in terms of landscape points. As shown in Appendix E, a different number of points are assigned to each of the plant categories depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. Species generally suitable for use in Wisconsin are listed and those native to the state are denoted.
- B. **Plants not listed.** The species listed in Appendix E is not meant to be exhaustive. Therefore, the zoning administrator will review proposals for, and the applicability of, species not contained in this list, and is authorized to approve appropriate similar species using "A guide to selecting landscape plants for Wisconsin" as a guide.

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- C. **Prohibited plants.** Plants specifically designated as invasive by the Wisconsin Department of Natural Resources or other state agency may not be planted and may not be used to meet the requirements of this article.
- D. **Plant hardiness.** Selected plants should be hardy in the area where they are planted (Zone 4a or 4b).

### 102.2305 Specifications for landscaping materials

- A. **Generally.** All plant material must be healthy, vigorous, and free of disease and insects.
- B. **Minimum planting size.** Trees and shrubs must meet the minimum planting size established in Exhibit 16-2. Further, trees and shrubs must meet the specifications contained in the most current edition of *American Standard for Nursery Stock* for the corresponding planting size. <sup>[1]</sup>
- C. **Turf.** Turf areas may be sodded or seeded. In areas subject to erosion, sod must be used. Sod must be commercially grown and clean and free of weeds, noxious pests, and diseases.
- D. **Mulch.** Where mulch is used as a ground treatment, it must be applied to a maximum depth of 4 inches. A landscape fabric may be placed between the soil and mulch to impede weed growth.

[1] Commentary: This publication is published by the American Nursery & Landscape Association and is an approved American national standard (ANSI Z60.1-2004).

### 102.2306 Credit for preserving existing trees and shrubs

- A. **Generally.** Landscape plantings as required by this article may be satisfied in whole, or in part, by preserving existing trees and shrubs on the subject property.
- B. **Allocation of credits.** An existing tree is credited based on its size as shown in Exhibit 16-3. An existing shrub is credited on a one-for-one basis regardless of size.
- C. **Location of trees and shrubs.** A tree eligible for credit must be located within 15 feet of a required bufferyard or parking lot to which the credit is to be applied or within the street terrace. A shrub eligible for credit must be located within the area to which the credit is to be applied.
- D. **Condition of trees to be used as credit.** In order to use an existing tree or shrub as credit, the following conditions must be satisfied:

- (1) The area within the critical root radius (1.5 feet for every diameter inch or 6 feet away from the tree trunk, whichever is greater), must be preserved in its natural state or covered with pervious landscape material and must be retained at original grade with no trenching, cutting of any roots, or compaction of soil.
- (2) Prior to the commencement of any land-disturbing activity and during the life of the construction project, a temporary barrier must be placed around the tree at the drip line or 6 feet away from the tree trunk, whichever is greater. Such barrier may consist of a plastic mesh or snow fence with poles not more than 15 feet apart.
- (3) The existing stock must not be damaged from skinning, barking, and the like.
- (4) The existing stock must be healthy and free from disease, damage, and active insect infestation potentially lethal to the tree.
- (5) The species is one of the plant species listed in Appendix E.

**Exhibit 16-2. Minimum planting size**

Plant category	Minimum planting size
Tree	
Tall deciduous tree	1½" caliper
Medium deciduous tree	1½" caliper
Low deciduous tree	¾" caliper
Tall evergreen tree	5' tall
Medium evergreen tree	4' tall
Low evergreen tree	3' tall
Shrub	
Tall deciduous shrub	36" tall
Medium deciduous shrub	24" tall
Low deciduous shrub	18" tall
Tall evergreen shrub	24" tall
Medium evergreen shrub	18" tall
Low evergreen shrub	12" tall

**Exhibit 16-3. Allowable tree credits**

Caliper of existing tree	Number of trees credited
2 inches up to 6 inches	1
6 inches up to 12 inches	2
12 inches up to 16 inches	3
16 inches and greater	4

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**102.2307 General design and placement guidelines**

- A. **Random placement.** To the extent possible, plants must be randomly placed so as to give a natural appearance.
- B. **Planting beds.** Where required, shrubs must be placed in planting beds with mulch.
- C. **Proximity to specified features.** Trees and shrubs must be separated from driveways, fire hydrants, utility poles, and utility pedestals and cabinets as listed in Exhibit 16-4.
- D. **Proximity to overhead utility lines and the like.** Trees and shrubs may not be placed where they will require frequent pruning in order to avoid interference with overhead utility lines, buildings, or other structures.
- E. **Placement within vision triangle.** Landscaping within a vision triangle must be consistent with the standards in § 102.102.
- F. **Integration with natural amenities.** When a site abuts a natural amenity such as a stream, park, or other open space, the landscape plan must integrate with, and respect the natural integrity of the amenity.
- G. **Integration with stormwater facilities.** Detention and retention ponds must be designed to be physically, functionally, and visually integrated into adjacent landscape areas.
- H. **Snow storage.** Landscape plants should not be located in areas reserved for snow storage, except when such plants are salt-tolerant and will not be otherwise damaged.

**Exhibit 16-4. Minimum separation from specified objects**

	Tree	Shrub
Driveway	10'	6'
Fire hydrant	8'	6'
Utility pole	20'	6'
Utility cabinet and pedestal	8'	6'
Street intersection	30'	30'

**102.2308 Plant diversity**

- A. **Tree species.** The maximum number of required trees in the same genus must comply with the proportions established in Exhibit 16-5. For example, if three tree species are required, a species in three different genres must be used (e.g., *Quercus* - oaks, *Acer* - maples, *Pinus* - pines).
- B. **Shrub species.** It is recommended that the proportion of required shrubs and ground cover follow the standards established in Exhibit 16-6, except that different species within the same genus may be used.

**Exhibit 16-5. Plant diversity requirements and recommendations**

Required number of plants	Maximum proportion of tree species in same genus	Recommended proportion of same species for shrubs
11 to 20	30%	25%
21 to 30	25%	20%
31 to 40	20%	15%
41 to 50	15%	10%
51 and more	10%	10%

**102.2309 Maintenance**

- A. **Generally.** All landscaping must be maintained in good condition so as to present a healthy, neat, and orderly appearance, free from refuse, weeds, and debris.
- B. **Responsibilities.** The current landowner is responsible for maintaining the vegetation, irrigation system, screening devices, and other landscape components as may be required by this article.
- C. **Maintenance practices.** Maintenance consists of regular and normal maintenance practices of landscaping including weeding, irrigation, fertilizing, pruning, and mowing. Plant materials that exhibit significant levels of insects, pests, diseases, or damage must be treated as appropriate.
- D. **Replacement, generally.** Plant materials which were planted as required by this article or which were used as a credit and which die or are irreparably damaged must be removed and replaced with living plant materials consistent with the approved landscape plan or as required by this article.
- E. **Replacement following a natural disaster.** Plant materials that were planted as required by this article or which were used as a credit and which die or are irreparably damaged due to a natural disaster, such as area-wide flooding or high wind, must, within 2 years of such event, be removed and replaced with plant materials consistent with the approved landscape plan or as required by this article. With just cause, the Village Board may on a case-by-case basis grant an extension of 2 additional years upon written request, or pass a resolution granting a blanket extension to all affected properties in the Village.

- F. **Staking.** Stakes and cables used to support a tree should be removed within 24 months of planting.

### 102.2310 Use of low-water-adaptive vegetation

The use of low-water-adaptive vegetation should be incorporated into landscape designs to the extent possible. When the total amount of landscaping in a project, excluding terrace areas, exceeds 5,000 square feet, at least 30 percent of the required vegetation must be low-water-adaptive vegetation and planted in one or more groupings.

### 102.2311 Berms

- A. **Maximum slope and form.** In order to facilitate maintenance and efficient irrigation water usage, a berm may not exceed a slope of 3:1 (i.e., for every 3 feet of horizontal run the vertical height is one foot). A berm must be graded to appear as a curvilinear, naturalistic form.
- B. **Construction.** A berm must be compacted during the construction process so as to minimize settling.
- C. **Stabilization.** A berm must be covered with turf or mulch along with required plant materials.
- D. **Effect on stormwater flow.** A berm may not be designed or placed so as to divert the normal flow of stormwater to the detriment of surrounding properties.
- E. **Placement with respect to existing trees and shrubs.** No portion of a berm may be placed within the critical root zone (1.5 feet for every diameter inch) of a tree.
- F. **Placement within vision triangle.** A berm located within a vision triangle must comply with the standards in § 102.   .

### 102.2312 Financial guarantee

- A. **Assurance of installation.** If required landscaping has not been installed prior to issuance of a final occupancy permit or a temporary occupancy, the property owner must provide a financial guarantee consistent with Article 5. The amount of the guarantee is 120 percent of the total cost of the required plant materials (i.e., materials and labor).
- B. **Assurance of longevity.** Prior to final occupancy, or temporary occupancy if allowed, a property owner must provide a financial guarantee consistent with Article 5 to ensure the required landscaping survives the first full growing season. The amount of the guarantee is 50 percent of the total cost of the required plant materials (i.e., materials and labor).

### 102. 2313 through 102.2339 Reserved

## DIVISION 2 BUFFERYARDS

### 102.2340 General description

A bufferyard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses.

### 102.2341 Applicability

- A. **Generally.** A buffer yard is required at the time of development along the side and rear lot lines of the lot being developed when it abuts another lot in a different zoning district and when the lot being developed was:
  - (1) created by a land division of any type approved after   , 2024,
  - (2) rezoned to another zoning classification after   , 2024.

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- B. **Conditional use.** As a condition of approving a conditional use, the Plan Commission may require that a bufferyard be incorporated into the project's overall design. The standard imposed reflects the degree of incompatibility between the adjoining use and the conditional use.
- C. **Dual responsibility.** When two adjoining parcels are vacant and they are located in different zoning districts, one half of the required bufferyard must be located on each parcel (i.e., one half of the required width and one half of the required plants).
- D. **Single responsibility.** When a vacant parcel adjoins a developed parcel and each are located in different zoning districts, the bufferyard must be located on the vacant parcel.

### 102.2342 General provisions

- A. **Relationship of fencing and plantings.** When a fence or berm is used in conjunction with plantings, one-half of the required number of landscape points must be planted between the fence or berm and the property line.
- B. **Use of bufferyard.** A bufferyard must be undeveloped, except that the zoning administrator may allow the following in a bufferyard:
  - (1) minor intrusions of an unpaved fire lane, <sup>[1]</sup>
  - (2) utility boxes and cabinets when necessary,
  - (3) a paved bicycle/pedestrian path or a paved sidewalk when necessary to allow for proper on-site and off-site pedestrian circulation,
  - (4) a paved vehicular access between the adjoining parcels provided it is located in the least intrusive location and is located generally perpendicular to the property boundary line,
  - (5) stormwater management facilities, and
  - (6) other structures and features deemed compatible by the administrator.

If a utility easement is located along the property boundary line where a bufferyard is also required, the width of the easement may be used to satisfy the width requirement of the bufferyard, in whole or in part, provided none of the required landscaping and/or fencing is located within the utility easement.

- C. **Multi-use developments and mixed use.** For multi-use developments on a single lot, the use nearest the property line determines the bufferyard requirement for that area. For mixed uses (two or more uses in the same structure), the higher intensity use is used to determine the bufferyard requirement.
- D. **Recording of easement.** The bufferyard must be shown on the face of the final plat or certified survey map (CSM) with the following narrative:
 

"The bufferyard(s) shown on the face of this [plat /certified survey map] was established to comply with Section 102.2342 of the Village of Mukwonago's zoning code in effect at the time of approval. A bufferyard may not be developed or used, except in conformance with Article 16 of the zoning code, and the property owner is responsible for maintaining a level of landscaping that meets the bufferyard requirements in effect at the time of filing of this [plat /certified survey map]. This bufferyard may only be removed by the Village of Mukwonago Plan Commission consistent with Article 16."
- E. **Longevity.** Bufferyards must be maintained in perpetuity. However, the Plan Commission may terminate a bufferyard when (1) the parcel containing the bufferyard is rezoned to the same zoning classification as the adjoining parcel or (2) when the adjoining parcel is rezoned to the same zoning classification as the parcel with the bufferyard. Such termination must reference the original document depicting the bufferyard and be recorded with the register of deeds for Waukesha/Walworth County.
- F. **Ownership.** When a bufferyard is required in a subdivision, it must be held in common by a homeowners association or incorporated into the adjoining lots.

Commentary: A number of products have been introduced in recent years that allow grass to grow in a plastic-type mesh that is capable of supporting a fire truck.



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**Exhibit 16-6. Standards for a bufferyard between different zoning districts**

Other zoning district	Zoning district allowing the greatest intensity or density													
	R-1	R-2	R-3A	R-3B	R-5	R-10	R-15	B-1	B-6	B-7	B-8	M-1	M-2	M-4
R-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
R-2		-	-	-	-	A	A	A	B	C	C	C	C	D
R-3A			-	-	-	A	A	A	B	C	C	C	C	D
R-3B				-	-	A	A	A	B	C	C	C	C	D
R-5					-	A	A	A	B	C	C	C	C	D
R-10						-	A	A	B	B	C	C	C	D
R-15							-	A	B	B	C	C	C	D
B-1								-	-	-	A	B	C	
B-6									-	-	A	B	C	
B-7										-	-	B	C	
B-8											-	B	C	
M-1												-	-	
M-2													-	
M-4														-

**Zoning Districts**

R-1	Single-Family Medium Lot
R-2	Single-Family Historical Lot
R-3A	Single-Family Small Lot
R-3B	Single-Family Small Lot
R-5	Low Density Multi-Family
R-10	Medium Density Multi-Family
R-15	High Density Multi-Family
B-1	Neighborhood Business
B-6	General Business
B-7	Planned Business Center
B-8	Planned Business Center, Satellite Lots
M-1	Limited Industrial
M-2	Light Industrial
M-4	General Industrial

**Notes:**

1. A dash "-" means that a bufferyard is not required.
2. For A, B, C, and D see Exhibit 16-8 for the width of the bufferyard and related landscaping requirements.

**102.2343 Determination of required bufferyard**

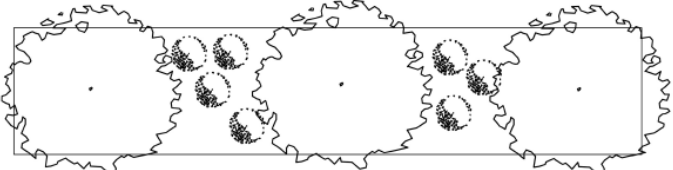
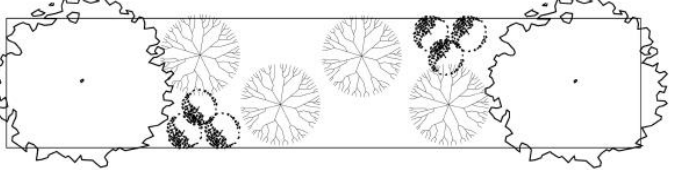

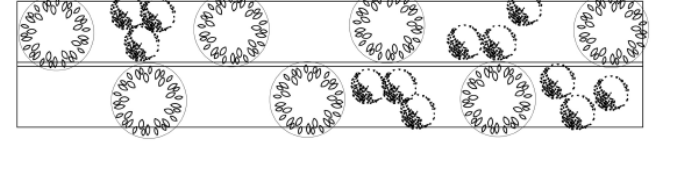
The determination of a bufferyard requirement is a two-step process as follows:

**Step One – Identification of required bufferyard standard.** The required bufferyard standard is determined using Exhibit 16-6. First determine which of the two zoning districts allows the most intense development. Next, find that zoning designation at the top of the table and then move down the column to the cell where the zoning designation of the other district intersects. If a bufferyard is required, a letter will be shown in that cell. If the parcel being developed adjoins land in the town, that municipality's zoning classification that most closely corresponds to the Village's zoning classification is used to determine bufferyard requirements.

**Step Two – Identification of detailed bufferyard requirements.** In the next step, the developer chooses how the required standard will be met. For each standard, a variety of width, landscaping point, berm, and fence combinations are possible as listed in Exhibit 16-7. The requirements must be provided for each 100 feet or fraction thereof. Different landscaping point options may be used along the length of a bufferyard, provided no such segment is less than 100 feet.

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**Exhibit 16-7. Detailed bufferyard requirements**

A	Width	Points per 100 feet	Required fence or berm [1]	Example schematic [2]	
A-1	8'	150	Fence [3,4,5]	A-4	
A-2	10'	200	-		
A-3	15'	150	-		
A-4	20'	125	-		
B					
B-1	15'	100	Fence [3,4,5]	B-3	
B-2	15'	300	-		
B-3	20'	200	-		
B-4	25'	150	-		
B-5	30'	125	-		
C					
C-1	15'	100	Fence [3,4,5]	C-3	
C-2	15'	350	-		
C-3	20'	250	-		
C-4	25'	200	-		
C-5	30'	175	-		
C-6	30'	125	4' berm		
D					
D-1	20'	200	Fence [3,4,5]	D-1	
D-2	25'	325	-		
D-3	30'	275	-		
D-4	35'	250	-		
D-5	40'	200	-		
D-6	40'	150	4' berm		

**Notes:**

1. A dash "-" means not applicable
2. All schematics are intended to be illustrative.
3. Maximum height allowed controlled by Article 15.
4. When a fence is used, at least 50 percent of the required plant materials must be located on the exterior side (the side away from the center of the subject property) of the fence. If at the time of development, there is a fence on the adjoining property, this planting requirement does not apply.
5. When a fence is used to enclose an activity or storage area, a fence may not be used in the bufferyard.

**102.2344 through 102.2359      Reserved**

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## DIVISION 3 LANDSCAPING

### 102.2360 Applicability

The provisions of this division apply to the following:

- (1) construction of a principal building, except for single-family and two-family residences and agricultural buildings;
- (2) expansion of a principal building that is subject to this division by 500 square feet or more; and
- (3) expansion of a parking area.

### 102.2361 Street frontage landscape requirements

- A. **Minimum amount required.** A minimum of 60 landscape points must be provided along a public street right-of-way on a prorated basis for every 100 linear feet of frontage.
- B. **Placement on lot.** Plants required by this section must be located within 10 feet of the public right-of-way. In no instance may such landscaping be located within a public right-of-way.
- C. **Use of various plant types.** Only tall, medium, and low trees may be used for street frontage plantings. The following trees may not be used as street trees because of undesirable traits (e.g., weak wood, form, fruit/nut litter):
  - (1) silver maple,
  - (2) box elder,
  - (3) butternut,
  - (4) black walnut, and
  - (5) any other tree so designated by the zoning administrator.

A minimum of 50 percent of the required landscape points must be devoted to tall deciduous trees and a minimum of 30 percent of the points must be devoted to medium deciduous trees.

### 102.2362 Building foundation landscape requirements

- A. **Minimum amount required.** A minimum of 40 landscape points must be provided on a prorated basis for every 100 feet of building foundation perimeter. For example, a building with a perimeter of 180 feet must provide a minimum of 72 landscape points  $((180/100)*40)=72$ .
- B. **Placement on lot.** Plants required by this section must be placed so that, at maturity, the dripline of each plant is generally located within 10 feet of the building foundation. As a general rule, plants must be distributed around the entire perimeter of the building. Such landscaping must not be located in those areas required for landscaping as street frontages or parking areas.
- C. **Use of various plant types.** Tall and medium trees may not be used to meet building foundation landscape requirements. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances, such as ground-mounted HVAC units and utility boxes.
- D. **Anticipated future development.** Where an approved site plan depicts a future building extension, the foundation landscaping requirement is calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements

Exhibit 16-8. Typical foundation planting





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which are not met through the initial planting, then such requirement must be met within 5 years of building permit issuance, or as extended in writing by the zoning administrator.

### 102.2363 Parking lot landscape requirements

- A. **Minimum amount required.** A minimum of 100 landscape points must be provided on a prorated basis for every 10,000 square feet of paved area. For example, a minimum of 303 landscape points are required within a parking area consisting of 25,200 square feet (approximately 63 stalls) as follows:  $((25,200/10,000) \times 100)=252$ .
- B. **Use of various plant types.** A minimum of 60 percent of all landscape points must be devoted to tall trees and a minimum of 20 percent of all points must be devoted to shrubs.
- C. **Placement within a landscaped area.** A minimum of 325 square feet of landscaped area must be located within the perimeter of the paved area for the placement of every 100 landscape points, or fraction thereof.
- D. **Bioretention areas.** Bioretention areas that are used to treat stormwater runoff from parking areas should be integrated into landscape areas as may be required in this section.

### 102.2364 Lot interior landscape requirements

Interior landscaping is not required. However, if it is not possible to install some of the landscaping required in this division, those points may be installed as interior landscaping.

### 102.2365 Parking lot screening

- A. **Applicability.** Off-street parking areas with 4 or more parking space must provide screening as described in this section when the lot is within 25 feet of a public street or 25 feet of a side or rear lot line abutting a residential property. This requirement also applies to existing parking areas that are expanded or substantially reconfigured.
- B. **Minimum standards.** The property owner may select one of the options in Exhibit 16-9 for each of the sides of a parking area where screening is required.

Exhibit 16-9. Minimum screening options

Width of landscape area	Required Fencing	Perennials and Ornamental Grasses	Ornamental Trees and Shrubs
<b>Option A</b> – 2 feet	Decorative masonry wall, 32 to 38 inches above grade	1 landscape point per 2 feet of frontage placed between the fence and the street / lot line	None required
<b>Option B</b> – 5 feet	Decorative metal fence with masonry piers, 32 to 38 inches above grade	1 landscape point per 3 feet of frontage placed between the fence and the street / lot line	2 landscape points per foot of frontage with 60 percent of the points placed between the fence and the street / lot line
<b>Option C</b> – 8 feet	Decorative metal fence, 32 to 38 inches above grade	2 landscape points per foot of frontage placed between the fence and the street / lot line	4 landscape points per foot of frontage with 60 percent of the points placed between the fence and the street / lot line
<b>Option D</b> – 10 feet	Decorative metal fencing is optional	4 landscape points per foot of frontage placed between the fence and the street / lot line	6 landscape points per foot of frontage

**Notes:**

See § 102-2305 that describes minimum planting sizes

Existing trees, shrubs and other natural vegetation located in the landscape area may be used to satisfy the planting requirements.

**102.2366 through 102.2399      Reserved**

## ARTICLE 18 OUTDOOR LIGHTING

### 102.2500 Legislative findings

The Village Board makes the following legislative findings relating to outdoor lighting:

- (1) Light pollution would detract from the character of the Village of Mukwonago.
- (2) Excessive lighting wastes energy.
- (3) Glare from nonvehicular light sources can pose a threat to the safety of drivers and pedestrians.
- (4) Light trespass can intrude on the enjoyment of private property.
- (5) The regulations in this chapter relating to outdoor lighting are intended to provide nighttime safety, utility, security, and productivity.
- (6) Regulations in this chapter relating to outdoor lighting are adopted to promote the public health, safety, and general welfare of village residents.

### 102.2501 Compliance

All outdoor lighting, except lighting that is specifically exempted in § 102.2502, must comply with this article as applicable and all applicable building and electrical codes. If any project increases the number of existing luminaires on a property by 25 percent or more, all existing luminaires on such property must be made to comply with this article or be removed.

### 102.2502 Exemptions

The following types of outdoor lighting are exempt from this article:

- (1) Street lights and other lighting located within a public right-of-way.
- (2) Emergency lighting when used by police, firefighters, medical personnel, public works, and other responders for the duration of the emergency situation.
- (3) The lighting of flags of the United States, State of Wisconsin, Village of Mukwonago, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such lighting does not trespass onto another property.
- (4) Holiday lighting.
- (5) Lighting on towers when required by a regulating authority.
- (6) Airport lighting when required by a regulating authority.
- (7) Underwater lighting used for the illumination of swimming pools and fountains.

### 102.2503 General requirements

- A. **Overhead lines prohibited.** Electrical feeds for outdoor lighting must be run underground, not overhead.
- B. **Mercury vapor fixtures.** Mercury vapor lighting fixtures are specifically prohibited.
- C. **Parking lot lights.** A lighting standard in a parking area must be placed (1) at least 3 feet outside of the paved area, (2) within a landscape island, (3) on a concrete pedestal that is at least 24 inches but not more than 36 inches high above the pavement, or (4) protected by other means as may be approved by the Plan Commission or zoning administrator.
- D. **Canopy lights.** Canopy lights for a vehicle fuel station must be recessed or shielded so that no light source is visible from or causes glare on a public right-of-way or adjacent property.

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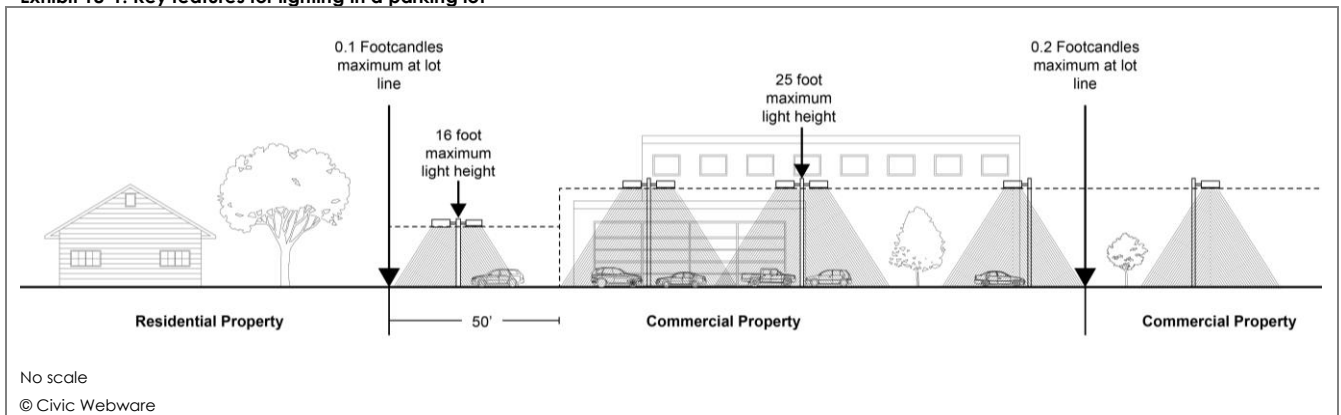
- E. **Lighting in bufferyards.** Light poles must not be placed within a required bufferyard, except for pedestrian lighting along a sidewalk or other pedestrian way.
- F. **Specific standards.** Outdoor lighting must be designed to comply with the standards in Table 18-1. Key features of a parking lot are depicted in Exhibit 18-1.

**Table 18-1. Specific lighting requirements**

	<b>Multi-family (3 or more dwelling units)</b>	<b>Commercial, industrial, and institutional</b>	<b>Athletic fields and public outdoor venues</b>
<b>Fixture type [1]</b>	1,000 lumens or less – no limitation  More than 1,000 lumens – cutoff or shielded	1,000 lumens or less – no limitation  More than 1,000 lumens – cutoff or shielded	No limitation
<b>Light trespass [2, 3]</b>	The intensity of illumination projected onto a residential property may not exceed 0.1 footcandle and 0.2 footcandles onto another commercial, industrial, or institutional use.	The intensity of illumination projected onto a residential property may not exceed 0.1 footcandle and 0.2 footcandles onto another commercial, industrial, or institutional use.	The intensity of illumination projected onto a residential property may not exceed 0.1 footcandle and 0.5 footcandles on a commercial, industrial, or institutional use
<b>Maximum height of freestanding luminaire [4]</b>	Parking lots – 25 feet or 16 feet if located within 50 feet of a residential zoning district  Pedestrian lighting – 12 feet	Parking lots – 25 feet or 16 feet if located within 50 feet of a residential zoning district (Exhibit 18-1)  Pedestrian lighting – 12 feet	No limitation
<b>Minimum lighting levels</b>	NA	0.2 footcandles for parking lots, loading areas, and similar use areas	NA
<b>Light curfew</b>	None	On-site lighting levels in parking lots reduced by at least 50 percent by 10:00 pm or 45 minutes after the close of business for the day, whichever is later.	Lights to be turned off no later than 1 hour after the end of the event

**Notes:**

- See § 102.2504 for special provisions for security lighting.
- Stated levels are above ambient lighting conditions on a cloudless night.
- The Plan Commission may exercise discretion in regard to light trespass onto a public right-of-way if it is determined to be beneficial to safe lighting conditions of adjacent sidewalks or other public areas.
- The height of a freestanding luminaire is measured from the ground directly below the center line of the luminaire to the lowest part of the luminaire that emits light.
- The maximum height is based on the proximity of the luminaire to the adjoining property boundary line.
- For lamp types that vary in their output as they age (e.g., high-pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.

**Exhibit 18-1. Key features for lighting in a parking lot**

**102.2504 Special provisions for security lights**

Security lights are permitted provided:

- (1) the luminaire is top-shielded or located below an eave;
- (2) the lamp is rated less than 2,000 lumens;<sup>[1]</sup>
- (3) lights are directed so as to limit direct glare onto adjacent properties;
- (4) light switching is automated (e.g., motion sensor); and
- (5) when the lamp is activated, the illumination level at a distance of 25 feet does not exceed 0.5 footcandles.

**Editorial notes:**

[1] Examples of lamp types of less than 2,000 lumens include a 100-watt standard incandescent, a 15-watt cool fluorescent, a 15-watt compact fluorescent, and an 18-watt low pressure sodium lamp.

**102.2505 Lighting plan**

- A. **General.** At the time any exterior light is installed or substantially modified, and whenever a development-related application is made a lighting plan must be submitted for review and approval consistent with the requirements for a site plan set forth in Article 5.
- B. **Content.** A lighting plan must include the following:
  - (1) A description of all existing and proposed luminaires, including name of manufacturer, product number, lamp type, mounting height, and lumen output. This may include manufacturer's catalog cut sheets.
  - (2) A photometric plan indicating the location of all existing and proposed luminaires, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
  - (3) Other information the zoning administrator deems necessary to ensure compliance with this article.
- C. **Amendment of an approved lighting plan.** The zoning administrator may upon petition approve an amendment to an approved lighting plan based on a finding that the amendment is minor and otherwise complies with the requirements of this article in effect at the time. Any proposed amendment that the zoning administrator determines to be substantial, requires a new approval and all procedures and requirements in place at the time must be followed.

**102.2506 through 102.2599      Reserved**

## ARTICLE 20 ENFORCEMENT

### 102.2700 Authority for enforcement

The Village has the authority under § 62.23 (7)(f), Wis. Stats., to enforce the provisions of this chapter and establish penalties.

### 102.2701 Actions constituting a violation

Each action that is not in full compliance with this chapter and/or with a condition or requirement of an approval issued pursuant to this chapter constitutes a separate and distinct violation. Each day that a violation continues is considered a separate offense.

### 102.2702 General procedure

- A. **General steps.** After observing or receiving a complaint of an alleged violation, the zoning administrator shall investigate to determine if a violation does exist. If the property owner does not allow the zoning administrator the right to enter the subject property for the purpose of determining whether a violation exists or not, he or she may request a special inspection warrant from the court pursuant to § 66.0119, Wis. Stats. If the zoning administrator determines that a violation does not exist, he or she shall notify the complainant and the property owner explaining his or her determination.

If the administrator determines that a violation does exist and the violation does not constitute an immediate threat to public health, safety, or welfare, the general steps listed below shall be followed.

- (1) **Notification of violation.** The zoning administrator shall send a violation notice, as described in this article, to the property owner by regular mail and certified mail.
- (2) **Stop work order.** If the violation involves construction and/or any land-disturbing activity, the zoning administrator shall prepare a stop work order and send a copy of the order to the property owner by regular mail. The stop work order shall be posted on the property in a prominent location.
- (3) **Issuance of a citation.** If the property owner does not bring the property into compliance as set forth in the notice and the property owner has not obtained an extension, the zoning administrator or other authorized agent employed by the Village shall send a citation to the property owner consistent the municipal code.

If the violation is an immediate threat to the public health, and/or safety, the Village may pursue all remedies, penalties, and enforcement powers available under this article and state law without any prior notice as described in this section. If a stop work order is issued and work continues in violation of that order, the Village may then pursue all remedies, penalties, and enforcement powers available under this article and state law without any prior notice as described in this section.

- B. **Extension to compliance period.** Upon request, the zoning administrator may grant an extension to the compliance period if the property owner has demonstrated a good faith effort to comply and additional time is needed because of the weather and practical difficulties in meeting the timeline. Any forbearance on the part of the zoning administrator in this regard shall not be construed as waiving any provision of this chapter.
- C. **Stay of enforcement proceedings.** If the property owner submits an administrative appeal application or variance application to the Village consistent with the procedures and requirements set forth in Article 5 and the appeal or variance relates specifically to the enforcement action, all legal proceedings relating to the enforcement action may be stayed, unless the zoning administrator certifies to the Zoning Board of Appeals that such stay in his or her opinion, would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.<sup>[1]</sup>
- D. **Reoccurring violation.** If the zoning administrator determines that the property owner has violated this chapter a second time for the same offense within 12 months of bringing the property into compliance, the

zoning administrator or other authorized agent employed by the Village shall send a citation to the property owner consistent with the procedures and requirements set forth in the municipal code.

**Editorial notes:**

[1] See § 62.23 (7)(e)5, Wis. Stats.

### **102.2703 Violation notice**

- A. **Content.** A violation notice shall include the following:
- (1) a description of the violation,
  - (2) the section(s) of this chapter being violated,
  - (3) a statement describing the measures that would remedy the violation,
  - (4) a statement that the property owner has 30 days from the date of the violation notice to comply (or 15 days for the second notice),
  - (5) information about how the property owner may request an extension to the compliance period,
  - (6) information about the appeal process, and
  - (7) information concerning penalties for continued non-compliance.
- B. **Effect of violation notice.** Once a violation notice has been issued all construction or any land development activity related to the violation, except that which is done to ensure compliance, shall cease. In addition, if a property remains in violation the Village shall not issue any other permits or approvals for any development on the premises.

### **102.2704 Stop work order**

- A. **Content.** A stop work order shall state the section of this chapter that is being violated, the name of an individual who should be contacted along with his or her work telephone number, a statement that all work on the premises must cease immediately until the zoning administrator rescinds the stop work order, and that removal of the stop work order constitutes a violation of this chapter.
- B. **Effect of stop work order.** Once a stop work order has been issued pursuant to this article all work on the property shall cease until such time as it is lifted by the zoning administrator.
- C. **Unauthorized removal of stop work order.** No person, other than the zoning administrator, shall remove a stop work order from the location it was posted. The removal of a stop work order by a person without authority to do so constitutes a violation of this chapter.

### **102.2705 Other remedies**

The Village or any aggrieved person may seek an injunction, restraining order, or other equitable relief in court to stop any violation of this chapter and/or an order requiring the property owner to restore the property to the condition that existed prior to the violation.

### **102.2706 Continuation**

Nothing in this chapter shall prohibit the continuation of previous enforcement actions undertaken by the Village pursuant to previous and valid ordinances and laws.

### **102.2707 Penalties**

Any person that violates this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and any costs of prosecution for each violation.

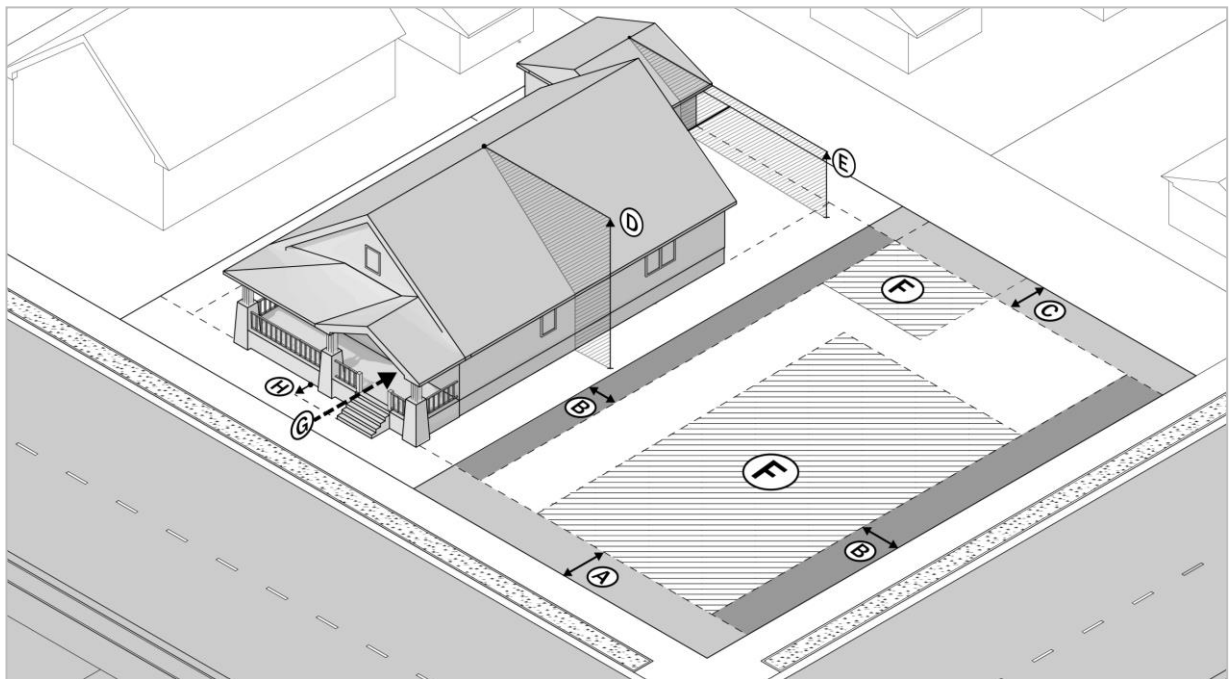
## Appendix D Building Type Illustrations

### Single-Family Dwelling

Building Setbacks	Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum amount set by zoning district in Appendix C
Accessory building	E	Maximum amount set by zoning district in Appendix C
Coverage		
Building coverage, principal	F	Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F	Maximum amount set by zoning district in Appendix C
Building Elements		
Entrance to dwelling unit	G	The front entrance to the building must face the street.
Allowable projections in a required setback area	H	Various building features may extend into required setback areas as specified in § 102.____.
Garage	-	A two-car garage containing at least 400 square feet must be built at the same time the dwelling unit is being constructed. Such garage may be attached or detached.
Roof	-	The roof must have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
Materials	-	The roof must be covered with slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Exterior wall surfaces must be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. The Plan Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this part.
Foundation	-	The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
Living area	-	Minimum amount set by zoning district in Appendix C
Driveways and Parking		
Distance between driveway and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C

#### Notes:

- Also see Appendix B for any supplemental requirements related to this specific building type.



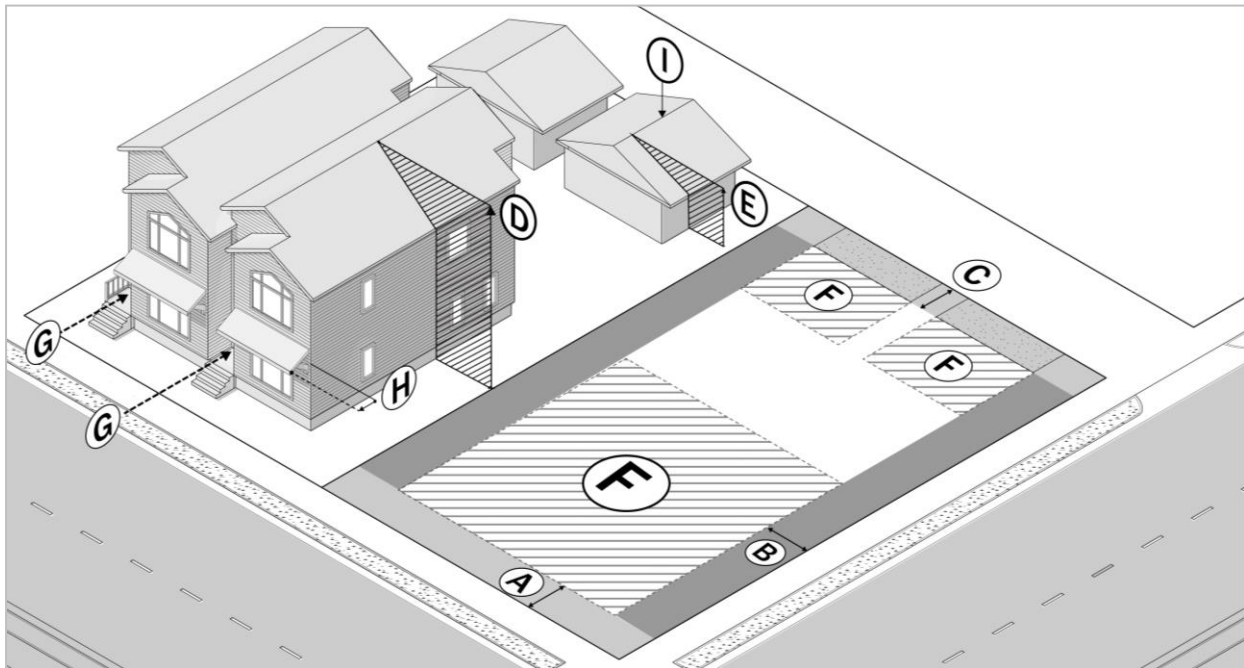


**Two-Family Dwelling**

<b>Building Setbacks</b>		<b>Illustration Symbol</b>	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
<b>Building Height</b>			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory building	E		Maximum height set by zoning district in Appendix C
<b>Coverage</b>			
Building coverage, principal	F		Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F		Maximum amount set by zoning district in Appendix C
<b>Building Elements</b>			
Entrance to dwelling unit	G		The front entrance to the building must face the street. If the building consists of two or more floors, the entrance to the second floor must be integral to the building's design. An exterior staircase is not acceptable.
Allowable projections in a required setback area	H		Various building features may extend into required setback areas as specified in § 102.102.
Garage	I		A two-car garage containing at least 400 square feet must be built for each unit at the same time the dwelling units are being constructed. Such garage may be attached or detached.
Roof	-		The roof must have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
Materials	-		The roof must be covered with slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Exterior wall surfaces must be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. The Plan Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this part.
Foundation	-		The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
<b>Driveways and Parking</b>			
Distance between driveway and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C

**Notes:**

- Also see Appendix B for any supplemental requirements related to this specific building type.

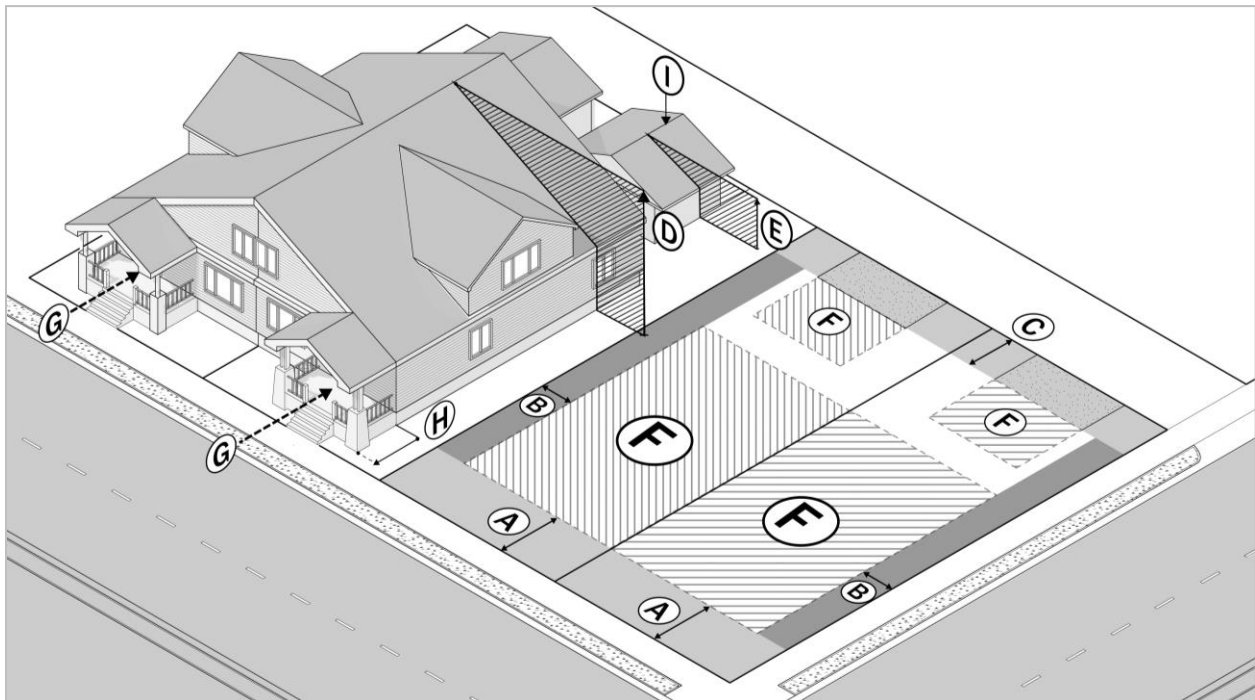


**Twin Home**

<b>Building Setbacks</b>		<b>Illustration Symbol</b>	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
<b>Building Height</b>			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory building	E		Maximum height set by zoning district in Appendix C
<b>Coverage</b>			
Building coverage, principal	F		Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F		Maximum amount set by zoning district in Appendix C
<b>Building Elements</b>			
Entrance to dwelling unit	G		The front entrance to the building must face the street.
Allowable projections in a required setback area	H		Various building features may extend into required setback areas as specified in § 102.102.
Garage	-		A two-car garage containing at least 400 square feet must be built at the same time the dwelling unit is being constructed. Such garage may be attached or detached.
Roof	-		The roof must have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
Materials	-		The roof must be covered with slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Exterior wall surfaces must be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. The Plan Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this part.
Foundation	-		The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
<b>Driveways and Parking</b>			
Distance between driveway and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C

**Notes:**

- Also see Appendix B for any supplemental requirements related to this specific building type.

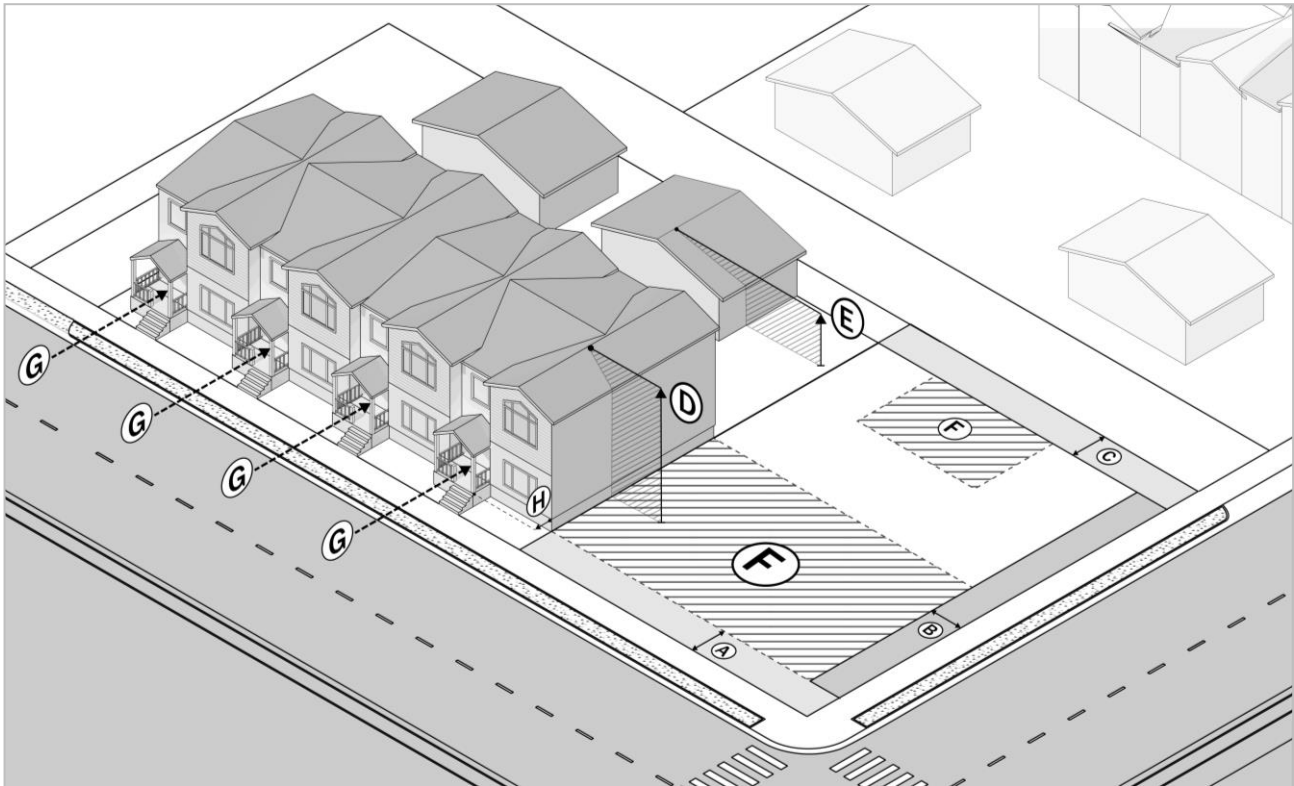


**Townhouse**

Building Setbacks	Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Accessory building	E	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage, principal	F	Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F	Maximum amount set by zoning district in Appendix C
Building Elements		
Entrance to dwelling unit	G	The front entrance to each dwelling unit must face the street or a courtyard of sufficient size. Such entrances must be accentuated by a porch or other architectural feature.
Allowable projections in a required setback area	H	Various building features may extend into required setback areas as specified in § 102. <span style="background-color: yellow;"> </span>
Garage	-	A two-car garage containing at least 400 square feet must be built for each dwelling unit at the same time the townhouse is being constructed. Such garage may be attached or detached.
Vertical off-sets	-	When a building includes 5 or more dwelling units, there must be a vertical offset of at least 2 feet between each adjoining dwelling unit.
Driveways and Parking		
Distance between driveway and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C

## Notes:

1. Also see Appendix B for any supplemental requirements related to this specific building type.
2. Also see Article 7 for general site design principles and architectural standards that may apply.

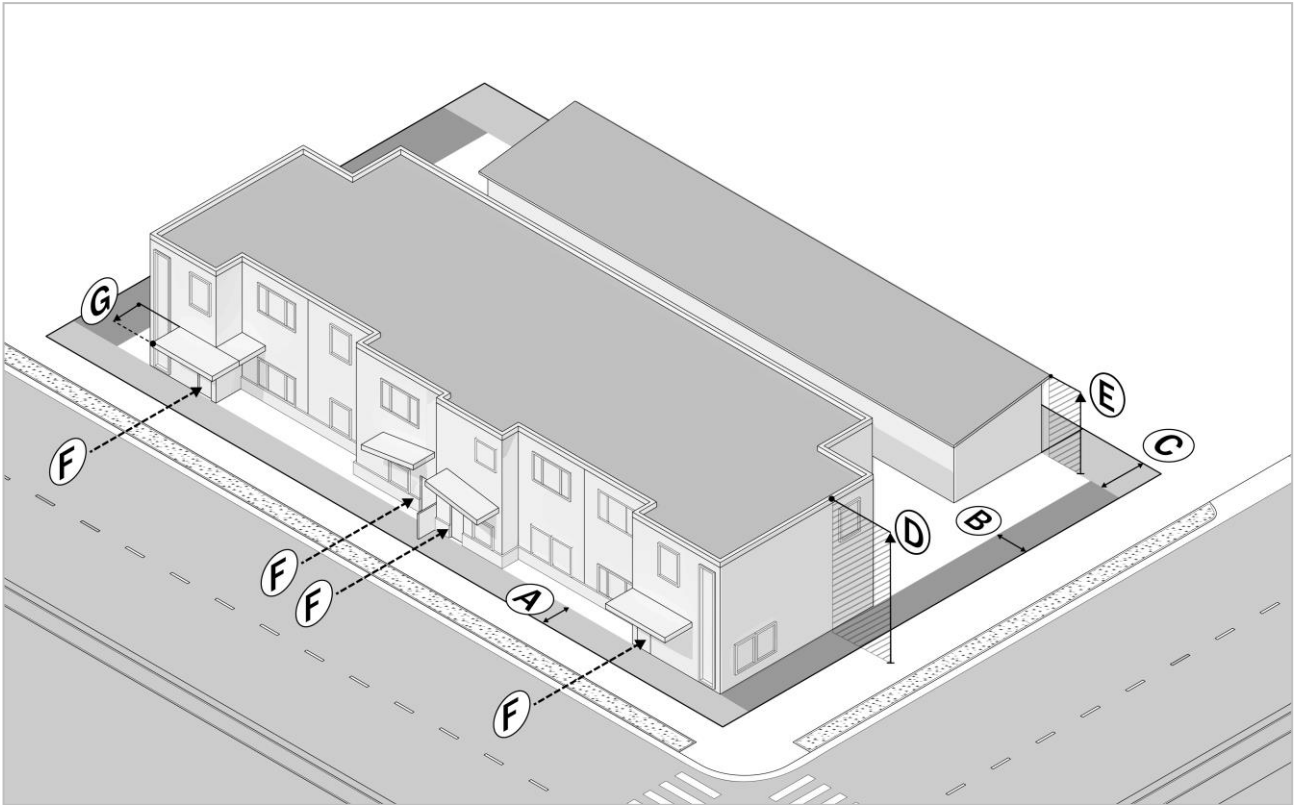


Multi-Family

Building Setbacks	Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Accessory buildings	E	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage	-	Maximum amount set by zoning district in Appendix C
Impervious surface	-	Maximum amount set by zoning district in Appendix C
Building Elements		
Entrance to dwelling unit	F	The front entrance to each dwelling unit must face the street or a courtyard of sufficient size. Such entrances must be accentuated by a porch or other architectural feature.
Allowable projections in a required setback area	G	Various building features may extend into required setback areas as specified in § 102. <span style="background-color: yellow;"> </span>
Driveways and Parking		
Distance between driveway and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C
Other		
FHA compliance	-	The developer is responsible for complying with all applicable standards in the Fair Housing Act, including accessibility requirements.

Notes:

- 1. Also see Appendix B for any supplemental requirements related to this specific building type.
- 2. Also see Article 7 for general site design principles and architectural standards that may apply.

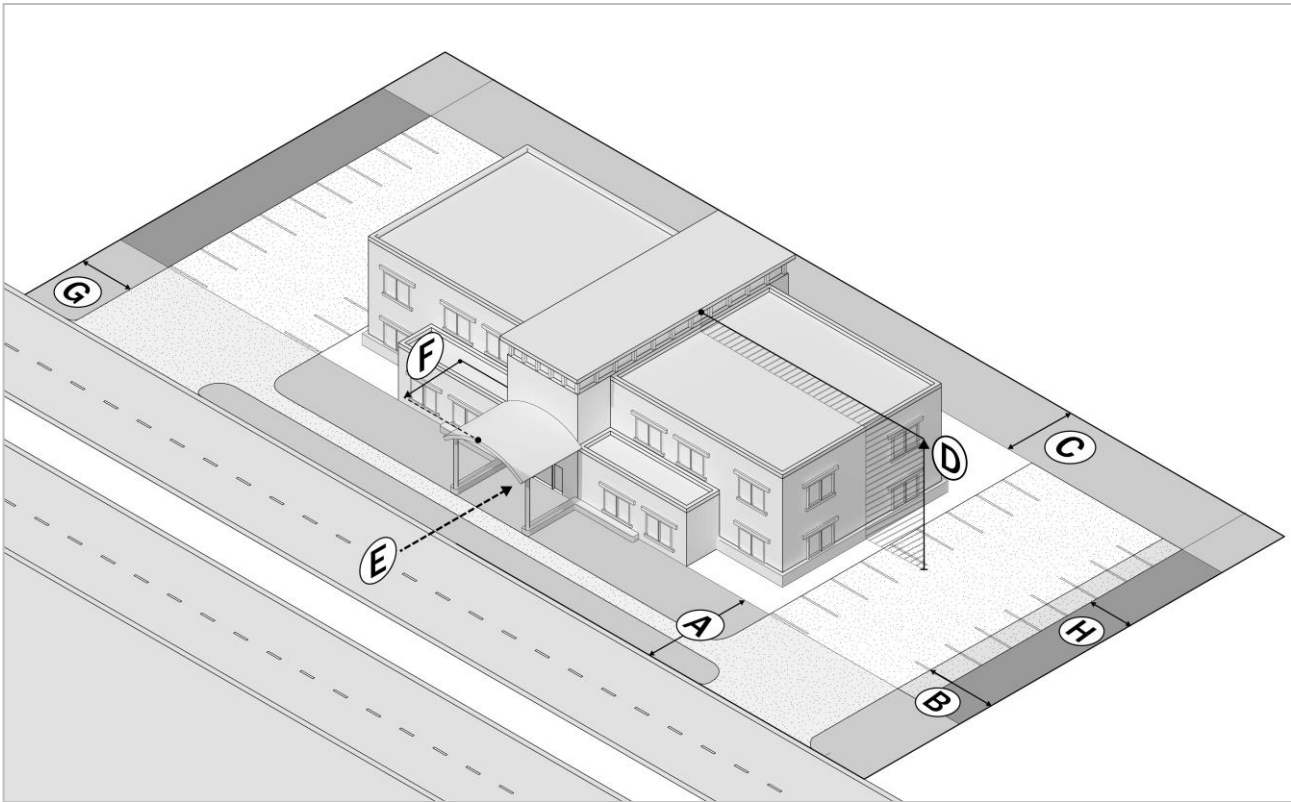


**Institutional**

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory buildings	-		Maximum height set by zoning district in Appendix C
Coverage			
Building coverage	-		Maximum amount set by zoning district in Appendix C
Impervious surface	-		Maximum amount set by zoning district in Appendix C
Building Elements			
Entrance to building	E		The front entrance must face the street or a courtyard of sufficient size. Such entrances must be accentuated by an architectural feature.
Allowable projections in a required setback area	F		Various building features may extend into required setback areas as specified in § 102. <span style="background-color: yellow;"> </span>
Driveways and Parking			
Distance between driveway and adjoining property boundary line	G		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	H		Minimum distance set by zoning district in Appendix C

Notes:

- 1. Also see Article 7 for general site design principles and architectural standards that may apply.



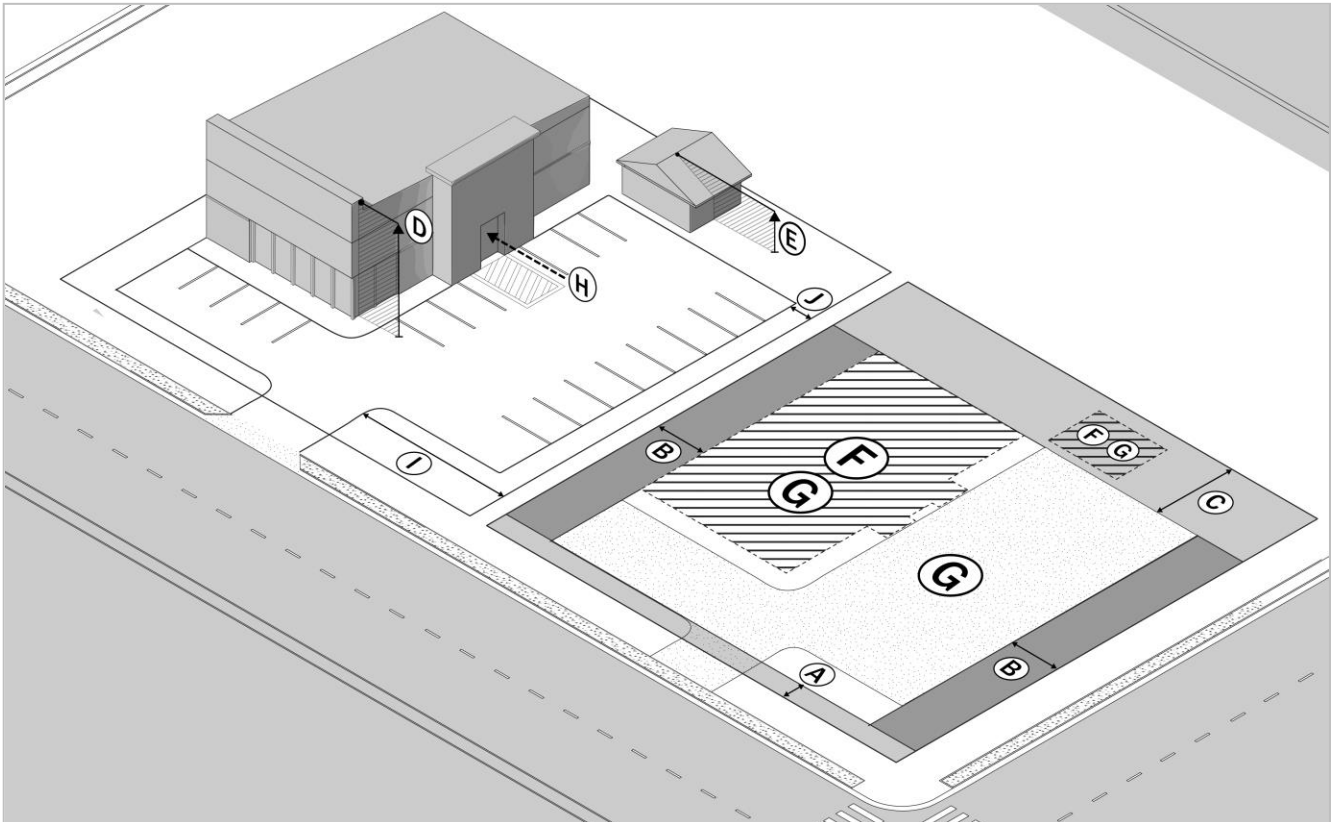


## Commercial

Building Setbacks		Illustration Symbol
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Accessory buildings	E	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage	F	Maximum amount set by zoning district in Appendix C
Impervious surface	G	Maximum amount set by zoning district in Appendix C
Building Elements		
Entrance to building	H	If the front entrance of the building faces the parking area on the side, the building facade facing the street must incorporate windows and architectural features. The front entrance must be accentuated by an architectural feature.
Allowable projections in a required setback area	-	Various building features may extend into required setback areas as specified in § 102.102.
Driveways and Parking		
Distance between driveway and adjoining property boundary line	I	Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	J	Minimum distance set by zoning district in Appendix C

### Notes:

- Also see Article 7 for general site design principles and architectural standards that may apply.

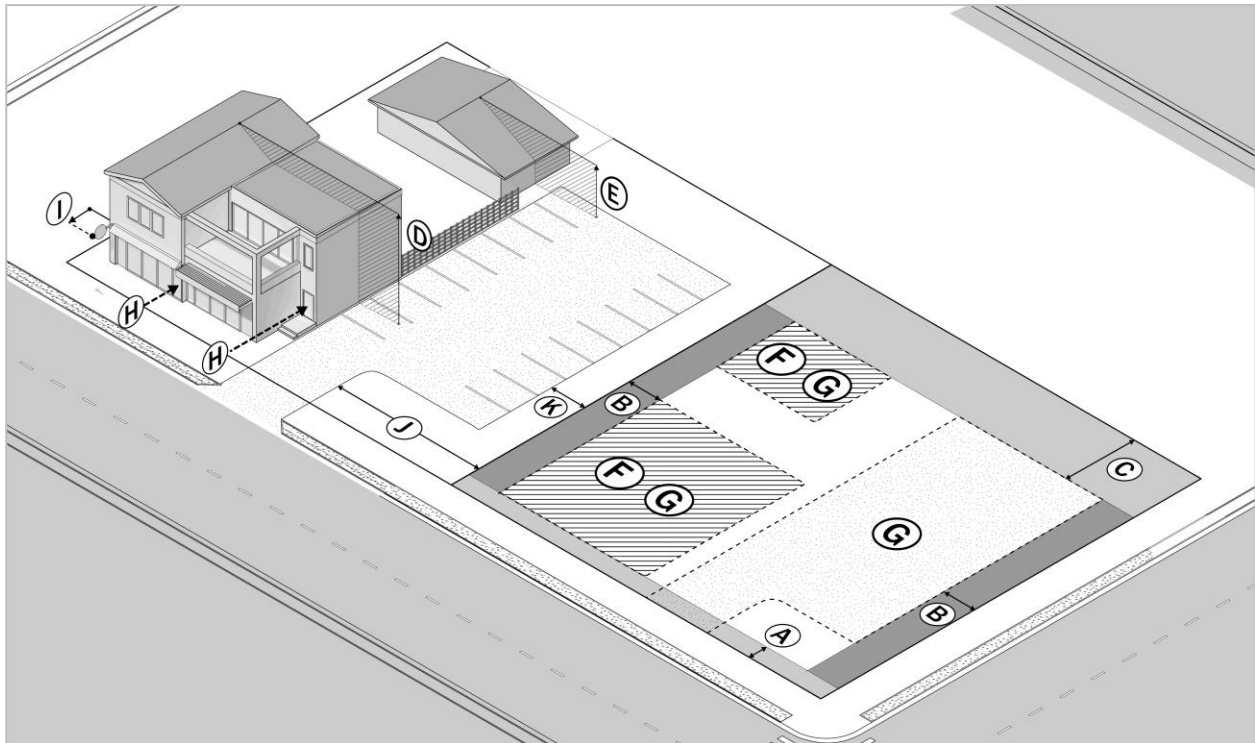


**Work/live (needed?)**

Building Setbacks		Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C	
Side yard setback	B	Minimum distance set by zoning district in Appendix C	
Rear yard setback	C	Minimum distance set by zoning district in Appendix C	
Building Height			
Principal building	D	Maximum height set by zoning district in Appendix C	
Accessory buildings	E	Maximum height set by zoning district in Appendix C	
Coverage			
Building coverage	F	Maximum amount set by zoning district in Appendix C	
Impervious surface	G	Maximum amount set by zoning district in Appendix C	
Building Elements			
Entrance to building	H	The front entrance of the business must face the street or a courtyard of sufficient size. Such entrances must be accentuated by an architectural feature. The entrance to the dwelling area may be located in the side or back of the building.	
Allowable projections in a required setback area	I	Various building features may extend into required setback areas as specified in § 102.____.	
Garage	-	When located in a business zoning district, except the B-1 district, a two-car garage containing at least 400 square feet must be built for each dwelling unit at the same time the work/live project is being constructed. Such garage may be attached or detached.	
Vertical off-sets	-	When a building includes 5 or more units, there must be a vertical offset of at least 2 feet between each adjoining unit.	
Driveways and Parking			
Distance between driveway and adjoining property boundary line	J	Minimum distance set by zoning district in Appendix C	
Distance between parking lot and adjoining property boundary line	K	Minimum distance set by zoning district in Appendix C	

## Notes:

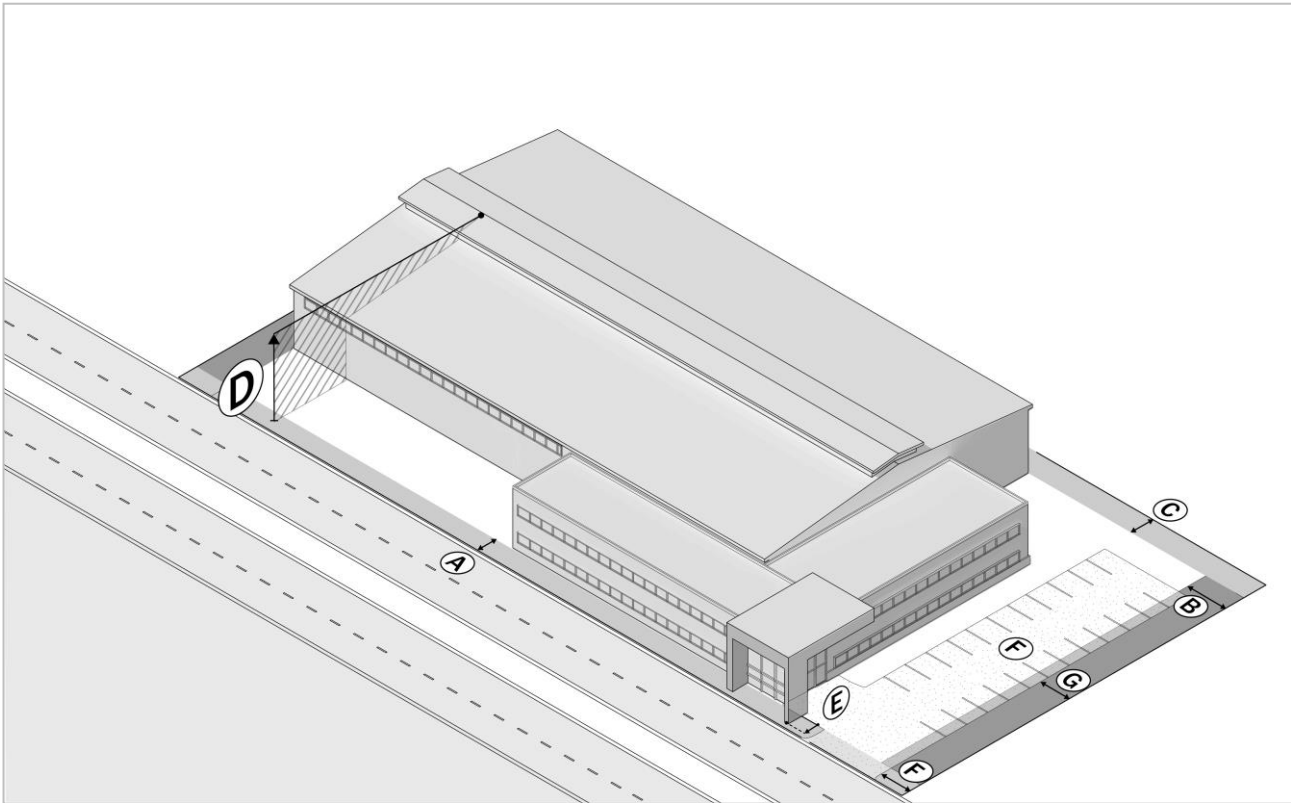
1. Also see Appendix B for any supplemental requirements related to this specific building type.
2. Also see Article 7 for general site design principles and architectural standards that may apply.



Industrial

Building Setbacks	Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Accessory buildings	-	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage	-	Maximum amount set by zoning district in Appendix C
Impervious surface	-	Maximum amount set by zoning district in Appendix C
Building Elements		
Allowable projections in a required setback area	E	Various building features may extend into required setback areas as specified in § 102.102.
Driveways and Parking		
Distance between driveway and adjoining property boundary line	F	Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	G	Minimum distance set by zoning district in Appendix C

- Notes:
- Also see Article 7 for general site design principles and architectural standards that may apply.



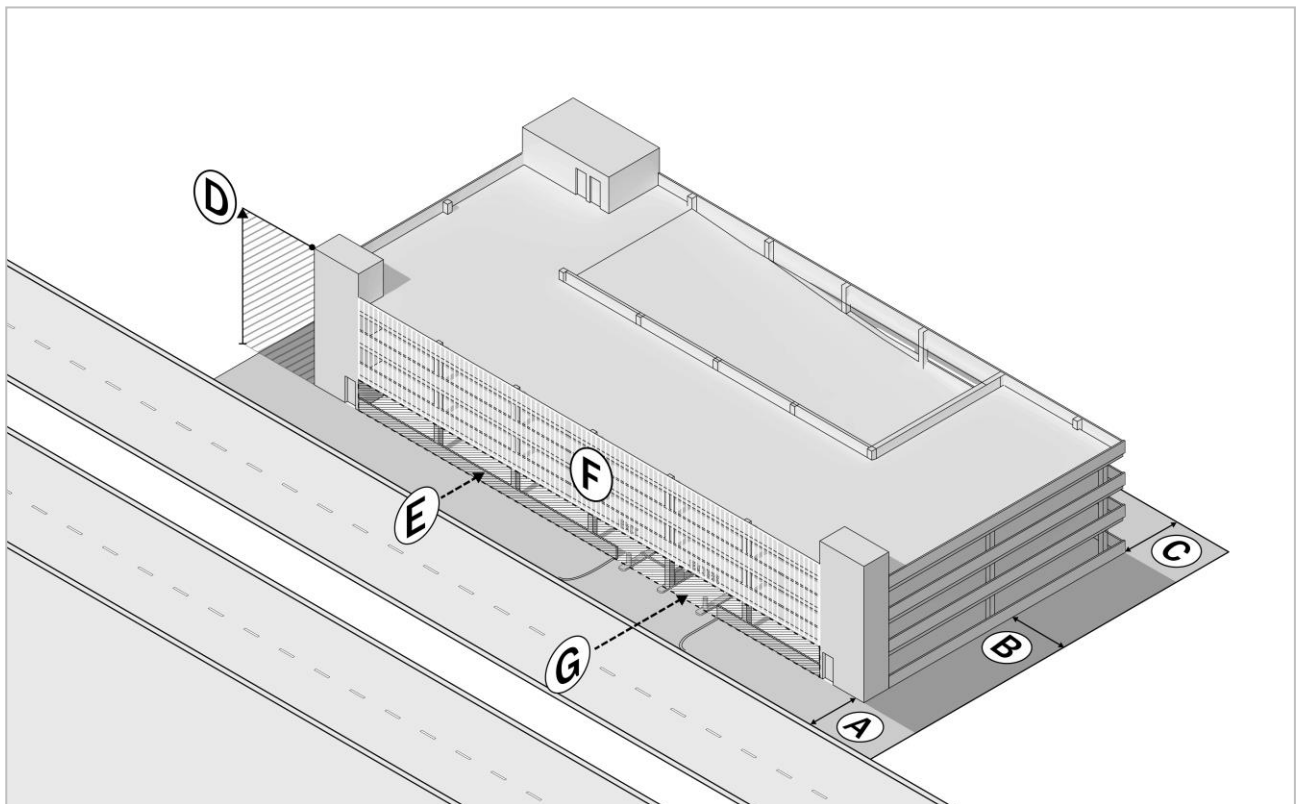


## Parking Structure

Building Setbacks	Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage	-	Maximum amount set by zoning district in Appendix C
Impervious surface	-	Maximum amount set by zoning district in Appendix C
Building Elements		
Integration of liner businesses and similar uses at street level	E	The Plan Commission may require liner businesses and/or other similar businesses along major streets when necessary to continue the pedestrian feel. The minimum width of such units is 16 feet.
Upper floor treatments	F	The Plan Commission may require treatments on the exterior to mask the appearance of any side.
Vehicle entrances	G	Vehicle entrances must be designed and located to minimize interference with pedestrian movement.
Driveways and Parking		
Distance between driveway and property boundary line	-	Minimum distance set by zoning district in Appendix C
Distance between parking lot and property boundary line	-	Minimum distance set by zoning district in Appendix C

### Notes:

1. Also see Article 7 for general site design principles and architectural standards that may apply.



### Appendix E Plant Materials

Type and point value	Botanical name	Common name
<b>Tall deciduous trees (30 points)</b>	<i>Acer</i> spp. <i>Celtis occidentalis</i> <i>Fraxinus</i> spp. <i>Ginkgo biloba</i> <i>Gleditsia triacanthos</i> <i>Gymnocladus dioica</i> <i>Quercus</i> spp. <i>Tilia</i> spp. <i>Ulmus</i> spp.	maple: red <sup>[1]</sup> , silver <sup>[1]</sup> , sugar <sup>[1]</sup> hackberry <sup>[1]</sup> ash <sup>[2]</sup> ginkgo (female only) honey locust <sup>[1]</sup> espresso Kentucky coffeetree oak: red <sup>[1]</sup> , white <sup>[1]</sup> , pin, bur <sup>[1]</sup> linden: basswood <sup>[1]</sup> , redmond, silverleaf American, accolade, cathedral, new horizon (hybrids only)
<b>Medium deciduous trees (15 points)</b>	<i>Aesculus glabra</i> <i>Betula</i> spp. <i>Phellodendron amurense</i> "Macho" <i>Prunus</i> spp. <i>Prunus Mackii</i>	Ohio buckeye birch: river <sup>[1]</sup> , paper <sup>[1]</sup> Macho amur corktree cherry: choke <sup>[1]</sup> , pin <sup>[1]</sup> amur chokecherry
<b>Low deciduous trees (10 points)</b>	<i>Amelanchier</i> spp. <i>Crataegus</i> spp. <i>Malus</i> spp. <i>Sorbus</i> spp. <i>Prunus americana</i> <i>Ostrya virginiana</i>	serviceberry hawthorn: cockspur <sup>[1]</sup> , dotted <sup>[1]</sup> , downy <sup>[1]</sup> , Washington crabapple spp. mountain ash: European, showy <sup>[1]</sup> American plum Ironwood
<b>Tall evergreen trees (40 points)</b>	<i>Abies concolor</i> <i>Picea</i> spp. <i>Pinus</i> spp. <i>Tsuga canadensis</i>	white fir spruce: Norway, white pine: red <sup>[1]</sup> , white <sup>[1]</sup> , Scots Canada hemlock
<b>Medium evergreen trees (20 points)</b>	<i>Thuja occidentalis</i>	American arborvitae
<b>Low evergreen trees (12 points)</b>	<i>Juniperus</i> spp. <i>Thuja</i> spp.	juniper: mountbatten, redcedar <sup>[1]</sup> arborvitae: pyramidal, techny
<b>Tall deciduous shrubs (5 points)</b>	<i>Cornus</i> spp. <i>Rhus</i> spp. <i>Syringa</i> spp. <i>Viburnum</i> spp.	dogwood: gray <sup>[1]</sup> , pagoda, red <sup>[1]</sup> sumac: smooth <sup>[1]</sup> , staghorn <sup>[1]</sup> lilac: Chinese, hyacinth viburnum: arrowwood, wayfaringtree, nannyberry <sup>[1]</sup>
<b>Medium deciduous shrubs (3 points)</b>	<i>Corylus americana</i> <i>Cotoneaster</i> spp. <i>Forsythia</i> spp. <i>Rosa</i> spp.	American filbert, hazelnut cotoneaster forsythia: border, early, weeping rose: Virginia, rugosa
<b>Low deciduous shrubs (1 point)</b>	<i>Berberis thunbergii</i> <i>Spiraea</i> spp.	Japanese barberry spirea: froebel, snowmound
<b>Medium evergreen shrubs (5 points)</b>	<i>Juniperus chinensis</i> <i>Taxus</i> spp.	juniper: Pfitzer yew: Japanese
<b>Low evergreen shrubs (3 points)</b>	<i>Juniperus</i> spp.	juniper: sargent, creeping, andorra
<b>Perennials (1 point)</b>	<i>Aster</i> spp. <i>Rudbeckia hirta</i> <i>Liatris</i> spp.	Aster Black-Eyed Susan Blazing Star

Type and point value	Botanical name	Common name
	<i>Mepeta spp.</i>	Catmint
	<i>Aquilegia spp.</i>	Columbine
	<i>Exhinacea spp</i>	Coneflower
	<i>Hemerocallis spp</i>	Daylily
	<i>Hosta spp.</i>	Hosta
	<i>Brunnera macophylla</i>	Jack Frost
	<i>Alchemilla spp.</i>	Lady's Mantel
	<i>Lilium spp.</i>	Lily
	various	Ornamental grasses
	<i>Pachysandra spp.</i>	Pachysandra
	<i>Paeonia spp.</i>	Peony
<b>Ornamental grasses (5 points)</b>	various	

**Notes:**

- [1] Native to Wisconsin  
 [2] Only those species that are not susceptible to the emerald ash borer may be used

See "A guide to selecting landscape plants for Wisconsin," E.R. Hasselkus, University of Wisconsin-Extension, Publication A2865 for more plants. The above table may include plants that are not suitable for Zones 4a or 4b.

## Appendix G Mapping Requirements

The following information should be provided for each type of application to the extent applicable to the project.

				Project Maps		
Type of Information	Site plan	General development plan <sup>[1]</sup>	Precise implementation plan <sup>[1]</sup>	Conditional use	Zoning map amendment	Special exception and variance
Background Project Information						
Project name	X	X	X	X	X	X
Applicant name	X	X	X	X	X	X
Preparation date	X	X	X	X	X	X
Name of preparer	-	X	X	-	-	-
Survey Information						
North arrow and graphic scale	X	X	X	X	X	X
Address of subject property or legal description	X	X	X	X	X	X
Property boundaries	X	X	X	X	X	X
Acreage of subject property	X	X	X	X	X	X
Project Development Information						
Land use summary table by density/intensity and acreage	-	X	X	-	-	-
Easements/rights-of-ways (location, width, purpose, ownership)	X	X	X	X	-	X
Common areas/conservancy areas (location, purpose, ownership)	X	X	X	X	-	-
Land to be dedicated to the public (boundaries, area, purpose)	-	X	X	-	-	-
Setting						
Property boundaries within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Land uses within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Zoning district boundaries within __ feet of the subject property	50 ft.	150 ft.	-	150 ft.	150 ft.	50 ft.
Municipal boundaries within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Site Features (existing and proposed)						
Ground contours when slopes exceed __ percent	8%	8%	8%	8%	-	8% <sup>[2]</sup>
Wetlands	X	X	X	X	-	X
Woodlands	X	X	X	X	-	X
Wildlife habitat, including critical wildlife habitat	X	X	X	X	-	X
Environmentally sensitive features	X	X	X	X	-	X
Water resources (rivers, ponds, etc.) and ordinary high-water mark for navigable waters	X	X	X	X	-	X
Floodplain boundaries and elevations of the same	X	X	X	X	-	X
Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines	X	X	X	X	-	X

Type of Information	Site plan	General development plan <sup>[1]</sup>	Precise implementation plan <sup>[1]</sup>	Project Maps		
				Conditional use	Zoning map amendment	Special exception and variance
<b>Buildings and Outdoor Storage/Activity Areas</b>						
Existing and proposed	X	X	X	X	X	X
Existing within __ feet of subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
<b>Required Setbacks</b>						
Yard setbacks (front, side, rear and shore)	X	-	X	X	-	X
On-site septic systems	X	-	-	X	-	X
On-site wells and off-site wells within 10 feet of the perimeter of the subject property	X	-	-	X	-	X
<b>Landscaping Features (existing and proposed)</b>						
Fences, buffers, and berms	X	-	-	X	-	-
Pervious and impervious surfaces by type	X	-	-	-	-	-
Site amenities (benches, fountains, etc.)	X	-	-	-	-	-
Existing trees and other prominent vegetation	X	-	-	-	-	-
Trees / shrubs to be planted, including a plant list and specs.	X	-	-	-	-	-
Trees / shrubs to be retained	X	-	-	-	-	-
<b>Outdoor Lighting (existing and proposed)</b>						
Location	X	-	X	-	-	-
Fixture specifications	X	-	X	-	-	-
<b>Stormwater Facilities (existing and proposed)</b>						
Location	X	-	X	-	-	-
Specifications for each facility	X	-	X	-	-	-
<b>Utilities (existing and proposed)</b>						
Location	X	X	X	-	-	X
Type (sewer, telephone, etc) (buried or overhead, if applicable)	X	X	X	-	-	X
Size/capacity, if applicable	-	X	X	-	-	-
<b>Transportation Facilities (existing and proposed)</b>						
Streets	X	X	X	X	-	X
Driveways and road access onto public and private roads	X	X	X	X	-	X
Sidewalks and trails	X	-	X	X	-	X
Fire lanes (i.e., fire apparatus access)	X	-	-	-	-	X
Clear visibility triangles (location and dimensions)	X	-	X	-	-	X
<b>On-Site Parking (existing and proposed)</b>						
Access aisles and parking spaces by size	X	-	X	-	-	-
Location of accessible parking spaces	X	-	X	-	-	-
Location and specifications/dimensions for accessibility ramps	X	-	X	-	-	-
Type and location of on-site parking signs and traffic control signs	X	-	X	-	-	-
Surface materials for parking lot (e.g., concrete, bituminous concrete, pavers)	X	-	X	-	-	-

Type of Information	Site plan	General development plan <sup>[1]</sup>	Precise implementation plan <sup>[1]</sup>	Project Maps		
				Conditional use	Zoning map amendment	Special exception and variance
Snow storage areas	X	-	X	-	-	-
Areas designated for queuing of vehicles for drive-through facilities (e.g., car washes, drive-up service windows, etc.)	X	-	X	-	-	-
Pedestrian walks between the parking lot and the building	X	-	X	-	-	-
Designated areas of a parking area for pedestrian walks	X	-	X	-	-	-
Loading lanes and loading docks	X	-	X	-	-	-
Stormwater drainage	X	-	X	-	-	-
Distance between parking areas and adjoining properties if less than 20 feet	X	-	X	-	-	-
Areas designated for bicycle parking	X	-	X	-	-	-
<b>Signs (existing and proposed)</b>						
Location	X	optional	optional	-	-	-
Specifications for each sign including type, height, dimensions, lighting, and other factors considered during the review process	X	optional	optional	-	-	-

**Notes:**

- [1] A general development plan and precise implementation plan are similar, except a precise implementation plan is more refined and detailed.
- [2] For variance applications, the slope of the property must be depicted when the petitioner is claiming that the slope of a property is a hardship or a unique property limitation.