
PLANNING COMMISSION AGENDA
Monday, August 30, 2021 at 6:00 p.m.
Caledonia Village Hall – 5043 Chester Lane

- 1. Meeting called to order**
- 2. Roll Call/Introductions**
- 3. Approval of Minutes**
- 4. Citizens' Comments**
- 5. Public Hearing Items**
 - A. **CONDITIONAL USE AMENDMENT** – Review a conditional use amendment for the property located at 6156 Douglas Avenue allowing the applicant to store vehicles for repair and install storage buildings behind the existing building submitted by Richard Konecko, Applicant and Owner. (Parcel ID No. 104-04-23-18-300-190)
- 6. Non-Public Hearing Items**
 - A. **BUILDING, SITE & OPERATION PLAN REVIEW** – Review a building, site, and operations plan for the construction and utilization of a ±576 square-foot storage shed addition to an existing commercial building located at 11333 CTH G, submitted by Ken Parker, Applicant and Owner. (Parcel ID No. 104-04-22-17-047-000)
 - B. **BUILDING, SITE & OPERATION PLAN REVIEW** - Review a building, site, and operations plan for the construction and utilization of a ±10,792 square-foot commercial building located at 4949 Erie Street, submitted by Peter Oleszczuk, Applicant, Manveer & Chaman Real Estate Inc., Owner. (Parcel ID No. 104-04-23-28-002-000)
 - C. **CONCEPT CERTIFIED SURVEY MAP** – Review a concept certified survey map creating three lots for the parcel located along 4 Mile Road, between CTH H and Nicholson Road, submitted by Bob Prochaska, Applicant and Owner. (Parcel ID No. 104-04-22-21-036-000)
 - D. **ZONING CODE DISCUSSION** – Review draft Chapter 13, Floodplain Regulations, and Chapter 18, Zoning Definitions of the Village of Caledonia Zoning Code.
- 7. Adjournment**

Dated August 26, 2021

Joslyn Hoeffert
Village Clerk

Only Commission members are expected to attend. However, attendance by all Board members (including non-members of the Plan Commission) is permitted. If additional (non-commission) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a “meeting” within the meaning of Wisconsin’s open meeting law. Nevertheless, only the commission’s agenda will be discussed. Only commission members will vote. Board members who attend the commission meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

WITHDRAWN

1. Meeting called to order

President Dobbs called the meeting to order at 6:00p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Weatherston, Joseph Minorik, Nancy Pierce, and Tim Just.

Absent: President Dobbs was excused.

Also Present: Development Director Peter Wagner, Public Works Director Tom Lazcano and Trustee Fran Martin

3. Approval of Minutes

Approval of June 28, 2021 meeting minutes.

Motion by Trustee Weatherston

Seconded by Pierce. Motion carried unanimously.

4. Citizens' Comments

None.

5. Public Hearing Items

A. CONDITIONAL USE REVIEW – Review a request for a conditional use to allow for the blending of food and flavor additives located on the parcel located at the southwest corner of Quick & Storage Drives submitted by Sam Modder, Applicant, Winklers Masonry Inc., Owner. (Parcel ID No. 104-04-22-27-018-060)

Withdrawn

B. CONDITONAL USE REVIEW – Review a request for a conditional use to allow for the parking of dump trucks associated with the business located at 7931 Douglas Avenue submitted by Nelly Rodriguez, Applicant, Francisco Rodriguez Rubio & Nelly Rodriguez, Owner. (Parcel ID No. 104-04-22-12-009-000)

Peter Wagner read from his report:

The applicant is requesting approval of a conditional use permit for the outdoor storage yard of five dump trucks for the property located at 7931 Douglas Avenue. Between April and October, three trucks will be regularly parked on the site and during the other months, a total of five trucks will be parked on the site. The applicant indicated that their business is seasonal and that only three trucks will be parked on site from April to October and five trucks will be stored on site from November through March. During their operational season, three trucks will be routinely parked on the site. The trucks typically leave around 7am and return around 4pm. No other business operations will occur on the site which may include, but not limited to dumping or storing of materials on site. During the winter season five dump trucks will be parked and stored outdoors on the site. Their business is conducted off site and the conditional use is for the parking of their business vehicles only. The parcel is split zoned commercial and agriculture. The parking of semi tractors, trailers, and dump trucks are a conditional use in

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both zoning districts. Per code, vehicles should be a minimum of 100 feet from the nearest residential home. The parking of the vehicles will be located on the southern end of the parcel as indicated on the submitted site plan. The trucks will be parked more than 200 feet away from the nearest home. The trucks will be partially screened by existing vegetation.

The intersection of 7 Mile and Douglas Avenue is zoned commercial with agriculture zoned further away from the intersection. Similar uses such as vehicle storage has been requested elsewhere in the Village and has been approved. The Plan Commission has the authority to apply conditions to mitigate any negative impacts this use may have in the area and can require the applicant to screen the vehicles from the road or neighboring properties.

If the Plan Commission is comfortable with the proposed use, staff drafted conditions of approval included in this report and provided a suggested motion for consideration.

Public hearing opened: 6:03 pm

Vice President Minorik asked three times if anyone wanted to speak in favor of this proposal.

In favor:

None.

Vice President Minorik asked three times if anyone wanted to speak against this proposal.

Against:

None.

Closed public hearing: 6:04pm

5B. Commission Deliberation

None.

Motion by Weatherston to approve and recommend to the Village Board approves the Conditional Use Permit allowing the outdoor storage of five dump trucks at 7931 Douglas Avenue with conditions outlined in Exhibit A for the following reason:

1. The proposed use is allowed by underlying zoning through the conditional use process.
2. The proposed use will not negatively impact neighboring parcels.

Seconded by Just.

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Aye
Joseph Minorik	Aye

Motion carried unanimously.

6. Old Business Items

A. ZONING TEXT AMENDMENT – Review an amendment to the Village of Caledonia Zoning Code to create Section 16-1-1(a)(10) relating to residential and commercial parking restrictions.

Peter Wagner read from his report:

At the last Plan Commission meeting, the Commission tabled the proposed text amendment and directed staff to modify the proposed ordinance in response to comments given at the public hearing and Commissioners' concerns. Included in this report is a revised ordinance that has removed any limit on number and size of trailers or commercial vehicles on a residential parcel. The ordinance has been further revised to eliminate the language that trucks parked in agricultural districts must be owned and used by the farmer. The resulting changes will result in the regulation of off-street parking residential districts to parking on an improved surface and limiting utility trailer size for parcels less than one acre.

If the Plan Commission is comfortable with these modifications, the next step would be to make a motion approving the modifications and send it to the Legislation & Licensing Committee for review with final approval going to the Village Board.

6A. Commission Deliberation

Plan Commission Members asked if any residents contacted the Village. Wagner stated staff met with Trustee Martin to discuss possible alternatives to update the Residential/Commercial Parking Restrictions and Accessory Structures Amendments. Members suggested creating a residential equestrian zoning district or change the existing residentially zoned horse farms to an agricultural zoning district.

Some Commission Members and Trustees had the understanding from the previous Plan Commission Meeting a group was going to be revise the proposed amendments to address concerns before bringing these amendments back to Plan Commission. Folk reminded the Commission that at the last meeting a motion was approved directing staff to revise the text amendments and that there was no direction to form a subcommittee.

Trustee Martin said perhaps mention an option to the Village Board on creating a subcommittee group to work on modifying the amendment. She also suggested adding the language –5 acres or more than 5 acres.

Motion by Knitter to hold and refer back to staff.

Seconded by Just

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Nay
Joseph Minorik	Aye

Motion carried 5-1 .

B. ZONING TEXT AMENDMENT – Review an amendment to the Village of Caledonia Zoning Code to create Section 16-1-1(a)(11) relating to accessory structures for residential and non-residential districts.

Peter Wagner read from his report:

At the last Plan Commission meeting, the Commission tabled the proposed text amendment and directed staff to modify the proposed ordinance in response to comments given at the public hearing and Commissioners' concerns. Included in this report is a revised ordinance that has increased the overall size for accessory buildings in residential districts and limits the number of buildings based on a percentage area of the property. The percentage was taken from the existing code that states no more than 20% of the square footage of the rear yard can be built. For parcels over five acres, the percentage is limited to 3% of the area of an entire parcel. Staff has not modified the height as that is the current regulation. Setbacks from side and rear lot lines were not modified from the five feet as there were no concerns regarding this regulation. A common concern brought up at the meeting pertained to horse farming and the building needs to accommodate such a use. The simplest method to address this concern is to rezone large residential parcels to agricultural. The agricultural district accessory building regulations would allow for stables, barns, shelters, and other horse farm related accessory uses.

If the Plan Commission is comfortable with these modifications, the next step would be to make a motion approving the modifications and send it to the Legislation & Licensing Committee for review.

6B. Commission Deliberation

Refer back and review - 6A Commission Deliberation

Motion by Knitter to hold over and refer back to staff.

Seconded by Weaterston

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Nay
Joseph Minorik	Aye

Motion carried 5-1.

7. Non-Public Hearing Items

7A. CERTIFIED SURVEY MAP – Review a certified survey map creating two lots for the parcel located at 8401 Hollander Drive submitted by Nicholas Verhaalen, Applicant, Caledonia Properties II LLC, Owner. (Parcel ID Nos. 104-04-22-34-020-080)

Tom Lazcano read from his Memorandum:

The Engineering Department has received a Certified Survey Map (CSM) from Nicholas Verhaalen of Caledonia Properties II, LLC. The CSM was prepared by NMB Engineering.

The existing parcel is located at 8401 Hollander Drive in the Caledonia Business Park. The parcel contains 2 flat areas that are ideal for building, 3 small ponds, and a wetland area.

This CSM is for the creation of two lots on the parcel. Lot 1 would be 3 acres in size and Lot 2 would be 6.103 acres in size. Both lots would be used for commercial developments. Lot 2 contains a large area of wetlands and some ponds.

The property is located within the Sanitary Sewer & Water Service area. Both lots would need to connect to these utilities.

The property currently has dual zoning consisting of M-2 and R-2. M-2 requires 150 feet of street frontage and R-2 Zoning requires 150 feet of street frontage and 40,000+ square feet size. The Village's 2035 Land Use Plan shows that the property shall be Industrial/Business Park. Lot 1 would have complete M-2 zoning but Lot 2 would have dual zoning and would likely need to be rezoned.

7A. Commission Deliberation

Nick Verhaalen -Attorney representing Caledonia Properties II, LLC stated that bullet points 3,4,5 strikes him to be items more done upon development. He said his client was just seeking to split the parcel. No comment made by staff.

Motion by Weatherston to approve and recommend to the Village Board that the CSM subject to the following list except for bullet points 3, 4, 5 striking them out and consider upon time of the parcel development:

- The Final CSM is subject to the Land Division per Lot fee.
- Final Plat is subject to Engineering review comments and technical corrections from Village staff.
- Both Lots will need to connect to Sanitary Sewer and Water facilities.
- An approved storm water management and grading plan will be needed.
- Any Easements required by the Utility District
- The Final CSM must conform to all Ordinances in Titles 9, 14, & 18 as necessary.

Seconded by Pierce.

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Aye
Joseph Minorik	Aye

Motion carried unanimously.

7B. COOPERATIVE BOUNDARY AGREEMENT REVIEW – Review a conditional use to construct a ±4,500 square-foot metal building and a ±21,600 square-foot masonry building for the purpose of a licensed commercial vehicle storage facility and a food product distribution facility located at USH 41 in the Village of Raymond, submitted by Bridget Weasler, Applicant, Raymond 40 LLC, Owner. (Parcel ID No. 168-04-21-25-004-200)

Peter Wagner read from his report:

The applicant is proposing to construct one ±4,500 square-foot metal building and one ±21,600 square-foot masonry building for the purpose of a licensed commercial vehicle storage facility and a food product distribution facility in the Village of Raymond along USH 41. This site will contain 18 regular parking spaces and 594 trailer parking spaces. The proposed parking lot and buildings meet the zoning setback requirements. Any development located within the Village of Raymond cooperative boundary area is reviewed by both the Village of Raymond and Caledonia. The Village of Raymond approved this development last month.

7B. Commission Deliberation

Plan Commission Members expressed concern about the paving off the court/circle. Applicant said yes. Hvac will be next to the building not on top of the building.

Motion by Weatherston to approve and recommends that the Village Board approve

Seconded by Knitter

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Aye
Joseph Minorik	Aye

Motion carried unanimously.

7C. SIGN PLAN REVIEW – Review a proposed sign plan to allow for the construction of multiple wall signs, menu board signs, and a monument sign for the proposed commercial building located at 4542 Douglas Avenue, submitted by Lora Maartinson, Applicant, GiGi North LLC, Owner. (Parcel ID No. 104-04-23-29-168-000)

Peter Wagner read from his report:

The applicant is requesting approval of a master sign plan for the Culver's restaurant located at 4542 Douglas Avenue. The applicant is proposing to construct a monument sign, two menu boards for the drive through facility, and four wall signs. Sign code limits the number of signs for a single tenant building to two signs per street frontage not including window signs or directional signs. The applicant is seeking a total of seven signs. The zoning code allows modifications to the sign regulations sign size and number if a master sign plan is submitted and approved by the Village.

Monument Sign:

The proposed sign will be 45.75 square feet in area and contain an electronic message board that is 12 square feet in area and be 8 feet in height. Monument signs cannot exceed 48 square feet in area and no more than 30% of the overall sign can be an electronic message board and cannot exceed 8 feet in height. This sign complies with code. The sign will be located in the northeast corner of the parcel meeting minimum setback requirements.

Menu Board Signs:

There are two proposed menu boards. Each will be 46.3 square feet in area and be 6'3" in height and have changeable copy panels. These signs comply with height and size regulations. These signs are located on the northeast portion of the building.

Wall Signs:

There are four proposed wall signs. On the east elevation of the building there will be one wall sign that is 29.12 square feet in area. On the west elevation of the building there will be a 29.15 and 3.42 square-foot wall sign. On the south elevation there will be a 46.67 square-foot wall sign. The south elevation sign exceeds the 32 square-foot maximum. The other signs meet this requirement.

Directional Signs:

There are two proposed directional signs. These signs will be located internally to show where the drive thru entrance is located. The signs are 1'4" in height and 3.24 square feet in area. These dimensions comply with directional sign regulations. These types of signs do not count towards the two sign per street frontage regulation.

Window Signs:

There are multiple windows signs proposed on the entry signs. These signs do not cover more than 20% of the window area and complies with code. These types of signs do not count towards the two sign per street frontage regulation.

The proposed sign plan includes the proposed walls signs, monument sign, directional signs, window signs, and menu board signs. This plan does not include interior signs. The applicant is requesting approval of installing a wall sign exceeding the maximum size on the south elevation and for more than two signs per street frontage. Staff recommends approval of the proposed sign plan as it does not create confusion or clutter along the road landscape with signs.

7C. Commission Deliberation

Tray Watts (Springfield Sign) - the mini boards are just to give additional information to the guests. Plan Commission Members were concerned if it exceeded the total allowable size for signage. Peter Wagner stated it doesn't exceed the 1200 sq ft allowable per code and Culvers is at 253 sq ft. Watts added the lighting on the monument board sign will adjust with day and night it shouldn't create issues for the residents.

Motion by Folk to approve and recommend that the Village Board approve the sign plan submitted by Lora Martinson on behalf of GiGi North LLC as presented for the property located at 4542 Douglas Avenue for the following reason:

1. The proposed number, height and size of signs are permissible through the sign plan review process.

Seconded by Knitter

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Aye
Joseph Minorik	Aye

Motion carried unanimously.

7D. BUILDING/SITE/OPERATIONS PLAN REVIEW – Review a building, site, and operation plan for the construction and utilization of a ±22,538 square-foot distribution facility located on DeBack Lane, Lot 1 of CSM #3437, submitted by Lindsey Pearson, Applicant, WisPark LLC, Owner. (Parcel ID No. 104-04-22-30-015-210)

Peter Wagner read from his report:

The applicant is proposing to construct a ±22,538 square-foot distribution facility on the Pad A on Deback Lane identified in the DeBack Business Park. This building is intended to be used as a distribution facility for Badger Liquor which is a permitted use in the M-3 District. This development will have three exterior loading docks and 17 interior loading docks as part of their operation.

The building's exterior consists primarily of concrete wall panels that will be painted varying shades of gray with black accents. The entrance portion of the building will incorporate glass and a back canopy to draw focus to the building's entrance. Windows are incorporated on all elevations of the building which helps breakup the expanse of solid walls. The west elevation of the building will have eight interior dock doors and the east will have nine interior dock doors. The south elevation will have three exterior dock doors that do not directly face a public road. No mechanicals are shown on the plans, however, all mechanicals will have to be screened from public view.

A dumpster is proposed on the eastern portion of the lot and will consist of split face CMU block with metal trim. The dumpster gate will be made of metal panels. Colors of the dumpster will be consistent with the colors on the main building.

Parking for this development consists of 25 stalls which include 2 ADA stalls which meets the required number of stalls for this size building. The proposed dimensions of parking stalls meet the minimum of 180 square feet in area. There is no outdoor parking or storage of vehicles or equipment on the site. The most that will be seen is three trucks that utilize the exterior loading docks on the south side of the building. The improved surface surrounding the facility will consist of standard and heavy asphalt, heavy duty concrete, and loading dock concrete, which should provide a dust free surface on the site.

Landscaping on the site incorporates a combination of deciduous trees, evergreen trees, and shrubs. Deciduous trees spread approximately 50 feet apart will be installed along the perimeter of the site abutting a roadway. Additional trees and shrubs are proposed on the northwest corner of the site at the entrance of DeBack Lane. On the northern portion of the site, there will be a mix of deciduous trees and shrubs along the parking lot. Additional shrubs may be needed to be added between the proposed trees to provide better parking lot screening. This is no proposed landscaping except for turf on the entrance of the building. Overall, the plan meets the minimum requirements for landscaping, however additional landscaping should be provided at the entrance of the building and shrubs installed between the trees on the north parking lot. The Plan Commission does have the discretion to modify the proposed landscape plan. If revisions are requested, the applicant can modify the plan prior to going to Village Board for final approval.

The lighting of the site will consist of down-cast, cutoff, LED fixtures throughout the development. In addition to wall pack lights, there will be five pole lights placed on site. Three will be located on the north side of the site and two on the southern edge of the paved lot. The submitted photometric plan complies with the Village code lighting requirements that no more than a 0.5 foot-candle be cast at the lot line.

Prior to any building permits being issued, the applicant will need to get approvals for stormwater management, erosion control, and grading plans from Water Utility Department and Engineering Department. The Fire Department indicated no concerns regarding the proposed site plan; however, they will work with the applicant to ensure compliance with sprinkling requirements for this building type.

7D. Commission Deliberation

Plan Commission Members asked if it was for wholesale or retail sales. Wagner said this facility is for wholesale only.

Motion by Pierce to approve and recommend to the Village Board that a building, site, and operations plan for a ±22,538 square-foot distribution facility be approved with conditions outlined in Exhibit A for the property located at DeBack Lane for the following reasons:

1. The proposed use is allowed through the building, site, and operation plan review process and is a permitted use in M-3 Zoning District.
2. This use will not adversely affect the surrounding property values.

Seconded by Folk

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Aye
Joseph Minorik	Aye

Motion carried unanimously.

7E. BUILDING/SITE/OPERATIONS PLAN REVIEW – Review a building, site, and operation plan for the construction and utilization of a ±443,987 square-foot industrial building located at 13300 Carol Court submitted by Christopher Carlino, Applicant, Scannel Properties #513 LLC, Owner. (Parcel ID No. 104-04-22-30-015-222)

Peter Wagner read from his report:

The applicant is proposing to construct a ±443,987 square-foot industrial building on the central portion of former Pad F identified in the DeBack Business Park. The Plan Commission has reviewed a proposed CSM prior to this review showing Pad F reconfigured into three lots. Lot 2 is the location which this building will be constructed upon. This industrial building is intended to be used as a distribution facility which is a permitted use in the M-3 District. This development will have outdoor parking for semi-tractors and trailers as part of their operation.

The proposed building will be located on Lot 2 of CSM 3438. It and will have an exterior consisting primarily of concrete wall panels that will be painted varying shades of gray with blue accents. The entrance portion of the building will incorporate glass and metal accents to draw focus to the entrance. The north and south portions of the building will consist of 76 dock doors and 4 overhead doors that do not face a public road.

Parking for this development consists of 275 stalls which include 7 ADA stalls which meets the required number of stalls for this size building. The proposed dimensions of parking stalls meet the minimum of 180 square feet in area. There are a total of 114 tractor trailer stalls which are located on the north and south portions of the site.

Landscaping on the site incorporates a combination of deciduous and evergreen vegetation along with perennials, shrubs, and ornamental grasses. This lot does not directly abut upon a public right-of-way, therefore, does not have to meet the same landscaping requirements of parking lots abutting a public road. For any parking lot with over 25 stalls, landscaping is required in the parking lot. The parking lot incorporates bump outs which will include a deciduous tree. Along the north portion of the site, there will be a combination of deciduous trees with a row of shrubs in between. North of this site is a private road which abuts a wetland area, which will not be developed. On the southern portion of the site, there will be a mix of evergreens and deciduous trees installed atop a six-foot berm which will provide a natural looking screen to the south. A regional detention pond abuts this parcel to the south. The eastern portion of the site abuts the parking lot of an existing development and has the least proposed landscaping. This area is predominately turf grass with shrubs, ornamental grasses, and perennials installed along the building. The western area of the site will have deciduous trees installed every 40 feet and

include clusters of evergreens. Overall, the plan meets the requirements for landscaping. The Plan Commission does have the discretion to modify the proposed landscape.

The lighting of the site will consist of down-cast, cutoff, LED fixtures throughout the development. The submitted photometric plan complies with the Village code lighting requirements that no more than a 0.5 foot-candle be cast at the lot line.

Prior to any building permits being issued, the applicant will need to get approvals for stormwater management, erosion control, and grading plans from Water Utility Department and Engineering Department. The Fire Department indicated no concerns regarding the proposed site plan; however, they will work with the applicant to ensure compliance with sprinkling requirements for this building type.

7E. Commission Deliberation

Plan Commission Members concerned about the noise and asked if the berm would block the noise. Christopher Carlino (Scannell Properties) responded with it will reduce the noise level but not all.

Motion by Knitter to approve and recommend to the Village Board that a building, site, and operations plan for a ±443,987 square-foot industrial building be approved with conditions outlined in Exhibit A for the property located at 13300 Carol Court for the following reasons:

1. The proposed use is allowed through the building, site, and operation plan review process and is a permitted use in M-3 Zoning District.
2. This use will not adversely affect the surrounding property values.

Seconded by Weatherston

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Bill Folk	Aye
Joseph Minorik	Aye

Motion carried unanimously.

F. ZONING CODE DISCUSSION – Review draft Chapter 14, Mobile Tower Siting, and Chapter 15, Shoreland Zoning Ordinance of the Village of Caledonia Zoning Code.

Peter Wagner read from his report:

When the Town of Caledonia became the Village of Caledonia in 2005, the Village adopted Racine County's Zoning Code as their own. Since that time, the Village has amended its code several times and has created zoning code Title 16. As a result, staff has had to reference both Title 16 of the Village Code and Racine County's Zoning Code that was adopted in 2005 when applying the zoning code for development projects and code enforcement. This split in regulations is difficult for developers, residents, and businesses to understand what the rules and regulations are for the Village. Staff has been working on merging the two code sections into one unified Village code Title. This process has been more time consuming than originally anticipated.

Staff has prepared draft Chapters 14 & 15 for review and discussion. Chapter topics for discussion will be:

- Chapter 14: Mobile Tower Siting
- Chapter 15: Shoreland Zoning Ordinance

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The purpose of this agenda item to review and discuss the content of the chapters and answer questions or take suggestions as to what should be and not be included in these chapters. These chapters were not revised, but rather reformatted to our current Title/Section/Chapter format. No action is required at this time. Over the next few Plan Commission meetings, staff will be presenting new chapters for your review and input. It is anticipated that the Title 16 will include eighteen chapters. Some of the chapters have few, if any, changes, and others will have significant changes or reorganization than what currently exists. The remaining chapters to review include Signs, Floodplain Regulations, and Definitions. Once all the chapters have been reviewed by the Plan Commission, the next step will be to present it to the Legislation and Licensing Committee for review. Once the Legislation and Licensing Committee is comfortable with the revised zoning code, it will come back before the Plan Commission for a public hearing and recommendation to the Village Board. Staff anticipates final adoption of the revised code will be done in December. At that time, staff will work with our software firm that licenses Zoning Hub and bring the zoning code online.

7F. Commission Deliberation

Plan Commission Members questioned Chapter 14- about the mobile tower setting/sitting if there had been any complaints once the tower has been put in place. Wagner stated there currently have been no complaints. Chapter 15 question regarding shoreland review. Wagner said shoreland reviews are done in house by the Engineering Department.

No motion needed.

8. - Adjournment

Motion by to adjourn Trustee Weatherston. Seconded by Folk. Motion carried unanimously. Meeting adjourned at 7:30 p.m.

Respectfully submitted,
Erika Waage
Administrative Assistant Building/Engineering



Meeting Date: August 30, 2021

Item No. **5a**

PLAN COMMISSION REPORT

Proposal: Conditional Use Amendment & Building, Site & Operation (BSO) Plan

Description: Review a request for a conditional use amendment and approval of a site, and operations plan for the expansion of an outdoor storage area behind an existing automotive sales and repair business 5165 Douglas Avenue.

Applicant(s): Richard Konecko

Address(es): 6156 Douglas Avenue

**Suggested
Motion:**

That the Plan Commission recommends to the Village Board that the conditional use permit be amended as outlined in Exhibit A to allow for the construction of a 13,850 square-foot gravel parking lot for the outdoor storage of serviced vehicles; multiple accessory storage structures; and fencing in the rear of the property for the following reasons:

1) The proposed use is allowed through the conditional review process.

2) The proposed parking lot expansion will not adversely affect the surrounding property values

Owner(s): Richard & Bozena Konecko

Tax Key(s): 104-04-23-18-300-190

Lot Size(s): ± 1.33 acres

Current Zoning District(s): M-1, Light Industrial and Office District and R-3, Suburban Residential District

Overlay District(s): Primary Environmental District

Wetlands: ☒ Yes ☐ No Floodplain: ☐ Yes ☒ No

Comprehensive Plan: Government & Institutional and Isolated Natural Resource Area

Background: In 2017, the Village Board approved a conditional use to allow for the operation of an automotive sales and service business with conditions. As part of these conditions, the applicant was to utilize the site based on the approved plans submitted on July 31, 2017. Furthermore, the display of vehicles for sale was limited to a total of 40 vehicles and parking of vehicles to be serviced was limited to the north lot line as was illustrated on the submitted plans. The applicant is requesting approval to modify the conditions of approval and a modification of the site plan to allow for the parking of vehicles to be serviced to be located behind the building on a gravel surface surrounded by cargo containers. These containers are to be used as indoor storage of automotive parts and equipment associated with the business.

Currently, the tenant has modified the site by adding a gravel storage area behind the building with two cargo containers and fencing. This does not currently comply with the approved site plan. Furthermore, the expanded lot extended beyond the property lot line to the west. Staff has worked with the applicant to find a solution that provides additional outdoor storage and minimize the visual impact along Douglas Avenue.

Prior to submitting an application, the applicant paid for a wetland delineation of the parcel and the parcel west of the building to determine where, if any, wetlands exist on the site. The new wetland delineation indicated wetlands located much further west of the building than originally depicted on the 2010 DNR Wetland Inventory map. Since no wetlands were identified west of the building, the property owner did a lot line adjustment of the two properties to remove the existing lot line encroachment. Staff conferred with both the DNR and SEWRPC regarding the proposed parking lot with storage buildings as it was proposed to be located within in a Primary Environmental Corridor. Both agencies stated that buildings or impervious surfaces that do not encroach upon any wetlands within the designated corridor did not violate any corridor regulations.

The applicant is proposing to add approximately 13,850 square feet of impervious surface to the rear lot of the parcel and place multiple cargo containers on the site to be used as storage and act as security fencing for the vehicles that will be serviced at the site. The applicant is proposing to setback the storage containers a minimum of ten feet from the delineated wetlands. Previous site plan approval did not allow any rear yard storage as the 2010 DNR wetland inventory illustrated wetlands behind the building.

Included with this report is a review from the Water Utility District. The Fire Department has a concern with the access to the rear portion of the property but will work with the landowner to address the matter.

The proposed changes, if approved, will reduce the number of vehicles that are in for service that can be seen from Douglas Avenue. The original approved plan provided 13 spaces along the north lot line for vehicles to be serviced to be stored. This area will now be designated for employee and customer parking. The revised site plan conforms with the previous condition that no more than 40 vehicles can be displayed for sale and is illustrated in the southeastern portion of the property. No changes to the lighting of the site nor landscaping of the site is being proposed.

Overall, the applicant is requesting a change to two conditions of the conditional use permit. Condition #4 would be edited to show plans and documents received on August 9, 2021 which reflects the changes to the site plan. Also Condition #7 would be revised to allow for the parking of vehicles to be serviced and picked up after service to be in the rear of the building. The proposed modifications to the conditional use permit and site plan comply with zoning regulations. If the Plan Commission is comfortable with the proposed changes, staff has drafted a suggested motion approving the conditional use amendment.

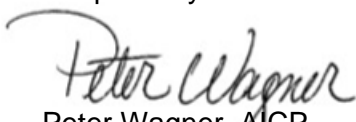
Exhibit A: Conditions of Approval
6156 Douglas Avenue

1. **Zoning Permit.** The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying the zoning permit fee of \$250.00 for the Occupancy Permit. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citations(s) and/or revocation of this permit.
3. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and any other users of the Property Owner with respect to the uses on the Property.
4. **Plans.** The proposed use (to occupy an existing site and building with an automotive sales and service business) must be conducted in compliance with the plans and documents dated August 9, 2021, on file with the Village Planning Department.
5. **Display of Vehicles for Sale.** The display of vehicles for sale is limited to a maximum total number of forty vehicles as outlined in the submitted documents. There must be no display of vehicles for sale within the road right-of-way of Douglas Avenue.
6. **Parking.** All employee and customer parking must be conducted in the existing parking lot as outlined in the submitted documents. Each parking space shall be a minimum of nine feet wide and 180 square feet in area exclusive of the space required for ingress and egress. Handicapped spaces shall be provided in accordance with State requirements.
7. **Vehicle Service at the Site.** All vehicles that are being parked to be serviced at the site will be parked in the rear of the building as outlined in the submitted documents.
8. **Loading and Unloading of Vehicles.** No loading or unloading of automobiles intended for sale is permitted within the right-of-way of Douglas Avenue.
9. **Required Inspections prior to Occupancy.** Prior to occupancy of the proposed commercial building inspections may be required by the Caledonia Fire Department and the Caledonia Building Inspection Department. The owner and/or applicant must contact the Village of Caledonia to verify what inspections are required prior to occupancy.
10. **Landscaping.** The existing landscaping must be maintained at the subject site as outlined in the submitted documents.
11. **Lighting.** Any lighting at the site must be full cut-off lights that shall not glare onto abutting properties or onto any public roadway.
12. **Hours of Operation.** The hours of operations shall be Monday through Saturday 8:00am to 6:00pm and closed on Sundays.
13. **Signage.** Any proposed advertising sign at the site will require a separate zoning permit prior to installation. Please contact the Village Planning Department for sign regulations and permit procedures.
14. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as adopted by the Village of Caledonia.
15. **Expiration.** This approval will expire six (6) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Caledonia grants a written extension. Written extension requests must be submitted to the Village of Caledonia Planning Department thirty (30) days before permit/approval expiration.
16. **No Accumulation of Refuse and Debris.** Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing conditions and structures must be maintained in a sound matter.
17. **Property Maintenance Required.** A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and

property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining, and pruning all landscape planting areas; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade.

18. **Access.** The applicant must allow any Village employee full and unlimited access to the project site at a reasonable time to investigate the project's constructions, operation, or maintenance.
19. **Compliance with Law.** The applicants is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 14 and 16 of the Village of Caledonia Code or Ordinances.
20. **Hazardous Fluids Storage and Containment.** Any oil or hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations. Any oil or hazardous fluids must be disposed of in an environmentally sound manner.
21. **Reimburse Village Costs.** Applicant shall reimburse to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
22. **Amendments to Conditional Use Approval.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All additions, deletions, and/or change requests must be submitted to the Caledonia Zoning Administrator in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by, the Zoning Administrator.
23. **Acquisition of the Property.** As discussed at the Plan Commission meeting on August 28, 2017, the applicant, or an affiliate entity, must acquire the property prior to issuance of a zoning permit.
24. **Agreement.** Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore **Richard, Kenecko**, Robert Kenecko and his heirs, successors, and assigns are responsible for full compliance with the above conditions.
25. **Subsequent Owner or Operator.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

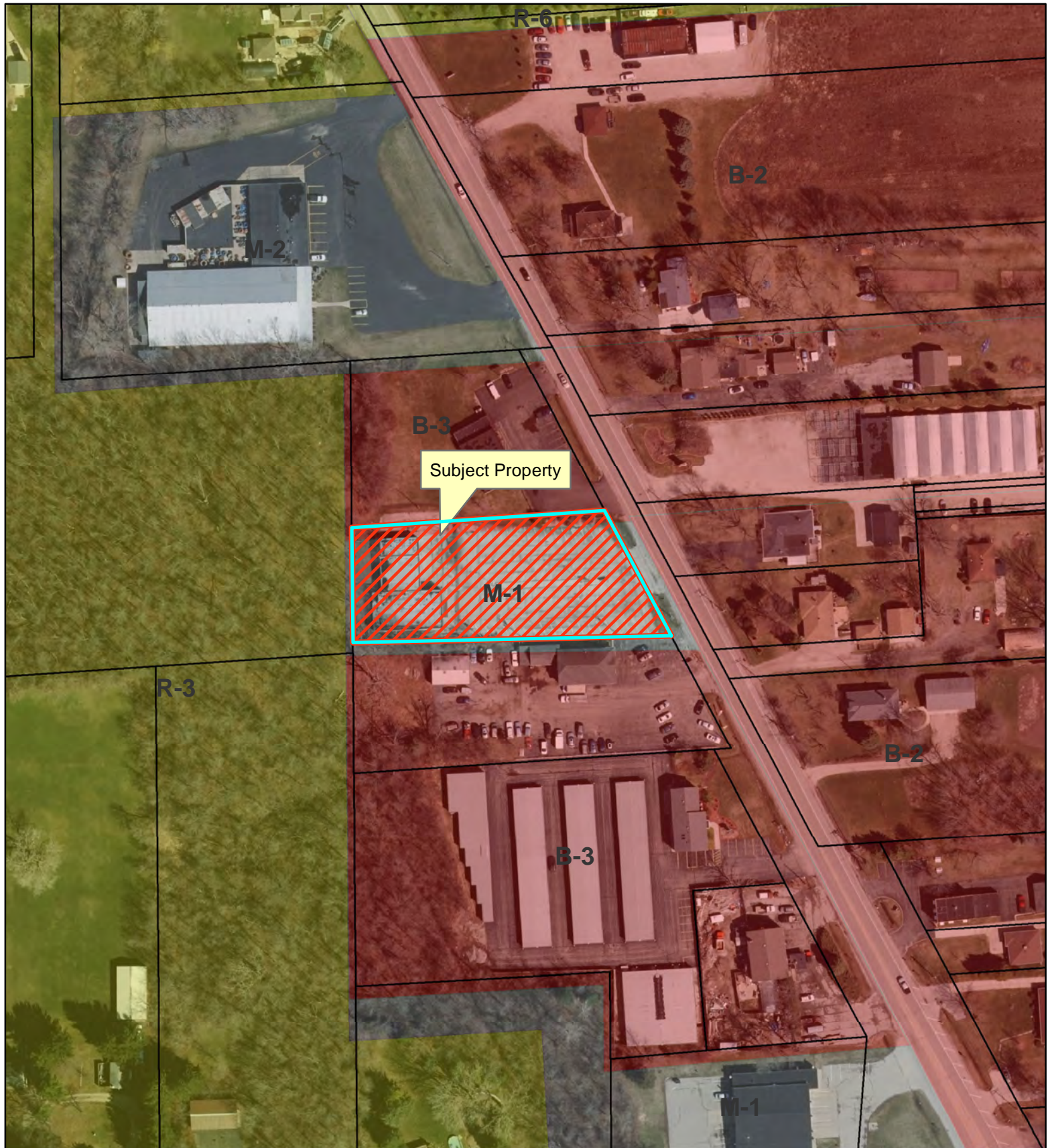
Respectfully submitted:



Peter Wagner, AICP
Development Director

Location Map

6156 Douglas Avenue



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N Dr Martin L King Jr Dr.
Milwaukee, WI, 53212

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



05/25/2021

Rob Konecko
5306 Douglas Ave
Racine, WI 53402

WIC-SE-2021-52-01779

RE: Wetland Delineation Report for "Konecko 2021" located in the Village of CALEDONIA, Racine County

Dear Mr. Konecko:

We have received and reviewed the wetland delineation report prepared for the above-mentioned site by Combs and Associates. This letter will serve as confirmation that the wetland boundaries as shown on the included wetland delineation map are acceptable. This finding is based upon a detailed report review and interview with the delineator. Any filling or grading within these areas will require DNR approvals. Our wetland confirmation is valid for five years unless altered site conditions warrant a new wetland delineation be conducted. Be sure to send a copy of the report, as well as any approved revisions, to the U.S. Army Corps of Engineers.

If you are planning development on the property, you are required to avoid take of endangered and threatened species, or obtain an incidental take authorization or permit, to comply with the state's Endangered Species Law. To insure compliance with the law, you should submit an endangered resources review form (Form 1700-047), available at <http://dnr.wi.gov/topic/ERReview/Review.html>. The Endangered Resources Program will provide a review response letter identifying any endangered and threatened species and any conditions that must be followed to address potential incidental take.

In addition to contacting WDNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project.

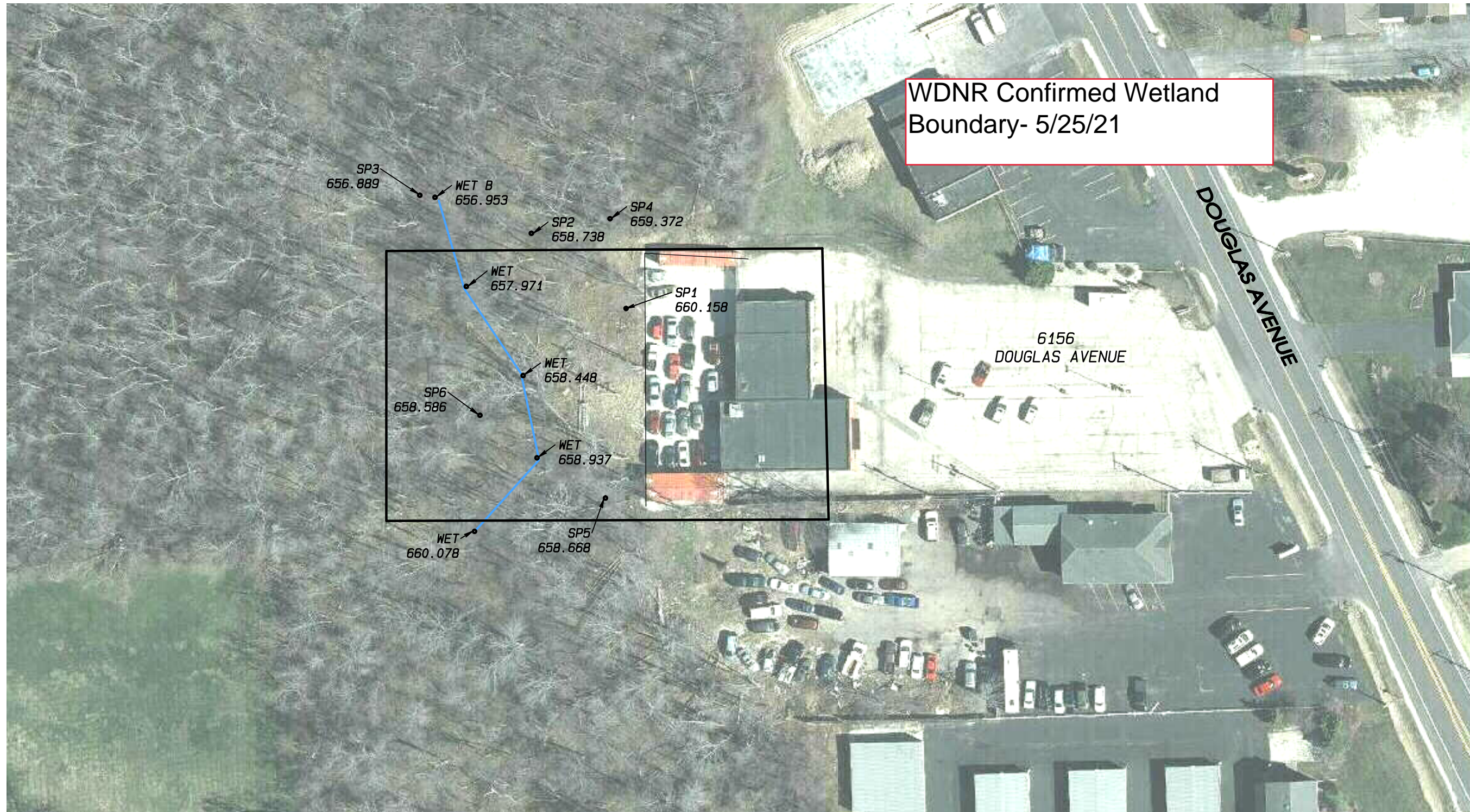
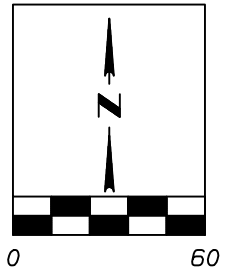
If you have any questions, please call me at (414) 308-6780 or email kara.brooks@wisconsin.gov.

Sincerely,

Kara Brooks
Wetland Identification Specialist

Copy to: USACE Project Manager
Andrew Jegerlehner, Combs and Associates

WETLAND DELINEATION



- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.
Janesville, WI 53548
www.combsurvey.com

tel: 608 752-0575
fax: 608 752-0534



Wednesday, August 11, 2021

Peter Wagner, Development Director
5043 Chester Lane
Racine, WI 53402

RE: Finishing Touch Auto Body 6156 Douglas Avenue – Building, Site, Operation Plan Review

Dear Mr. Wagner:

The Caledonia Utility District has performed a review of the Building, Site, Operation Plan provided on August 11, 2021, for Finishing Touch Auto Body at 6156 Douglas Avenue. This proposal is being considered at the August 30th Plan Commission Meeting.

After review, I offer the following comments.

Storm Water Management Plan

The proposed gravel and cargo container area to the West of the existing building does not require a storm water management plan due to the increase in impervious surface on the site since 2004 not meeting the minimum thresholds of the Village Ordinance.

Utilities

The proposed gravel and cargo container area does not require Sanitary Sewer or Water service.

Site Grading

The plan provided shows that there are wetlands on the site. The applicant will need to provide the wetland delineation report that was performed and note it on the plan as well. The Wisconsin DNR should provide input on a minimum setback from the wetland as necessary.

Since it is indicated that vehicles will be worked on within the gravel areas, what Best Management Practices (BMP's) will be used to prevent any oils, fluids, etc. from entering the wetland area.

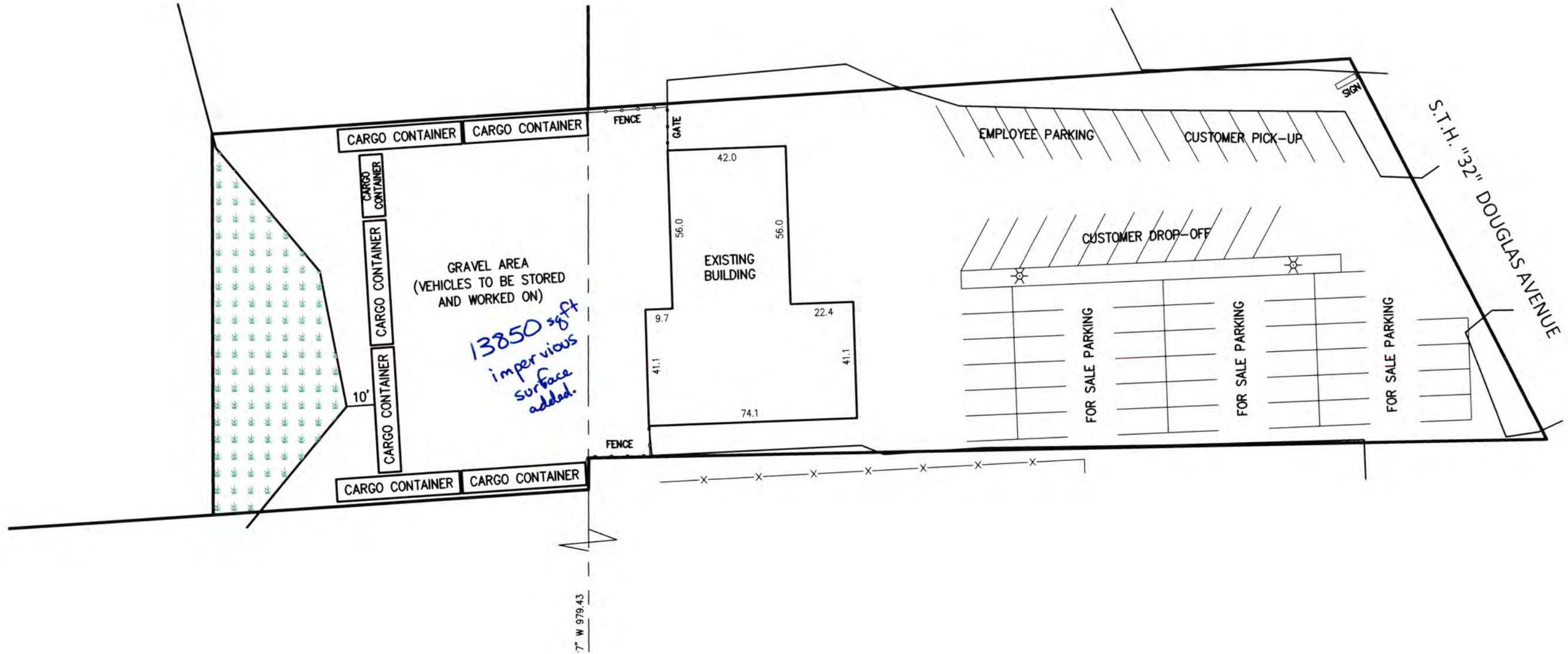
A grading plan will need to be submitted, reviewed, and approved to show how this gravel area is to be graded and what BMP's will be used to prevent erosion during construction.

If there are any questions about this review, please contact me to discuss.

Sincerely,

A handwritten signature in blue ink, reading "Anthony Bunkelman", with a long horizontal flourish extending to the right.

Anthony A. Bunkelman P.E.
Utility Director
Village of Caledonia



NOTES

BEARING BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE.
BASED UPON NAD 27, PER TOWN OF
CALEDONIA ASSESSOR'S PLAT NO. "2".

FIELD WORK: 06-15-2021 BY: ETM / SJM

THE WETLAND LINE WAS DELINEATED BY
MR. ANDREW JEGERLEHNER, PROJECT
MANAGER OF COMBS AND ASSOCIATES ON
APRIL 27, 2021.



Nielsen Madsen + Barber

CIVIL ENGINEERS AND LAND SURVEYORS

1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbasc.net

Scale: 1" = 40'

Drawn By: SCB

DATE: 8-9-2021

2017.0128.01

Proposed Site Layout Exhibit
Finishing Touch Auto Body
Caledonia, Wisconsin



Meeting Date: August 30, 2021

Item No. **7b**

PLAN COMMISSION REPORT

Proposal: Building, Site, & Operations (BSO) Plan Review

Description: Review a request for approval of a building, site, and operation plan for the construction and utilization of a ±10,792 square-foot commercial building located at 4949 Erie Street.

Applicant(s): Peter Oleszczuk

Address(es): 4949 Erie Street

Suggested Motion: That the Plan Commission recommends to the Village Board that a building, site, and operations plan for a ±10,972 square-foot commercial building be approved with conditions outlined in Exhibit A for the property located at 4949 Erie Street for the following reasons:

1. The proposed use is allowed through the building, site, and operation plan review process and is a permitted use in B-1 Zoning District.
2. This use will not adversely affect the surrounding property values.

Owner(s): Manveer & Chaman Real Estate Inc.

Tax Key(s): 104-04-23-28-002-000

Lot Size(s): ±1.878 acres

Current Zoning District(s): B-1, Neighborhood Business District

Overlay District(s): N/A

Wetlands: ☐ Yes ☒ No

Floodplain: ☐ Yes ☒ No

Comprehensive Plan: Medium Density Residential

Background: The applicant is proposing to construct a ±10,972 square-foot commercial building located at 4949 Erie Street. This commercial building is intended to be used as a single tenant retail business which is a permitted use in the B-1 District.

The proposed building will have an exterior consisting primarily of a stone veneer, fiber cement shake siding, and fiber cement horizontal siding. A glass paneled entrance will be located on the northeast corner of the building. The main portion of building will have a gable rooftop and a hip roof design along the northern elevation of the building. On both the east and west elevations, there will be spandrel glass giving the appearance of windows. In addition, the installation of stone columns will help break up the long expanse of the building on these elevations. LED light fixtures will be installed on the stone columns on all four sides of the building as illustrated on the plans. On the north elevation, above the spandrel glass will be dark bronze aluminum canopies providing articulation. The south elevation is clad in similar cement fiber board shake siding and horizontal siding with stone veneer accents. This elevation is where the mechanicals will be located and screened from view. Any roof mechanicals will be required to be screened from public right-of-way. Roofing materials of the building will asphalt shingles. The varying exterior materials and design of the building meet the design standard of a visually distinct top, middle, and base.

There will be 33 parking stalls with two ADA accessible stalls near the entrance which will require a waiver from the minimum parking standards of 3.5 stalls for every 1,000 square feet of floor area. Curb stops will be utilized on the eastern portion of the parking lot. The parking lot will be paved with either concrete or asphalt.

The site layout places the building at the minimum street yard setback requirement for the zoning district. This will help distance the building from the residential homes located to the east and south of the site. The placement of the building complies with the regulations pertaining to the vision triangle for two arterial streets. Per Engineering, no modifications to the roadway are required because of this development. The entrances to the site meet minimum distance requirements from the intersection. The northern entrance will line west of the residential driveway to the north. The west entrance will line up just north of the residential driveway to the west. When a commercial development abuts a residential district, a recently adopted ordinance requires that a vegetative buffer be between the differing land uses. This site has residential abutting to the south and east lot lines. A 30-foot mature vegetative buffer is proposed along the south lot line and a 45-foot mature vegetative buffer along the east side to mitigate the change in land use. An 18'x18' dumpster will be in the southern portion of the site, away from the entrance of the facility. It will be screened by shadowbox fencing with colors matching the main building.

The lighting of the site will consist of down-cast, cutoff, LED fixtures attached to the building. No parking lot lighting is proposed as part of this development. The submitted photometric plan will need some revisions along the western elevation as some areas exceed the maximum 0.5 foot-candles at the lot line. The applicant will be required to revise the lighting plan to meet this requirement prior to building permits being issued.

The proposed landscape plan meets the minimum requirements of Village Code. Per code trees along a street frontage need to be place a minimum of 50 feet apart. Along the western lot line, locust, lilac, and amuir maakia trees are proposed every 25-30 feet. One modification to the plan will be required. The proposed tree in the northwest corner of the site is located within the vision triangle and will need to be relocated on the site. Along the northern lot line, four trees are proposed along with shrubs around a monument sign. The eastern and southern areas of the site have a 35' and 40' vegetative buffer that will screen the parking lot. Arborvitae will be used to surround the mechanical screening and dumpster enclosure. Staff suggests additional shrubs and perennials beds abutting the building facing Erie Street be installed to provide a secondary landscape layer located behind the tree line as suggested in Village Code. This would further breakup the long expanse of building.

Three bio-retention areas are proposed as illustrated on the grading plan. Prior to any building permits being issued, the applicant will need to get approvals for stormwater management, erosion control, and grading plans from Water Utility Department and Engineering Department.

The Fire Department indicated no concerns regarding the proposed site plan; however, they have identified various fire protection requirements that will need to be addressed. The Fire Department will work with the applicant to ensure compliance with fire protection and sprinkling requirements for this building type.

Staff recommends approval of the proposed development located at 4949 Erie Street subject to conditions outlined in Exhibit A. If the Plan Commission is comfortable with the proposed development, staff has drafted a suggested motion to approve the proposed development with conditions.

EXHIBIT A: Conditions of Approval for 4949 Erie Street Commercial Building

1. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
2. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Agent, and any other users of the Property Owner with respect to the uses on the Property.
3. **Plans.** The proposed operation shall be located, constructed, and utilized in accordance with the revised plans and documents received by the Village Planning Office on August 16, 2021.
4. **Engineering Department.** The property owner or designated agent must contact the Village of Caledonia Engineering Department and must comply with all regulations and requirements of the Village of Caledonia Engineering Department.
5. **Stormwater.** The property owner or designated agent must contact the Village of Caledonia Stormwater Utility District regarding stormwater regulations for this site. Compliance with all regulations and requirements, as determined by the Village of Caledonia Stormwater Utility District is required. Stormwater management plans shall be submitted for approval and be in compliance with all Village requirements, as determined by the Village Engineer before permits are issued.
6. **Fire Department Approval.** Owner shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.
7. **Parking.** Parking at the site must be in compliance with the submitted plans. All employee and visitor parking must be conducted in the proposed parking lot as outlined on the submitted site plan. Each parking space shall be a minimum of 180 square feet in area exclusive of the space required for ingress and egress. Handicapped spaces shall be provided in accordance with State requirements. The driveway and all parking areas must be maintained in a hard-surfaced, dust-free condition.
8. **Landscaping.** Landscaping at the site must be in compliance with the submitted Landscaping Plan received on August 16, 2021. The Village may require a letter of credit or bond to be posted to ensure implementation and maintenance. Landscaping shall comply with Title 16. The landscaping plan shall follow the Village of Caledonia planting requirements. Landscaping shall

be maintained in a living condition and any landscaping that dies or is otherwise removed shall be immediately replaced.

9. **Lighting.** The lighting plan must be in compliance with the submitted lighting plan August 16, 2021. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway. Following installation, owner shall contact Village for an inspection to ensure that lighting was properly installed.
10. **Signage.** Prior to installation of any signs, a sign permit will be required prior to installation and meet all sign regulations in Title 16. Internally lit cabinet wall signs, banners, balloons, flashing or animated signs are prohibited.
11. **No Accumulation of Refuse and Debris.** Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
12. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as adopted by the Village of Caledonia.
13. **Property Maintenance Required.** A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining and pruning all landscape planting areas including removal and replacement of dead or diseased landscaping; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade.
14. **Outdoor Display of Merchandise.** Outdoor storage will be limited to one ice chest box. The display of merchandise outdoors is prohibited. Such items shall include but not limited to: propane exchange, firewood, general merchandise, redbox, and other retail goods.
15. **Expiration.** This approval will expire twelve (12) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the development will be required to resubmit their application and go through the conditional use process.
16. **Access.** The applicant must allow any Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
17. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
18. **Reimburse Village Costs.** Applicant shall reimburse to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.

19. **Amendments to Building, Site & Operations Plan.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Caledonia in writing. A minor change to the conditions of this permit, as deemed by the Village Development Director, may be made at a staff level, if authorized by the Village Development Director.
 20. **Caledonia Utility District.** The property owner or designated agent must contact the Caledonia Utility District regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Utility District is required.
 21. **Site Plan and Title 16 Review.** The final site plan and site design and architectural details required under Title 16 of the Village's Code of Ordinances shall be reviewed and approved for compliance by the Village Development Director.
 22. **Agreement.** You are accepting the conditions of approval and the beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Peter Oleszczuk, Midwest WI LLC, Manveer & Chaman Real Estate Inc., and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.
 23. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
-

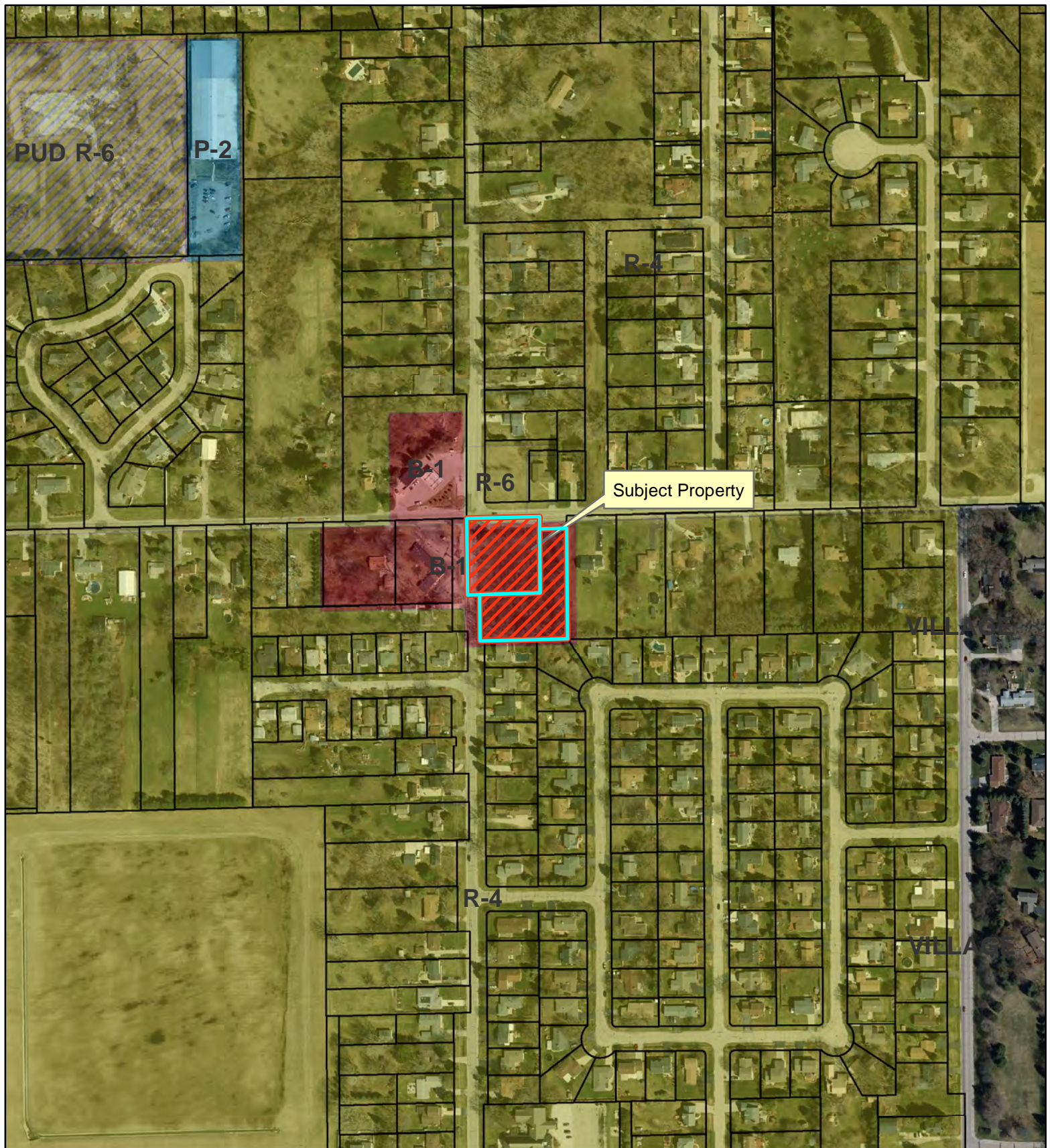
Respectfully submitted:

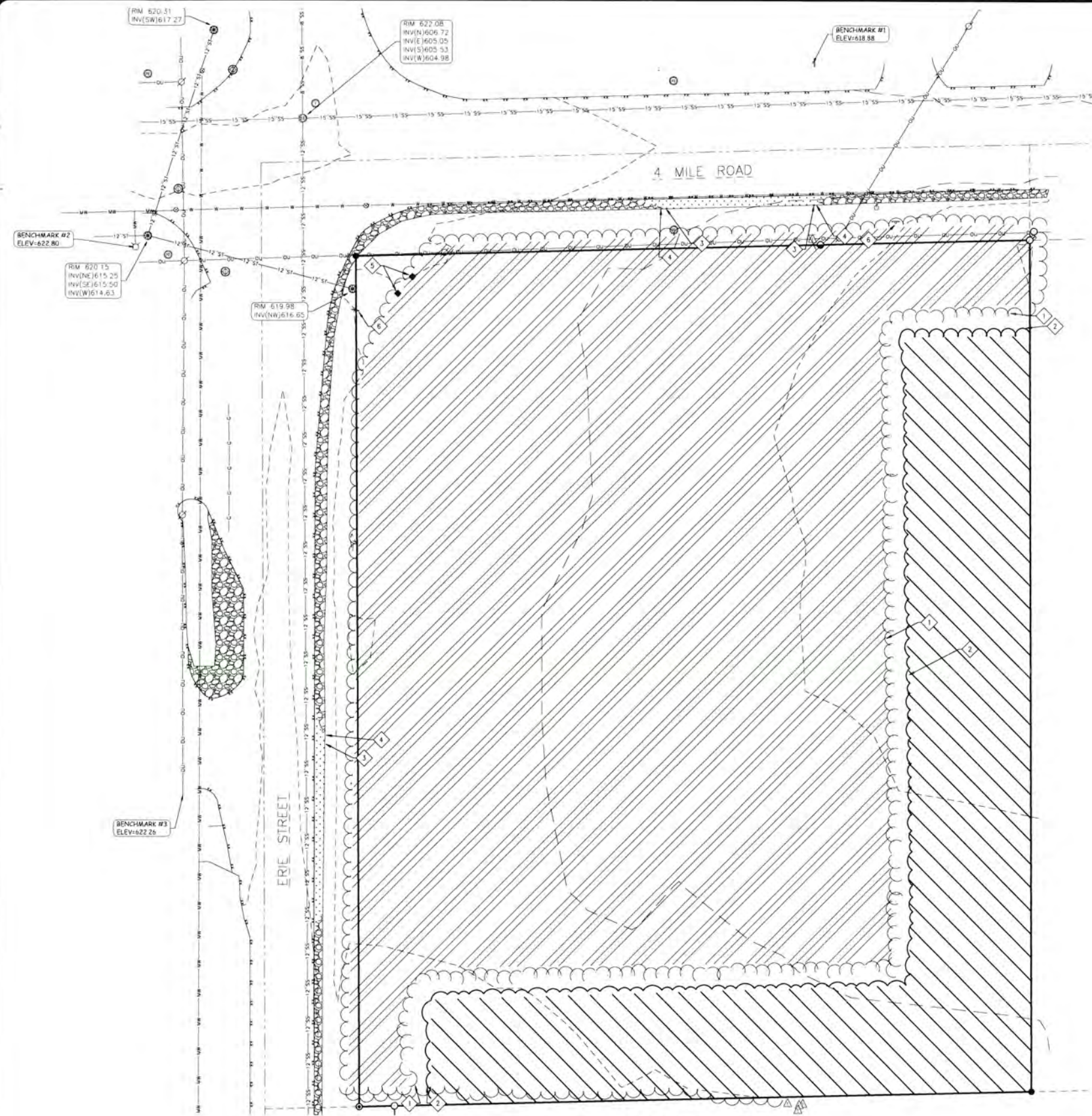
A handwritten signature in dark ink, appearing to read "Peter Wagner".

Peter Wagner, AICP
Development Director

Location Map

4949 Erie Street





BENCHMARK:

ELEVATIONS ARE REFERENCED TO NVD 29 DATUM

BENCHMARK #1
604 NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF
THE SUBJECT PROPERTY
ELEVATION = 618.88

BENCHMARK #2
ARROW BOLT ON HYDRANT
LOCATED AT THE SOUTHWEST QUADRANT OF THE
INTERSECTION OF 4 MILE ROAD AND ERIE STREET
ELEVATION = 622.80

BENCHMARK #3
804 NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE
SUBJECT PROPERTY
ELEVATION = 622.26

UTILITY DISCLAIMER:

THE LOCATIONS, SIZES, AND TYPES OF UNDERGROUND PUBLIC AND PRIVATE UTILITIES OR SUBSTRUCTURES SHOWN HEREON WERE OBTAINED FROM VISUAL INSPECTION, FIELD MEASUREMENTS, AND/OR AS-BUILT PLANS. SANITARY SEWER AND STORM SEWER PIPE SIZES, INVERTS, DIRECTION, AND LOCATIONS BETWEEN MANHOLES ARE SUPPLEMENTED BY AS-BUILT PLANS AND/OR ESTIMATED BASED ON FIELD OBSERVATIONS. PRIOR TO CONSTRUCTION IN THE VICINITY OF ANY UTILITIES SHOWN HEREON, IT IS RECOMMENDED THAT THE LOCATIONS, DEPTHS, AND SIZES BE FIELD VERIFIED. THE LOCATIONS SHOWN HEREON ARE ONLY APPROXIMATE, WITH POSSIBILITY THAT ADDITIONAL UTILITY LINES NOT DISCOVERED, OR MARKED, DURING THE SEARCH OF RECORDS AND THE FIELD SURVEY MAY EXIST. ANY CONTRACTOR USING THE INFORMATION SHOWN HEREON IS HEREBY FOREWARNED THAT ANY EXCAVATION UPON THIS SITE MAY RESULT IN THE DISCOVERY OF ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN HEREON. IN GENERAL, UNDERGROUND UTILITY LOCATIONS ARE SHOWN FROM UTILITY MARKINGS, BY OTHERS, AND/OR AS-BUILT PLANS, PROVIDED BY OTHERS. POINT OF BEGINNING MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, WITH RESPECT TO THE EXISTING UTILITIES SHOWN HEREON, AND BELIEVES THAT THE INFORMATION CONTAINED HEREIN IS RELIABLE AND GENERALLY ACCURATE FOR THE PURPOSE INTENDED.

GENERAL NOTES:

1. CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
2. ALL DEMOLITION MATERIALS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER EXCEPT FOR THOSE ITEMS NOTED TO BE SALVAGED, WHICH SHOULD BE TURNED OVER TO THE OWNER.
3. INSTALL AND MAINTAIN ALL REQUIRED EROSION CONTROL MEASURES FOR PERIMETER PROTECTION PRIOR TO THE START OF DEMOLITION/CONSTRUCTION, IN ACCORDANCE WITH THE LOCAL AND STATE GOVERNING AUTHORITIES.
4. BIDDERS SHALL VISIT THE SITE AND REVIEW EXISTING CONDITIONS PRIOR TO THE BID DATE.
5. COORDINATE WITH THE OWNER AND LOCAL UTILITY COMPANIES TO LOCATE ANY EXISTING UTILITIES ON SITE PRIOR TO THE START OF WORK.
6. ANY EXISTING UTILITIES NOT SHOWN ON THIS DOCUMENT WHICH NEED TO BE REMOVED, RELOCATED, AND/OR ADJUSTED SHALL BE THE RESPONSIBILITY OF THE SITE GRADING CONTRACTOR AND INCLUDED IN THE BASE BID CONTRACT.
7. STRIP TOPSOIL WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH THE PROJECT MANUAL SPECIFICATIONS.
8. IF STRIPPED TOPSOIL IS STOCKPILED ON SITE, SILT FENCE SHALL BE INSTALLED AROUND THE BASE OF THE STOCKPILE TO PREVENT SEDIMENT TRANSPORT.
9. PRIOR TO PERFORMING WORK WITHIN PUBLIC RIGHT OF WAYS, NOTIFY AND COORDINATE WORK WITH THE LOCAL MUNICIPALITY.
10. MAINTAIN TRAFFIC CIRCULATION TO ALL RETAIL AND COMMERCIAL BUILDINGS SHOWN ON THIS DOCUMENT. COORDINATE ALL WORK WITH SAID BUSINESSES.

KEYNOTES:

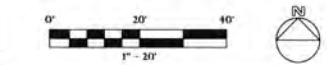
- 1.) CLEAR AND GRUB EXISTING TREES
- 2.) MAINTAIN EXISTING TREES
- 3.) REMOVE EXISTING GRAVEL SHOULDER
- 4.) MAINTAIN EXISTING GRAVEL SHOULDER
- 5.) REMOVE WOODEN POST
- 6.) MAINTAIN EXISTING SIGN

DEMOLITION HATCH PATTERNS:

- | | |
|-------------------------------------|--|
| VEGETATIVE BUFFER DO NOT DISTURB | |
| CLEAR AND GRUB EXISTING WOODED AREA | |
| REMOVE GRAVEL | |
| MAINTAIN GRAVEL | |

CIVIL SHEET INDEX:

- C1.0 DEMOLITION PLAN
- C2.0 LAYOUT PLAN
- C3.0 GRADING PLAN
- C4.0 EROSION CONTROL PLAN
- C5.0 UTILITY PLAN
- C6.0 DETAILS
- C6.1 DETAILS
- L1.0 LANDSCAPING PLAN



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REVISIONS

CHECKED:	JJL
DRAWN:	JJL
DATE:	06/30/2021
PROJECT NO.	21.028

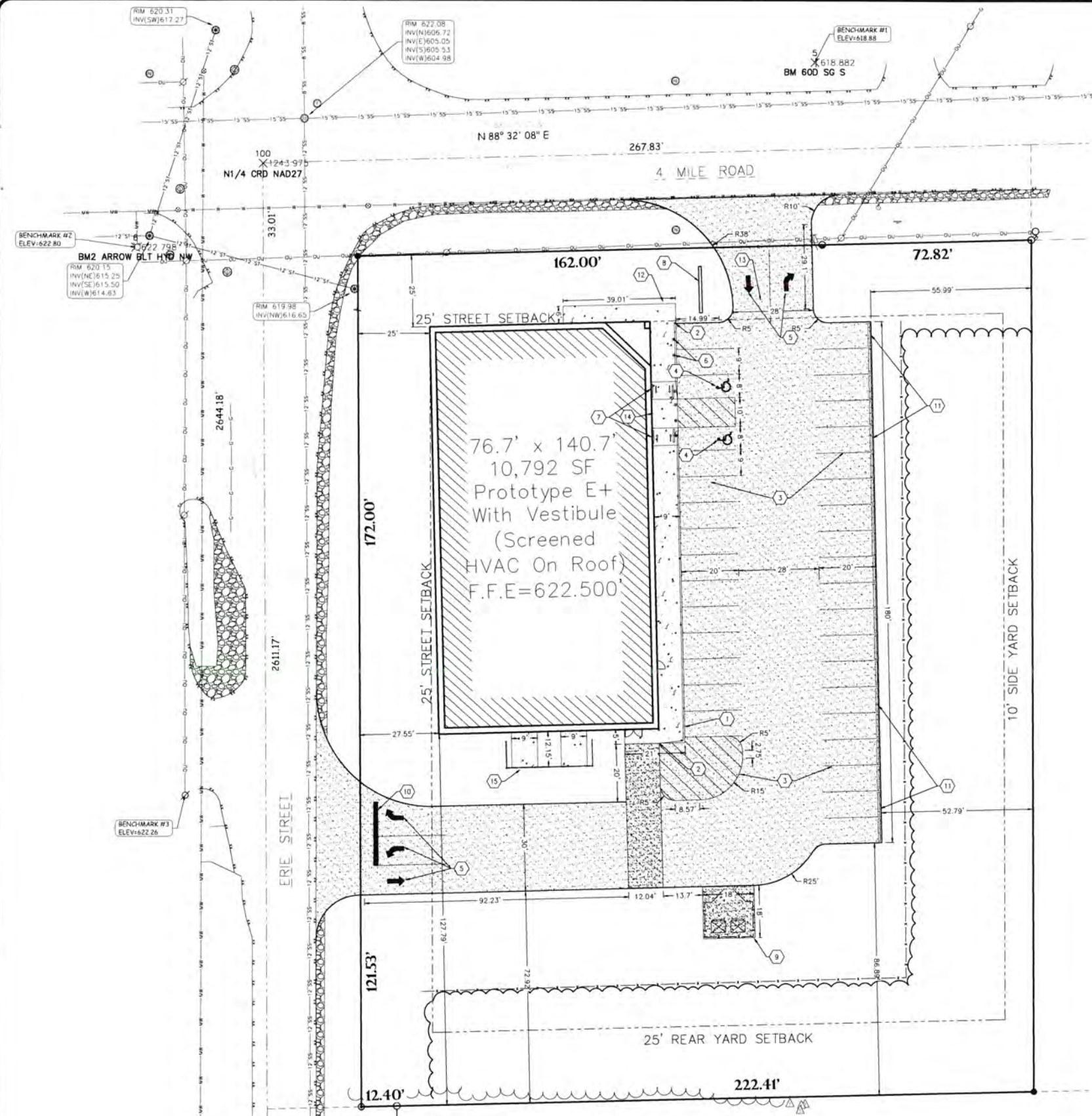
DEMOLITION PLAN

MIDWEST WI, LLC
DOLLAR GENERAL
VILLAGE OF CALEDONIA
RACINE CO, WISCONSIN

Civil Engineering
Land Surveying
Landscape Architecture
4941 Kirschling Court
Sevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)

Point of Beginning

SHEET
C1.0



BENCHMARK:

ELEVATIONS ARE REFERENCED TO NAVD 83 DATUM.

BENCHMARK #1
604' NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF
THE SUBJECT PROPERTY
ELEVATION = 618.88

BENCHMARK #2
ARROW BOLT ON HYDRANT
LOCATED AT THE SOUTHWEST QUADRANT OF THE
INTERSECTION OF 4 MILE ROAD AND ERIE STREET
ELEVATION = 622.80

BENCHMARK #3
604' NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE
SUBJECT PROPERTY
ELEVATION = 622.26

UTILITY DISCLAIMER:

THE LOCATIONS, SIZES, AND TYPES OF UNDERGROUND PUBLIC AND PRIVATE UTILITIES OR SUBSTRUCTURES SHOWN HEREON WERE OBTAINED FROM VISUAL INSPECTION, FIELD MEASUREMENTS, AND/OR AS-BUILT PLANS. SANITARY SEWER AND STORM SEWER PIPE SIZES, INVERTS, DIRECTION, AND LOCATIONS BETWEEN MANHOLES ARE SUPPLEMENTED BY AS-BUILT PLANS AND/OR ESTIMATED BASED ON FIELD OBSERVATIONS PRIOR TO CONSTRUCTION IN THE VICINITY OF ANY UTILITIES SHOWN HEREON. IT IS RECOMMENDED THAT THE LOCATIONS, DEPTHS, AND SIZES BE FIELD VERIFIED. THE LOCATIONS SHOWN HEREON ARE ONLY APPROXIMATE, WITH POSSIBILITY THAT ADDITIONAL UTILITY LINES NOT DISCOVERED, OR MARKED, DURING THE SEARCH OF RECORDS AND THE FIELD SURVEY MAY EXIST. ANY CONTRACTOR USING THE INFORMATION SHOWN HEREON IS HEREBY FOREWARNED THAT ANY EXCAVATION UPON THIS SITE MAY RESULT IN THE DISCOVERY OF ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN HEREON. IN GENERAL, UNDERGROUND UTILITY LOCATIONS ARE SHOWN FROM UTILITY MARKINGS, BY OTHERS, AND/OR AS-BUILT PLANS, PROVIDED BY OTHERS. POINT OF BEGINNING MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, WITH RESPECT TO THE EXISTING UTILITIES SHOWN HEREON, AND BELIEVES THAT THE INFORMATION CONTAINED HEREIN IS RELIABLE AND GENERALLY ACCURATE FOR THE PURPOSE INTENDED.

- GENERAL NOTES:**
1. CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
 2. GRADE, LINE, AND LEVEL TO BE REVIEWED IN THE FIELD BY THE CONSTRUCTION MANAGER.
 3. ALL REQUIRED EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH LOCAL MUNICIPAL AND DEPARTMENT OF NATURAL RESOURCES REGULATIONS.
 4. SEE SHEET C4.0 FOR ALL REQUIRED EROSION CONTROL ELEMENTS.
 5. ANY EXISTING UTILITIES NOT SHOWN ON THIS DOCUMENT WHICH NEED TO BE REMOVED, RELOCATED AND OR ADJUSTED SHALL BE THE RESPONSIBILITY OF THE SITE GRADING CONTRACTOR AND INCLUDED IN THE BASE BID CONTRACT.
 6. VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
 7. BIDDERS SHALL VISIT THE SITE AND REVIEW EXISTING CONDITIONS PRIOR TO THE BID DATE.
 8. PRIOR TO STARTING WORK, VERIFY WITH THE LOCAL AUTHORITIES THAT ALL REQUIRED PERMITS HAVE BEEN ACQUIRED.
 9. COORDINATE CONSTRUCTION IN THE RIGHT OF WAY WITH THE LOCAL AUTHORITIES.
 10. PROVIDE PROPER BARRICADES, SIGNS, AND TRAFFIC CONTROL TO MAINTAIN THRU TRAFFIC ALONG ADJACENT STREETS IN ACCORDANCE WITH LOCAL MUNICIPAL REQUIREMENTS.
 11. SIDEWALK JOINTS SHALL BE INSTALLED AS INDICATED OR AS APPROVED BY THE CONSTRUCTION MANAGER.
 12. ALL GENERAL LANDSCAPE AREAS SHALL BE SEEDED, FERTILIZED, AND CRIMP HAY MULCHED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

- KEYNOTES:**
- ① THICKENED EDGE WALK
 - ② END OF THICKENED EDGE WALK
 - ③ PARKING LOT STRIPING
 - ④ ADA PARKING STALL
 - ⑤ DIRECTIONAL ARROW
 - ⑥ CONCRETE BOLLARD
 - ⑦ ADA PARKING SIGN
 - ⑧ LIGHTED PYLON SIGN
W/ UNDERGROUND ELECTRIC
(SEE ELECTRICAL PLANS)
 - ⑨ 18'x18' DUMPSTER PAD
W/ SHADOW BOX FENCING
 - ⑩ 18" STOP BAR
 - ⑪ 8' PARKING STOPS
 - ⑫ APPROXIMATE LOCATION OF 1" SLEEVE
FOR PYLON SIGN POWER CONDUIT
(VERIFY FINAL LOCATION WITH BLDG
ELECTRICAL DESIGNER/CONTRACTOR)
 - ⑬ APPROXIMATE LOCATION OF 2" SLEEVE FOR
IRRIGATION LINE, VERIFY FINAL LOCATION
WITH IRRIGATION DESIGNER/CONTRACTOR
 - ⑭ ADA RAMP
 - ⑮ HVAC AREA
 - ⑯ 8' HIGH PRIVACY FENCE
(STYLE AS APPROVED BY OWNER)

PAVEMENT HATCH PATTERNS:

BASE BID - 6" CONCRETE PAVEMENT
ALTERNATE BID - 4" ASPHALT PAVEMENT

PROPOSED 4" CONCRETE SIDEWALK

6" CONCRETE PAVEMENT

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	06/30/2021

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DRAWN: J.J.L.
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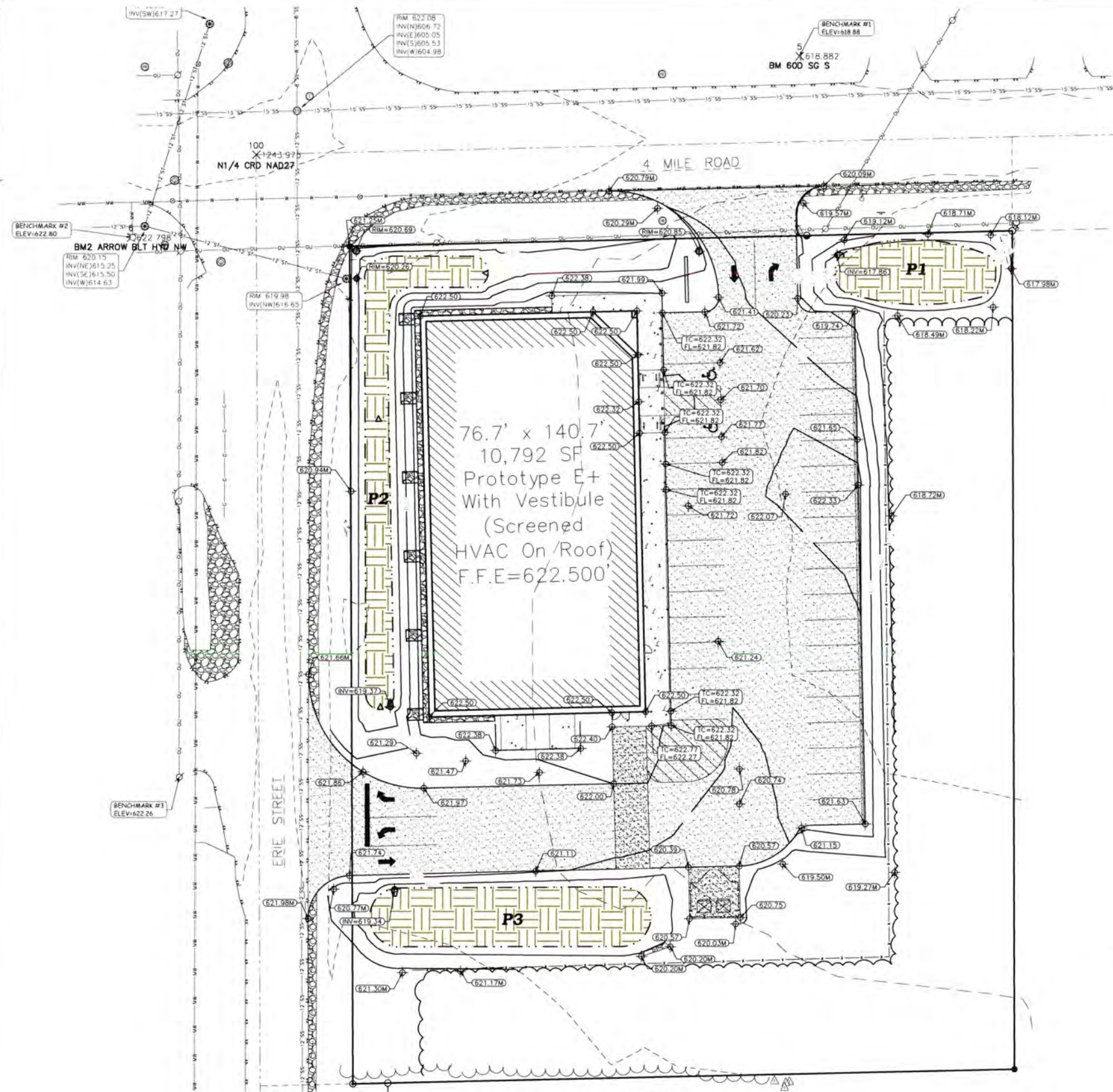
LAYOUT PLAN

**MIDWEST WI, LLC
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VILLAGE OF CALEDONIA
RACINE CO, WISCONSIN**

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Point of Beginning

SHEET C2.0



BENCHMARK:

ELEVATIONS ARE REFERENCED TO NVD 29 DATUM.

BENCHMARK #1
606 NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF
THE SUBJECT PROPERTY
ELEVATION = 618.88

BENCHMARK #2
ARROW BOLT ON HYDRANT
LOCATED AT THE SOUTHWEST QUADRANT OF THE
INTERSECTION OF 4 MILE ROAD AND ERIE STREET
ELEVATION = 622.80

BENCHMARK #3
606 NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE
SUBJECT PROPERTY
ELEVATION = 622.26

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GENERAL NOTES:

- CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
- THE PROPOSED SITE PLAN FINISH FLOOR ELEVATION OF 622.500' EQUALS THE PROPOSED BUILDING ARCHITECTURAL FINISH FLOOR ELEVATION OF 100.00'.
- GRADE, LINE, AND LEVEL SHALL BE REVIEWED IN THE FIELD BY THE CONSTRUCTION MANAGER.
- INSTALL AND MAINTAIN ALL REQUIRED EROSION CONTROL MEASURES IN ACCORDANCE WITH LOCAL MUNICIPAL AND DEPARTMENT OF NATURAL RESOURCES REGULATIONS.
- 6" OF TOPSOIL SHALL BE PROVIDED IN ALL GENERAL LAWN AREAS AND 12" SHALL BE PROVIDED IN ALL PLANTING BED AREAS.
- SEE SHEET C4.0 FOR ALL REQUIRED EROSION CONTROL ELEMENTS.
- ANY EXISTING UTILITIES NOT SHOWN ON THIS DOCUMENT WHICH NEED TO BE REMOVED, RELOCATED, AND/OR ADJUSTED SHALL BE THE RESPONSIBILITY OF THE SITE GRADING CONTRACTOR AND INCLUDED IN THE BASE BID CONTRACT.
- COORDINATE ALL EARTHWORK ACTIVITIES WITH THE RESPECTIVE TRADES RESPONSIBLE FOR THE INSTALLATION OF GAS, CABLE, TELEPHONE AND ELECTRICAL (INCLUDING MAIN SERVICE, SITE LIGHTING, CONDUITS AND SIGNAGE).
- PROVIDE RIP RAP AT ALL CULVERT ENDWALL STRUCTURES TO PREVENT WASHOUT AND EROSION.
- INSTALL WSDOT TYPE HR FILTER FABRIC BENEATH UNDER RIP RAP.
- EXCESS TOPSOIL SHALL BE REMOVED FROM SITE, UNLESS OTHERWISE DIRECTED BY THE OWNER. COORDINATE WITH OWNER FOR LOCATION OF STOCKPILE IF THE OWNER CHOOSES TO SALVAGE EXCESS TOPSOIL FOR FUTURE USE. SILT FENCE SHALL BE PLACED AROUND STOCKPILE.
- THE ENGINEERED SOIL SHALL NOT BE PLACED IN THE BIORETENTION AREAS UNTIL THE SURROUNDING DRAINAGE AREA HAS BEEN FULLY STABILIZED. ALL CONSTRUCTION SITE SEDIMENT SHALL BE REMOVED FROM THE SUBGRADE OF THE BIORETENTION AREA PRIOR TO PLACEMENT OF THE ENGINEERED SOIL.
- ALL TESTING AND INSPECTION SHALL BE DONE IN ACCORDANCE WITH SPS 382.21.
- THE LOCAL MUNICIPALITY SHALL BE CONTACTED PRIOR TO ANY EXCAVATION IN THE PUBLIC RIGHT-OF-WAY.
- THE CONTRACTOR SHALL HAVE HIS TRAFFIC CONTROL PLAN APPROVED PRIOR TO WORK COMMENCING.
- THE LOCAL MUNICIPALITY SHALL OPERATE ALL EXISTING WATER VALVES IF NEEDED.
- GRADES AT BUILDING EDGE SHALL BE 6" BELOW FINISHED FLOOR ELEVATION EXCEPT AT DOOR WAY ENTRANCES OR UNLESS OTHERWISE NOTED.

GRADING LEGEND:

EXISTING CONTOUR	712
PROPOSED CONTOUR	712
PROPOSED SPOT ELEVATION	622.26
PROPOSED ENDWALL INVERT ELEVATION	INV=622.05
PROPOSED RIM ELEVATION	RIM=622.50
PROPOSED TOP OF CURB ELEVATION	TC=622.50
PROPOSED FLOW LINE ELEVATION	FL=622.50
PROPOSED TOP OF SIDEWALK ELEVATION	TS=622.50
PROPOSED TOP OF WALL ELEVATION	TW=622.50
PROPOSED BOTTOM OF WALL ELEVATION	BW=622.50
PROPOSED MATCH ELEVATION (CONTRACTOR TO VERIFY)	622.05M
PROPOSED ENDWALL STRUCTURE WITH RIP RAP	6
PROPOSED STORM SEWER MANHOLE	7
PROPOSED STORM SEWER CONTROL STRUCTURE	1
PROPOSED ROOF DRAIN	7
PROPOSED STORM SEWER INLET	7
PROPOSED BIO-INFILTRATION BASIN	11, 12
RIP RAP WEIR	6.0, 6.0
2' STONE MOW STRIP	8

NOTES ON BIO-RETENTION AREAS

NOTES:

- ENGINEERED SOIL SHALL NOT BE INSTALLED UNTIL GRADING IS COMPLETE AND DISTURBED GROUND HAS BEEN TEMPORARILY STABILIZED TO PREVENT CLOGGING.
- DO NOT ADD ENGINEERED MEDIA UNTIL SITE PAVING HAS OCCURRED AND TURF AREAS HAVE BEEN ESTABLISHED WITH VEGETATION.
- ENGINEERED MEDIA TO BE INSTALLED WITH NO MECHANICAL COMPACTION (INCLUDING EQUIPMENT TRACKING).
- ENGINEERED MEDIA TO BE INSTALLED IN 6 INCH LIFTS AND SPRINKLER WATERED (TO SIMULATE RAINFALL) AT EACH LIFT TO ACHIEVE SETTLEMENT. ALTERNATELY, ENGINEERED MEDIA MAY BE PLACED IN 6 INCH LIFTS WITHOUT WATERING AND FINISHED GRADE PLACED 3 INCHES ABOVE THE PLAN ELEVATION TO ACCOUNT FOR EXPECTED SETTLEMENT DURING INITIAL RAINFALLS.

ENGINEERED SOIL COMPOSITION-The soil shall be engineered to the following specifications:

(1) The planting mixture shall consist of a mixture of 70 to 85% sand and 15 to 30% compost. The percentages are based on volume. Special attention should be given to plant selection when the percentage of sand exceeds 75%. Note: This mixture meets the equivalent level of protection as determined by DNR.

(2) The sand shall meet one of the following gradation requirements:
USDA Coarse Sand (.02 - .04 inches)
ASTM C33 (Fine Aggregate Concrete Sand)
Wisconsin Standards and Specifications for Highway and Structure Construction, Section 501.2.5.3.4 (Fine Aggregate Concrete Sand) 2005 edition, or an equivalent as approved by the administering authority. The preferred sand component consists of mostly 502, but sand consisting of dolomite or calcium carbonate may also be used. Manufactured sand or stone dust is not allowed. The sand shall be washed and drained to remove clay and silt particles prior to mixing.

(3) The compost component shall meet the requirements of Wisconsin Department of Natural Resources Specification S100, Compost.

(4) The engineered soil mix shall be free of rocks, stumps, roots, brush or other material over 1 inch in diameter. No other materials shall be mixed with the planting soil that may be harmful to plant growth or prove a hindrance to planting or maintenance.

(5) The engineered soil mix shall have a pH between 5.5 and 6.5.

(6) The engineered soil mix shall have adequate nutrient content to meet plant growth requirements.

REVISIONS

CHECKED:	JJE
DRAWN:	JJE
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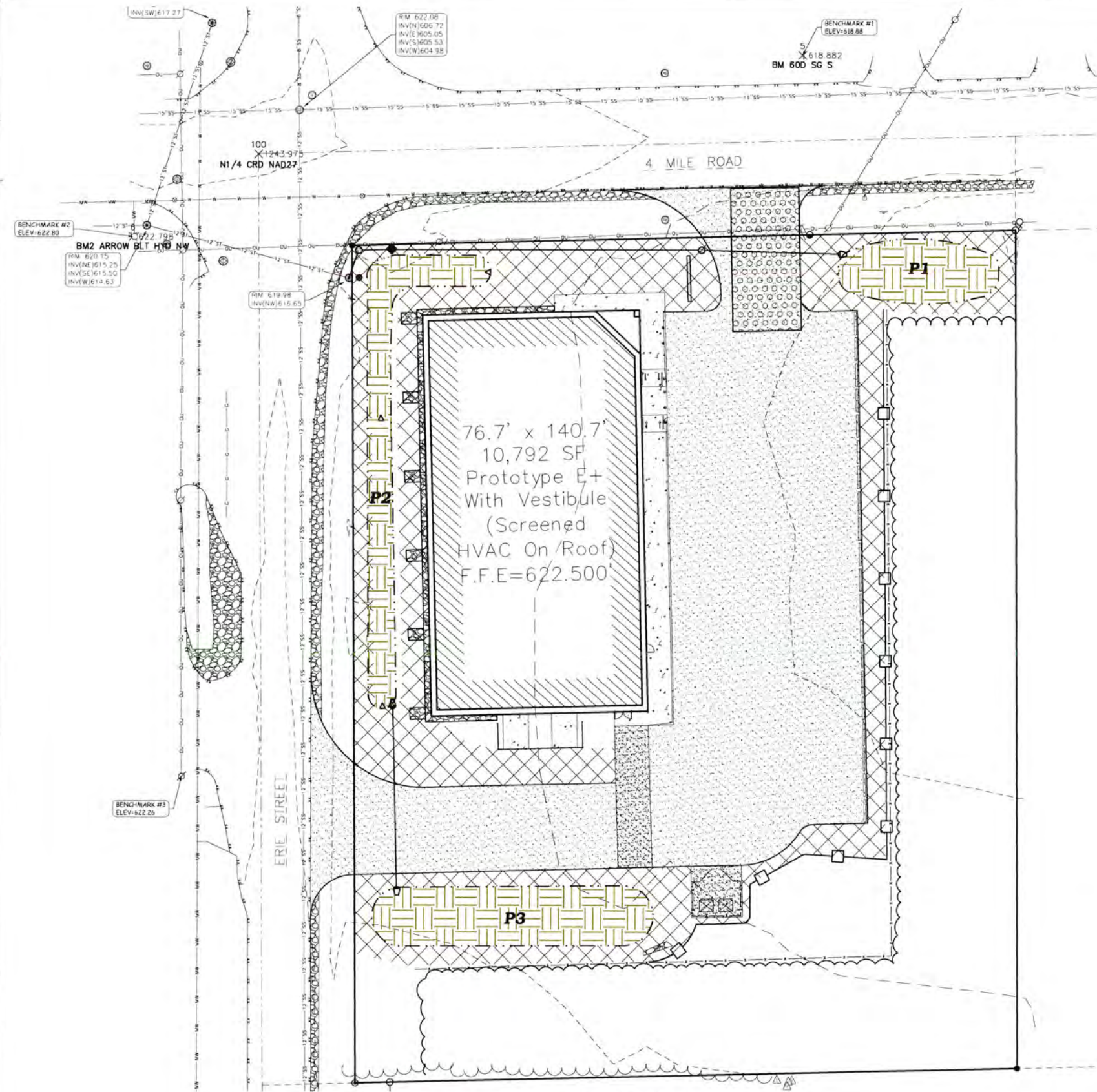
GRADING PLAN

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Point of Beginning

SHEET
C3.0



BENCHMARK:

ELEVATIONS ARE REFERENCED TO NAD 83 DATUM.

BENCHMARK #1
604 NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF
THE SUBJECT PROPERTY.
ELEVATION = 618.88

BENCHMARK #2
ARROW BOLT ON HYDRANT
LOCATED AT THE SOUTH-WEST QUADRANT OF THE
INTERSECTION OF 4 MILE ROAD AND ERIE STREET.
ELEVATION = 622.80

BENCHMARK #3
604 NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE
SUBJECT PROPERTY.
ELEVATION = 622.26

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GENERAL NOTES:

- CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
- NOTIFY THE LOCAL MUNICIPALITY AT LEAST 2 WORKING DAYS PRIOR TO THE START OF SOIL DISTURBING ACTIVITIES.
- INSTALL ALL TEMPORARY EROSION CONTROL ELEMENTS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
- ALL ACTIVITIES SHALL BE CONDUCTED IN A LOGICAL SEQUENCE TO MINIMIZE THE AMOUNT OF BARE SOIL EXPOSED AT ANY ONE TIME. MAINTAIN EXISTING VEGETATION AS LONG AS POSSIBLE.
- CRUSHED ROCK DRIVES FOR SEDIMENT TRACKING UTILIZING 3" CRUSHED ROCK SHALL BE MAINTAINED AT ALL CONSTRUCTION ENTRANCES TO THE SITE. THE ROCK DRIVE SHALL BE A MINIMUM OF 12" THICK AND BE A MINIMUM OF 50 FEET IN LENGTH BY THE WIDTH OF THE DRIVEWAY.
- OFF SITE SEDIMENT DEPOSITS OCCURRING AS A RESULT OF A STORM EVENT SHALL BE CLEANED UP BY THE END OF THE NEXT WORK DAY. ALL OFF SITE SEDIMENT DEPOSITS OCCURRING AS A RESULT OF CONSTRUCTION ACTIVITIES, INCLUDING SOIL TRACKED BY CONSTRUCTION TRAFFIC, SHALL AT A MINIMUM BE CLEANED BY THE END OF EACH WORK DAY. EXCESSIVE AMOUNTS OF SEDIMENT OR OTHER DEBRIS TRACKED ONTO ADJACENT STREETS SHALL BE CLEANED BY THE END OF EACH WORK DAY. EXCESSIVE AMOUNTS OF SEDIMENT OR OTHER DEBRIS TRACKED ONTO ADJACENT STREETS SHALL BE CLEANED IMMEDIATELY. FINE SEDIMENT ACCUMULATIONS SHALL BE CLEANED FROM ADJACENT STREETS BY THE USE OF MECHANICAL OR MANUAL SWEEPING OPERATIONS ONCE A WEEK AT A MINIMUM AND BEFORE IMMINENT RAIN EVENTS.
- DISTURBED GROUND OUTSIDE OF THE EVERYDAY CONSTRUCTION AREAS, INCLUDING SOIL STOCKPILES, THAT ARE LEFT INACTIVE FOR MORE THAN 7 DAYS SHALL BE TEMPORARILY STABILIZED BY SEEDING/MULCHING OR OTHER APPROVED METHODS.
- WASTE MATERIAL THAT IS GENERATED ON THE CONSTRUCTION SITE SHALL BE PROPERLY DISPOSED OF AND NOT ALLOWED TO RUN INTO RECEIVING WATERS.
- EROSION CONTROL DEVICES DESTROYED AS A RESULT OF CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE END OF EACH WORK DAY.
- INSPECT ALL EROSION CONTROL MEASURES AT LEAST ONCE A WEEK AND AFTER ANY RAINFALL OF 0.5" OR MORE. MAKE NEEDED REPAIRS AND DOCUMENT ALL ACTIVITIES AS PER THE REQUIREMENTS OF THE NOTICE OF INTENT SUBMITTED BY THE PROJECT CIVIL ENGINEER.
- ALL TEMPORARY EROSION CONTROL ELEMENTS SHALL REMAIN IN PLACE UNTIL A SUFFICIENT GROWTH OF VEGETATION IS ESTABLISHED AND THEN BE REMOVED AS PART OF THE BASE BID.
- IF SEDIMENT LADEN WATER NEEDS TO BE REMOVED FROM THE SITE, FILTER BAGS OR SCREENING SHALL BE USED IN ACCORDANCE WITH WI DNR TECHNICAL STANDARD 1061 TO PREVENT SEDIMENT DISCHARGE TO THE MAXIMUM EXTENT PRACTICABLE.
- COORDINATE ALL EARTHWORK ACTIVITIES WITH THE RESPECTIVE TRADES RESPONSIBLE FOR THE INSTALLATION OF GAS, CABLE, TELEPHONE AND ELECTRICAL (INCLUDING MAIN SERVICE, SITE LIGHTING, CONDUITS AND SIGNAGE).
- PROVIDE RIP RAP AT ALL CULVERT ENDWALL STRUCTURES TO PREVENT WASHOUT AND EROSION.
- INSTALL WSDOT TYPE HR FILTER FABRIC BENEATH UNDER RIP RAP.
- IF BARE SOIL IS EXPOSED DURING THE WINTER MONTHS, STABILIZATION BY MULCHING OR ANIONIC POLYACRYLAMIDE SHALL OCCUR PRIOR TO SNOWFALL OR GROUND FREEZE.
- SILT FENCE SHALL BE INSTALLED AROUND THE TOPSOIL STOCKPILE.
- SILT FENCE SHALL BE INSTALLED AROUND THE BIOTENTION AREA IMMEDIATELY FOLLOWING INSTALLATION OF THE ENGINEERED SOIL TO PROTECT IT FROM SILT CONTAMINATION.
- THE ENGINEERED SOIL SHALL NOT BE PLACED IN THE BIOTENTION AREAS UNTIL THE SURROUNDING DRAINAGE AREA HAS BEEN FULLY STABILIZED. ALL CONSTRUCTION SITE SEDIMENT SHALL BE REMOVED FROM THE SUBGRADE OF THE BIOTENTION AREA PRIOR TO PLACEMENT OF THE ENGINEERED SOIL.
- THE CONTRACTOR SHALL PERFORM INSPECTIONS AND MONITORING OF EROSION CONTROL PRACTICES IN ACCORDANCE WITH THE WI DNR "CONSTRUCTION SITE INSPECTION REPORT" FORM 3400-187. THIS FORM CAN BE FOUND IN THE CONSTRUCTION SPECIFICATIONS.

EROSION CONTROL LEGEND:

EXISTING CONTOUR	888
PROPOSED CONTOUR	888
PROPOSED SILT FENCE	3 C6.1
PROPOSED INLET PROTECTION	2 C6.1
EROSION CONTROL BLANKET	5 C6.1
ROCK CONSTRUCTION ENTRANCE	4 C6.1
2" STONE MOW STRIP	8 C6.1
RIP RAP WEIR	

EROSION CONTROL SEQUENCING:

- INSTALL PERIMETER EROSION CONTROL.
- EXCAVATE A TEMPORARY SEDIMENT TRAP AT THE PROPOSED BIO-RETENTION AREA IN ACCORDANCE WITH DNR TECHNICAL STANDARD 1063.
 - SEDIMENT TRAP BOTTOM BASIN ELEVATION SHALL BE P1=615.250', P2=616.680', P3=617.340'.
- INSTALL STONE OUTLET/OVERFLOW WEIR PER GRADING PLAN DETAIL C3.0.
- EXCAVATE SWALES NORTH AND EAST FROM THE BASIN TO DIRECT AND MAXIMIZE STORMWATER RUNOFF TO THIS BASIN DURING CONSTRUCTION.
- BEGIN DEMOLITION.
- BEGIN ROUGH GRADING AND UTILITY INSTALLATION.
- DURING GRADING ACTIVITIES EXISTING GRASS AND VEGETATION, TO BE REMOVED, SHALL REMAIN IN PLACE FOR AS LONG AS POSSIBLE, TO AVOID SEDIMENT TRANSPORT.
- TEMPORARY STABILIZATION ACTIVITY SHALL COMMENCE WHEN LAND DISTURBING CONSTRUCTION ACTIVITIES HAVE TEMPORARILY CEASED AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDAR DAYS.
- FINAL STABILIZATION ACTIVITY SHALL COMMENCE WHEN LAND DISTURBING ACTIVITIES CEASE AND FINAL GRADE HAS BEEN REACHED ON ANY PORTION OF THE SITE.
- PER GENERAL NOTE #20, THE SEDIMENT TRAP SHALL BE RECONSTRUCTED INTO THE PROPOSED BIO-RETENTION AREA AFTER THE SURROUNDING AREA HAS BEEN FULLY STABILIZED.
 - ANY CONSTRUCTION SITE SEDIMENT BUILD UP SHALL BE REMOVED FROM THE PROPOSED BIO-RETENTION BASIN BEFORE EXCAVATION TO THE FINAL DEPTH AND INSTALLATION OF THE ENGINEERED SOIL.
- IF DISTURBED AREAS MUST BE LEFT OVER WINTER, AN ANIONIC POLYACRYLAMIDE SHALL BE APPLIED TO ALL DISTURBED AREAS PRIOR TO GROUND FREEZE. SEE SPECIFICATIONS FOR DETAILS.

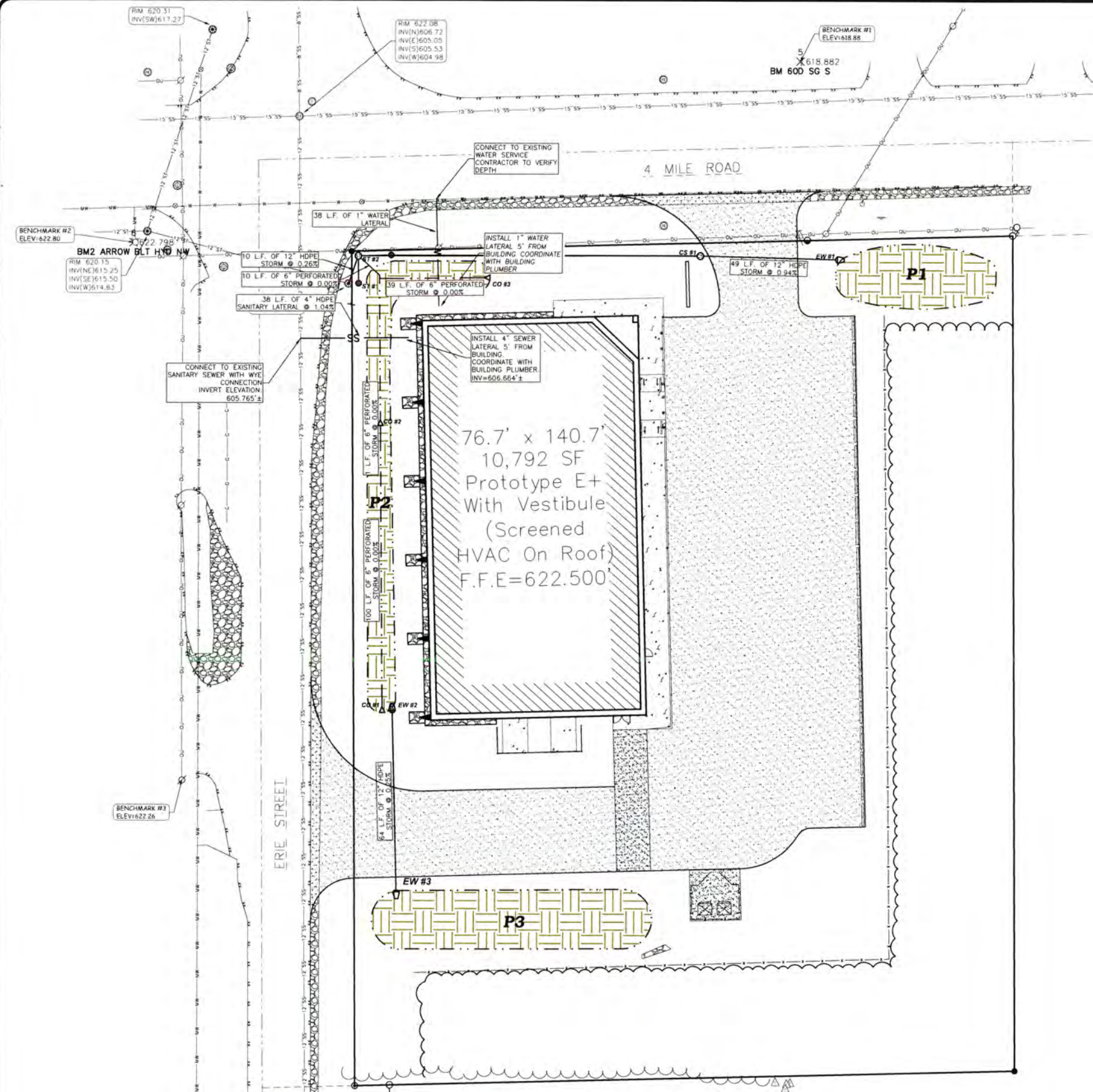
EROSION CONTROL PLAN

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BENCHMARK:

ELEVATIONS ARE REFERENCED TO NGVD 29 DATUM

BENCHMARK #1
60x NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF
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ELEVATION = 618.88

BENCHMARK #2
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LOCATED AT THE SOUTHWEST CORNER OF THE
INTERSECTION OF 4 MILE ROAD AND ERIE STREET
ELEVATION = 622.80

BENCHMARK #3
60x NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE
SUBJECT PROPERTY
ELEVATION = 622.26

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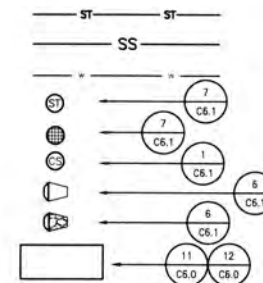
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GENERAL NOTES:

1. CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
2. GRADE, LINE, AND LEVEL SHALL BE REVIEWED IN THE FIELD BY THE CONSTRUCTION MANAGER.
3. ANY EXISTING UTILITIES NOT SHOWN ON THIS DOCUMENT WHICH NEED TO BE REMOVED, RELOCATED AND OR ADJUSTED SHALL BE THE RESPONSIBILITY OF THE SITE GRADING CONTRACTOR.
4. REFER TO THE PROPOSED BUILDING MECHANICAL/PLUMBING PLANS TO VERIFY EXACT CONNECTION LOCATIONS AND SIZES OF PROPOSED SANITARY SEWER AND WATER LATERALS.
5. COORDINATE ALL UTILITY WORK WITH THE RESPECTIVE TRADES RESPONSIBLE FOR THE INSTALLATION OF GAS, CABLE, TELEPHONE AND ELECTRICAL (INCLUDING MAIN SERVICE, SITE LIGHTING, CONDUITS AND SIGNAGE).
6. COORDINATE ALL WORK WITHIN THE PUBLIC RIGHT OF WAY WITH THE LOCAL MUNICIPALITY.
7. ALL TESTING AND INSPECTION SHALL BE DONE IN ACCORDANCE WITH SPS 382.21.
8. THE PROPOSED WATER MAIN SHALL HAVE A MINIMUM COVER OF 7'-6" TO THE TOP OF PIPE FROM PROPOSED FINISHED GRADE. SEE SHEET C3.0 FOR PROPOSED FINISHED GRADE.
9. THE MUNICIPALITY SHALL BE CONTACTED PRIOR TO ANY EXCAVATION IN THE PUBLIC RIGHT-OF-WAY, AND PRIOR TO CONNECTING SANITARY SEWER AND WATER LATERALS TO THE PUBLIC MAINS.
10. THE CONTRACTOR SHALL HAVE A TRAFFIC CONTROL PLAN APPROVED PRIOR TO WORK COMMENCING.
11. THE MUNICIPALITY SHALL OPERATE ALL EXISTING WATER VALVES, IF NEEDED.
12. FIELD VERIFY INVERT ELEVATION OF THE SANITARY SEWER AND WATER PUBLIC MAIN, AT THE LOCATION OF THE SERVICE LATERAL CONNECTIONS, PRIOR TO CONNECTING THE LATERALS TO THE PUBLIC MAIN.
13. PROVIDE RIP RAP AT ALL STORM ENDWALLS TO PREVENT WASHOUT AND EROSION.
14. INSTALL WSDOT TYPE HR FILTER FABRIC BENEATH PROPOSED RIP RAP.

UTILITY LEGEND:

1. PROPOSED STORMSEWER
2. PROPOSED SANITARY SEWER
3. PROPOSED WATER MAIN
4. STORM SEWER MANHOLE
5. STORM SEWER INLET
6. STORM SEWER CONTROL STRUCTURE
7. STORM SEWER ENDWALL
8. STORM SEWER ENDWALL W/ RIPRAP
9. BIO-RETENTION BASIN



SANITARY MANHOLE SCHEDULE:

STRUCTURE #	STRUCTURE DETAILS
CS #1	RIM = 620.85 INV (E) = 616.99 INV (W) = 616.99 DEPTH = 3.85' CONTROL STRUCTURE 48" I.D. W/ NEENAH R-1555 CASTING W/ SOLID LID (SEE DETAILS)
ST #1	RIM = 620.26 INV (N) = 617.25 DEPTH = 3.01' 48" I.D. PRECAST MANHOLE W/ NEENAH R-2571-D CASTING W/ TYPE "T" GRATE
ST #2	RIM = 620.69 INV (S) = 617.00 INV (E) = 616.68 INV (SE) = 616.68 INV (S) = 616.68 DEPTH = 4.01' 48" I.D. PRECAST MANHOLE W/ NEENAH R-1555 CASTING W/ SOLID LID

STORM MANHOLE SCHEDULE:

STRUCTURE #	STRUCTURE DETAILS
EW #1	INV (W) = 617.45 12" HDPE ENDWALL
EW #2	INV (S) = 619.18 12" HDPE ENDWALL W/ RIPRAP
EW #3	INV (N) = 619.34 12" HDPE ENDWALL

STORM CLEAN OUT SCHEDULE

STRUCTURE #	STRUCTURE DETAILS
CO #1	RIM = 619.18 INV (N) = 616.68 DEPTH = 2.50' 8" STORM CLEANOUT
CO #2	RIM = 619.18 INV (S) = 616.68 INV (N) = 616.68 DEPTH = 2.50' 8" STORM CLEANOUT
CO #3	RIM = 619.18 INV (W) = 616.68 DEPTH = 2.50' 8" STORM CLEANOUT

UTILITY PLAN

MIDWEST WL, LLC
DOLLAR GENERAL
VILLAGE OF CALEDONIA
RACINE CO, WISCONSIN

Civil Engineering
Land Surveying
Landscape Architecture
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)

Point of Beginning

SHEET C5.0

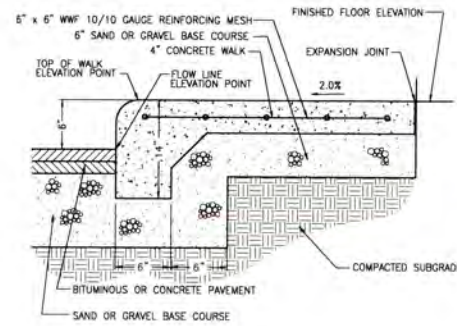
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DRAWN:	JJL
DATE:	06/30/2021
PROJECT NO.	21.028

DETAILS

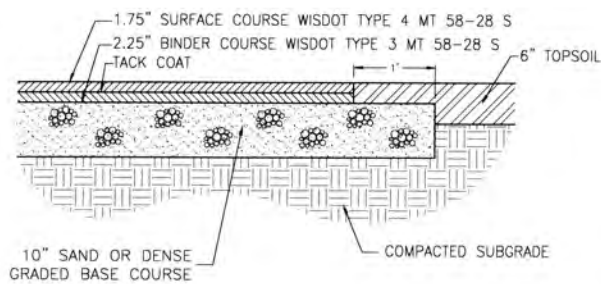
MIDWEST WI, LLC
DOLLAR GENERAL
VILLAGE OF CALEDONIA
RACINE CO, WISCONSIN

Civil Engineering
Land Surveying
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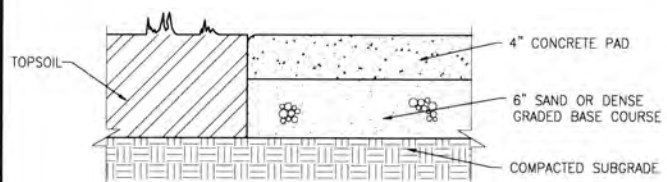
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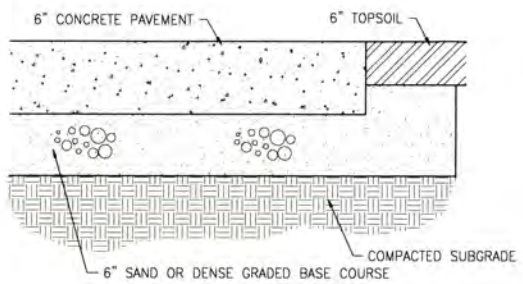
THICKENED EDGE WALK



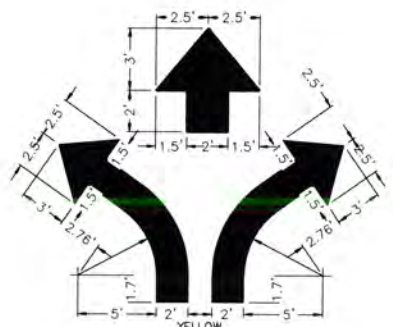
4" ASPHALT PAVEMENT



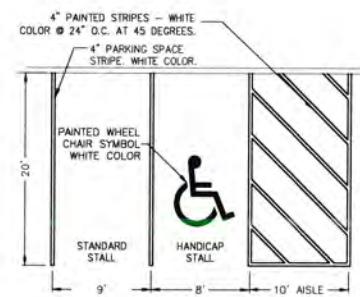
4" CONCRETE SIDEWALK



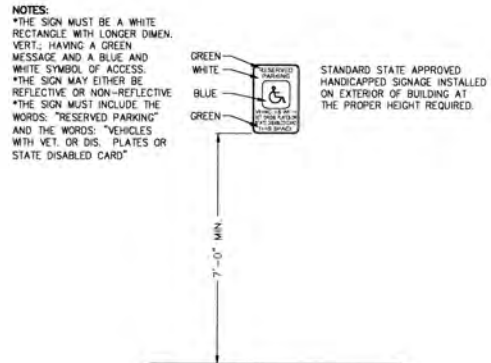
6" CONCRETE PAVEMENT



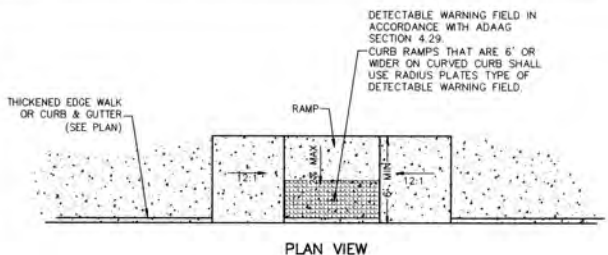
DIRECTIONAL ARROWS



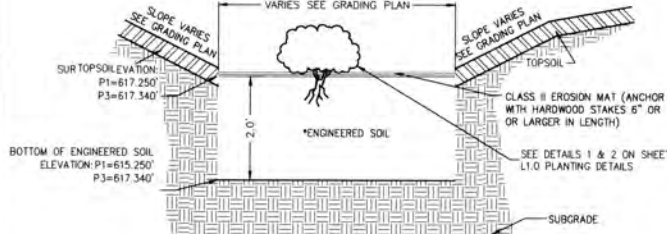
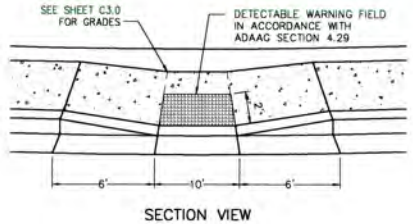
PARKING LOT STRIPPING



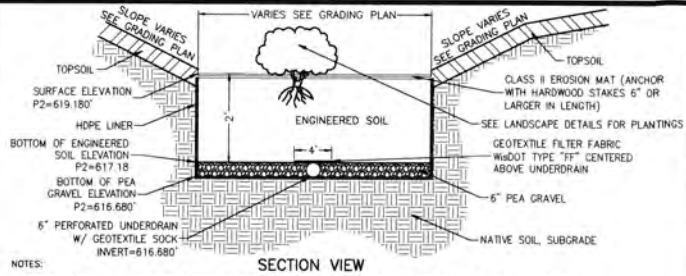
HANDICAP SIGN



ADA RAMP



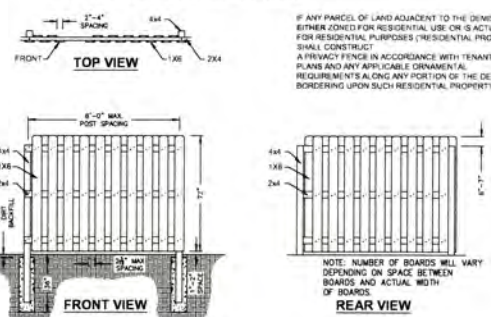
BIO-RETENTION AREAS



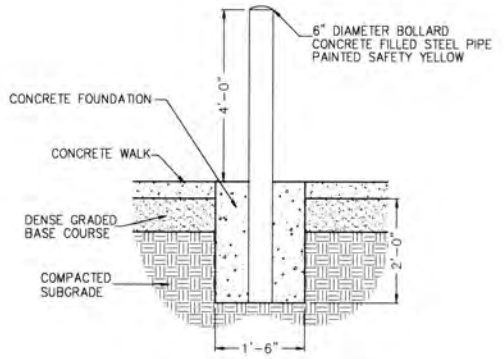
BIO-RETENTION AREA W/ UNDERDRAIN

- NOTES:
1. INSTALL ENGINEERED MEDIA ONLY AFTER SITE PAVING HAS OCCURRED AND TURF AREAS HAVE BEEN ESTABLISHED WITH VEGETATION.
 2. NO MECHANICAL COMPACTION SHALL BE USED DURING ENGINEERED MEDIA INSTALLATION (INCLUDING EQUIPMENT TRACKING).
 3. ENGINEERED MEDIA SHALL BE INSTALLED IN 6" LIFTS AND SPRINKLER WATERED (TO SIMULATE RAINFALL) AT EACH LIFT TO ACHIEVE SETTLEMENT. ALTERNATIVELY, ENGINEERED MEDIA MAY BE PLACED IN 6" LIFTS WITHOUT WATERING AND FINISHED GRADE PLACED 3" INCHES ABOVE THE PLAN ELEVATION TO ACCOUNT FOR EXPECTED SETTLEMENT DURING INITIAL RAINFALLS.
 4. A TYPE C HDPE LINER, IN APPENDIX D OF THE WORK TECHNICAL STANDARD 1001, SHALL BE INSTALLED AS FOLLOWS:
 - 4.A. MINIMUM HDPE THICKNESS SHALL BE 40 MILS.
 - 4.B. FOLLOW THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION.
 - 4.C. THE CONTRACTOR MAY USE OTHER LINER METHODS, IF APPROVED BY THE CIVIL ENGINEER.
 5. ENGINEERED MEDIA COMPOSITION-THE SOIL SHALL BE ENGINEERED TO THE FOLLOWING SPECIFICATIONS:
 - 5.A. THE PLANTING MIXTURE SHALL CONSIST OF A MIXTURE OF 70 TO 85% SAND AND 15 TO 30% COMPOST BY VOLUME. SPECIAL ATTENTION SHOULD BE GIVEN TO PLANT SELECTION WHEN THE PERCENTAGE OF SAND EXCEEDS 75%.
 - 5.B. THE SAND SHALL MEET ONE OF THE FOLLOWING GRADATION REQUIREMENTS:
 - USDA COARSE SAND (0.075 - .425)
 - ASTM C33 (FINE AGGREGATE CONCRETE SAND)
 - WISCONSIN STANDARDS AND SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, SECTION 501.2.5.3.4. (FINE AGGREGATE CONCRETE SAND) 2009 EDITION, OR AN EQUIVALENT AS APPROVED BY THE ADMINISTERING AUTHORITY. THE PREFERRED SAND COMPONENT CONSISTS OF MOSTLY SIO2, BUT SAND CONSISTING OF DOLOMITE OR CALCIUM CARBONATE MAY ALSO BE USED. MANUFACTURED SAND OR STONE DUST IS NOT ALLOWED. THE SAND SHALL BE WASHED AND DRIED TO REMOVE CLAY AND SILT PARTICLES PRIOR TO MIXING.
 - 5.C. THE COMPOST COMPONENT SHALL MEET THE REQUIREMENTS OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES SPECIFICATION S100, COMPOST.
 - 5.D. THE ENGINEERED SOIL MIX SHALL BE FREE OF ROCKS, STUMPS, ROOTS, BRUSH OR OTHER MATERIAL OVER 1" IN DIAMETER. NO OTHER MATERIALS SHALL BE MIXED WITH THE PLANTING SOIL THAT MAY BE HARMFUL TO PLANT GROWTH OR PROVE A HINDRANCE TO PLANTING OR MAINTENANCE.
 - 5.E. THE ENGINEERED SOIL MIX SHALL HAVE A PH BETWEEN 5.5 AND 6.5.
 - 5.F. THE ENGINEERED SOIL MIX SHALL HAVE ADEQUATE NUTRIENT CONTENT TO MEET PLANT GROWTH REQUIREMENTS.

STRAIGHT SHADOWBOX PRIVACY FENCING



SHADOWBOX FENCING



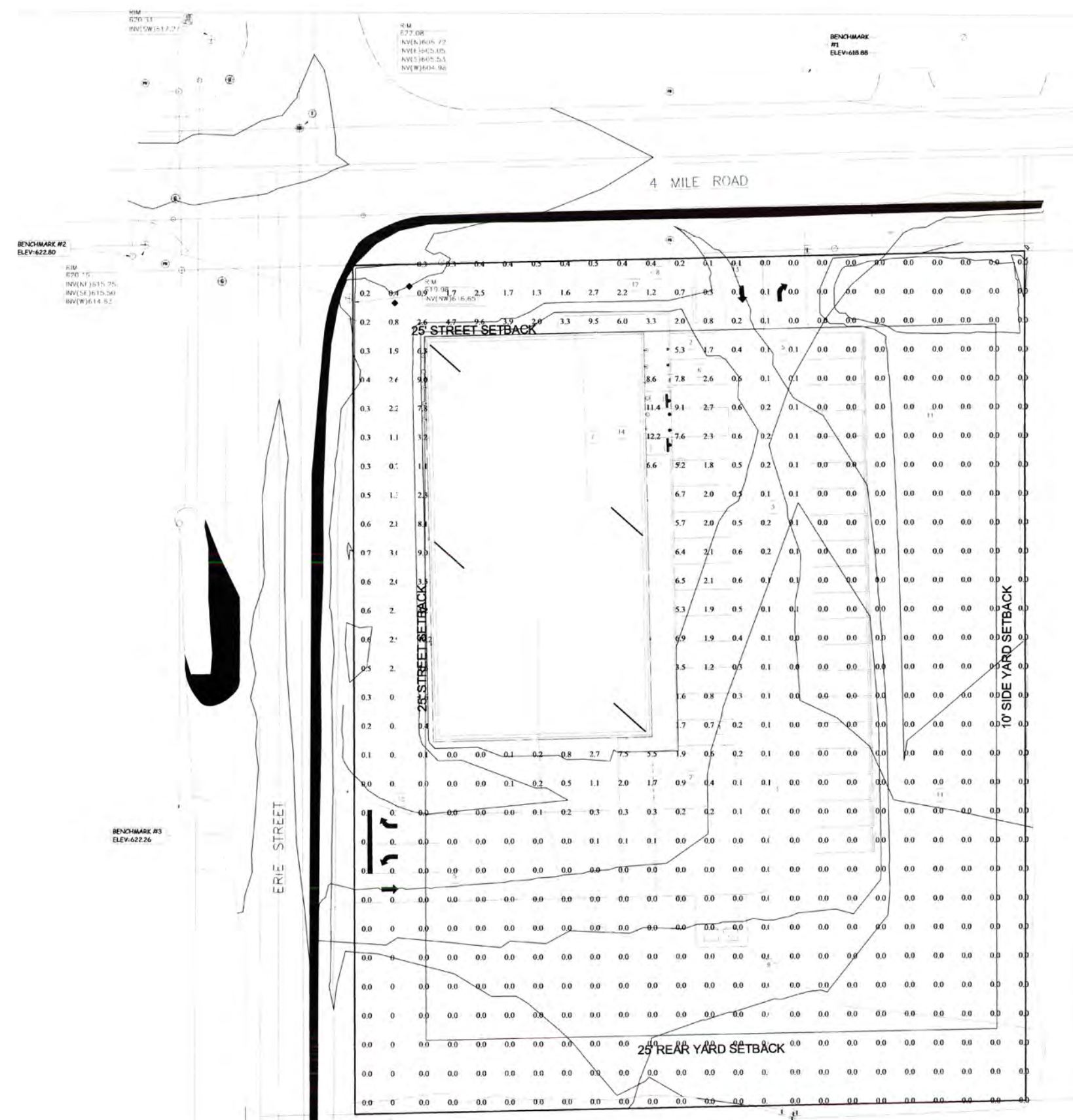
CONCRETE BOLLARD



Racine WI

Lighting Fixture Schedule					
Manufacturer	Model	Count	Description	Luminaire Lumens	Wattage
Barn Light Elec. Co.	ASF-C12	10	Exterior Goose Neck Sign Light in Bronze	1081 lm	12 W
USLED	WPR2-40-50-BZ - Rental? Wall Pack	9	Wall Mounted	4616 lm	51 W

Calculation Summary @ Grade - Calculation Points = 10x10'					
Label	Average	Maximum	Minimum	Avg/Min	Max/Min
Detail Filled Region	1.6c	12.6c	0.6c	58487.5	11084.5



1 Site Photometric Points
1" = 20'-0"

[illegible]

Conceptual

Photometric Plan

E 400

**PROPOSED NEW
DOLLAR GENERAL**
Racine WI.

Dollar General

PROJECT NUMBER

XXXXX

DATE: 2021.07.26

DRAWN BY: NTH

CHECKED BY: JDV

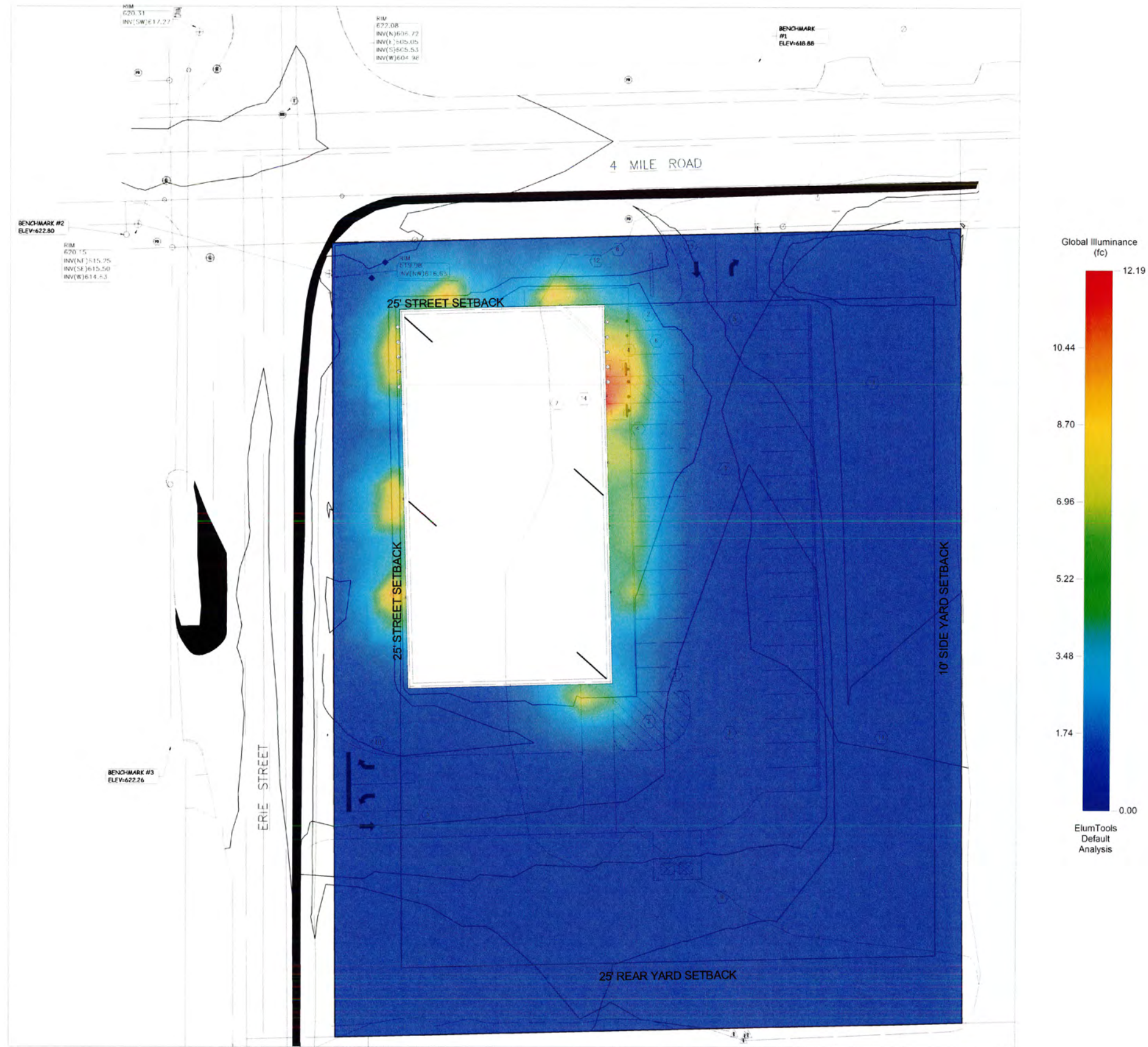
Revision Schedule

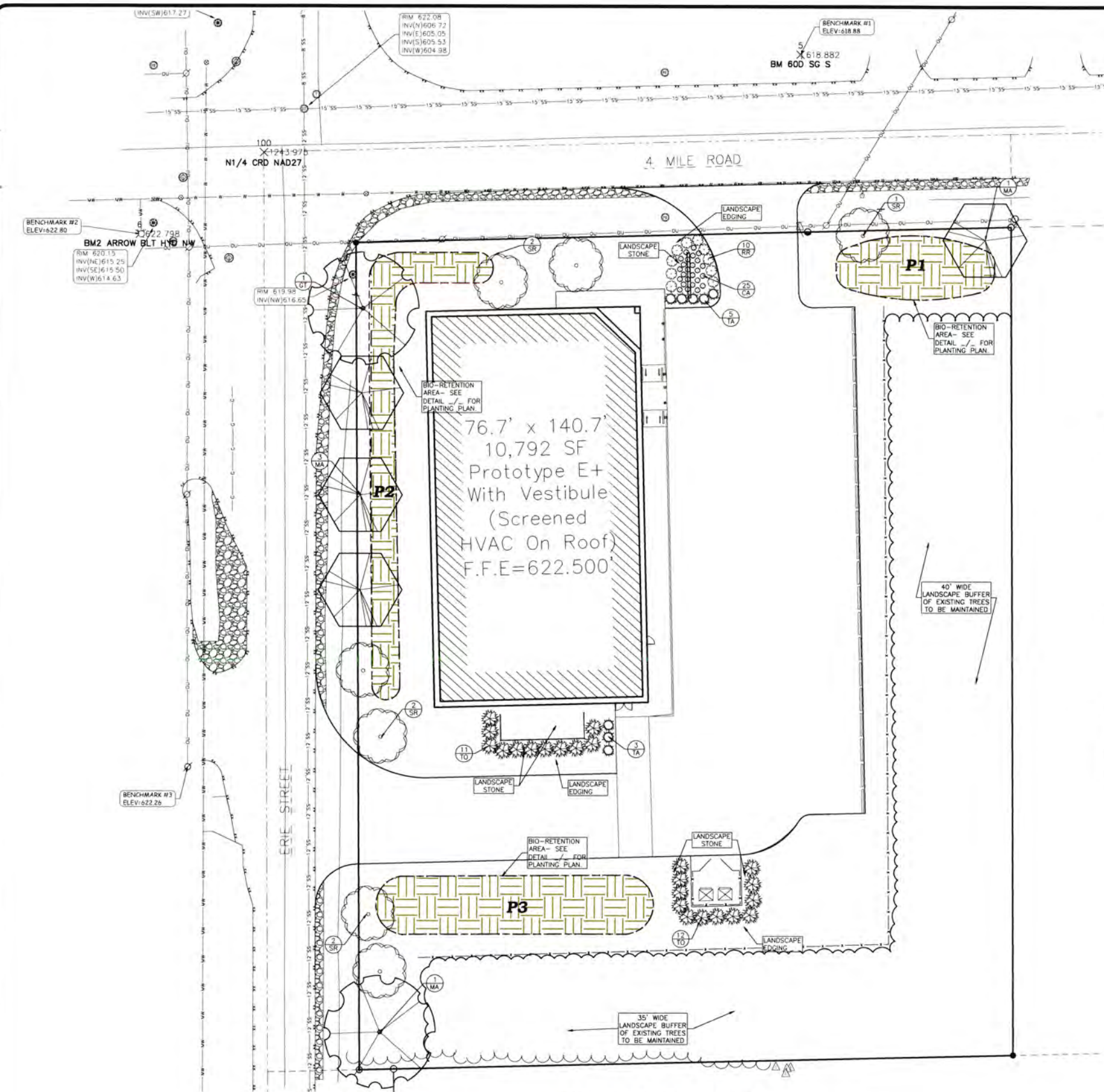
No.	Description	Date

Conceptual

Photometric
Spatial Map

E 401





GENERAL NOTES:

- 1. CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
- 2. 6" OF TOPSOIL SHALL BE PROVIDED IN ALL GENERAL LANDSCAPE AREAS. LANDSCAPE CONTRACTOR SHALL VERIFY THAT SPECIFIED PLANTING SOIL DEPTH IS PRESENT PRIOR TO PLANTING.
- 3. SEED/FERTILIZE/CRIMP HAY MULCH ALL GENERAL LANDSCAPE AREAS DISTURBED DURING CONSTRUCTION.
- 4. ALL PLANT MATERIALS LISTED SHALL MEET THE STANDARDS OF THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION FOR THE SIZES GIVEN.
- 5. ALL TREES SHALL BE STAKED WITH A MINIMUM OF THREE STAKES.
- 6. ALL TREES IN THE TURF AREA SHALL HAVE A 5' DIAMETER CIRCLE OF 4" DEPTH SHREDDED HARDWOOD BARK MULCH.
- 7. CURV-RITE LANDSCAPE EDGING (SERIES 3000, 3/16" X 4", W/MILL FINISH) OR APPROVED EQUAL SHALL BE PLACED AROUND ALL LANDSCAPE BEDS.
- 8. FILTER FABRIC, WISDOT TYPE HR, SHALL BE PLACED BENEATH ALL LANDSCAPE STONE. DEWITT WEED BARRIER-20 YEAR SHALL BE PLACED BENEATH ALL LANDSCAPE STONE IN PLANTING AREAS.
- 9. VERIFY ALL UTILITY LOCATIONS IN THE FIELD PRIOR TO BEGINNING WORK. REPAIR ALL DAMAGED UTILITIES TO OWNER'S SATISFACTION AT NO ADDITIONAL COST.
- 10. THE CONTRACTOR SHALL MAINTAIN ALL PLANT MATERIAL AND LAWNS UNTIL THE PROJECT IS FULLY ACCEPTED BY THE LANDSCAPE ARCHITECT, UNLESS OTHERWISE NOTED.
- 11. ALL WORKMANSHIP AND MATERIALS SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF TWO (2) CALENDAR YEARS AFTER FINAL ACCEPTANCE.
- 12. INSTALL ALL PLANT MATERIAL IN ACCORDANCE WITH ALL LOCAL CODES AND ORDINANCES. COORDINATE WITH OWNER TO OBTAIN ANY REQUIRED PERMITS NECESSARY TO COMPLETE WORK.
- 13. CONTRACTOR SHALL TEST ALL TREE PITS FOR DRAINAGE. ANY TREE PIT THAT HOLDS WATER FOR MORE THAN 24 HOURS SHALL BE INSTALLED USING TREE PIT DRAINAGE.
- 14. COORDINATE ALL LANDSCAPE WORK WITH GAS, ELECTRIC, (INCLUDING MAIN SERVICE, SITE LIGHTING, CONDUITS AND SIGNAGE) CABLE AND TELEPHONE CONSTRUCTION AND RESPECTIVE TRADES FOR THE INSTALLATION OF SAID UTILITIES.
- 15. 3" DEPTH OF 1-1/2" DIAMETER STONE MULCH SHALL BE PLACED IN PLANTING BEDS AS NOTED ON THIS SHEET. STONE FOR LANDSCAPE BEDS TO BE NATURALLY ROUNDED AND WASHED, GRADUATION FROM 1" TO 1-1/2" MAXIMUM, RIVER ROCK OR APPROVED EQUAL.

PLANTING SCHEDULE:

TREES	BOTANICAL NAME	COMMON NAME	INSTALLATION SIZE	SIZE AT MATURITY	QUANTITY
MA	MAAKIA AMURENSIS	AMUR MAAKIA	1.5" CAL.	20-30" T & W	4
GT	GLEDITSIA TRIACANTHOS VAR. INERMIS 'IMPCOLE'	IMPERIAL HONEYLOCUST	1.5" CAL.	30-40" T & W	2
SR	SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK TREE LILAC	1.5" CAL.	20" T & W	7

SHRUBS	BOTANICAL NAME	COMMON NAME	INSTALLATION SIZE	SIZE AT MATURITY	QUANTITY
RR	ROSA RUGOSA 'MEITOZAURE'	RUGOSTAR RASPBERRY GROUNDCOVER ROSE	#3	2-3" T X 3-5" W	10
TA	THUJA OCCIDENTALIS 'GOLDEN GLOBE'	GOLDEN GLOBE ARBORVITAE	#3	4" T & W	8
TO	THUJA OCCIDENTALIS 'TECHNY'	TECHNY ARBORVITAE	5-7" T	12-15" T X 6-8" W	23

ORNAMENTAL GRASS	BOTANICAL NAME	COMMON NAME	INSTALLATION SIZE	SIZE AT MATURITY	QUANTITY
CA	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	#2	6" T X 2" W	25

SITE PLAN RATIOS:

BITUMINOUS PAVEMENT OR CONCRETE: 19,425 S.F. OR 28.1%
BUILDING: 10,800 S.F. OR 15.7%
GREEN OR OPEN SPACE: 38,736 S.F. OR 56.2%

BENCHMARK:

ELEVATIONS ARE REFERENCED TO NVD 29 DATUM

BENCHMARK #1
600 NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF THE SUBJECT PROPERTY
ELEVATION = 618.88

BENCHMARK #2
ARROW BOLT ON HYDRANT
LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF 4 MILE ROAD AND ERIE STREET
ELEVATION = 622.80

BENCHMARK #3
600 NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE SUBJECT PROPERTY
ELEVATION = 622.26

UTILITY DISCLAIMER:

THE LOCATIONS, SIZES, AND TYPES OF UNDERGROUND PUBLIC AND PRIVATE UTILITIES OR SUBSTRUCTURES SHOWN HEREON WERE OBTAINED FROM VISUAL INSPECTION, FIELD MEASUREMENTS, AND/OR AS-BUILT PLANS. SANITARY SEWER AND STORM SEWER PIPE SIZES, INVERTS, DIRECTION, AND LOCATIONS BETWEEN MANHOLES ARE SUPPLEMENTED BY AS-BUILT PLANS AND/OR ESTIMATED BASED ON FIELD OBSERVATIONS. PRIOR TO CONSTRUCTION IN THE VICINITY OF ANY UTILITIES SHOWN HEREON, IT IS RECOMMENDED THAT THE LOCATIONS, DEPTHS, AND SIZES BE FIELD VERIFIED. THE LOCATIONS SHOWN HEREON ARE ONLY APPROXIMATE, WITH POSSIBILITY THAT ADDITIONAL UTILITY LINES NOT DISCOVERED, OR MARKED, DURING THE SEARCH OF RECORDS AND THE FIELD SURVEY MAY EXIST. ANY CONTRACTOR USING THE INFORMATION SHOWN HEREON IS HEREBY FOREWARNED THAT ANY EXCAVATION UPON THIS SITE MAY RESULT IN THE DISCOVERY OF ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN HEREON. IN GENERAL, UNDERGROUND UTILITY LOCATIONS ARE SHOWN FROM UTILITY MARKINGS, BY OTHERS, AND/OR AS-BUILT PLANS, PROVIDED BY OTHERS. POINT OF BEGINNING MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, WITH RESPECT TO THE EXISTING UTILITIES SHOWN HEREON, AND BELIEVES THAT THE INFORMATION CONTAINED HEREIN IS RELIABLE AND GENERALLY ACCURATE FOR THE PURPOSE INTENDED.

REVISIONS

CHECKED: JJS
DRAWN: JJS
DATE: 06/30/2021
PROJECT NO.: 21.028

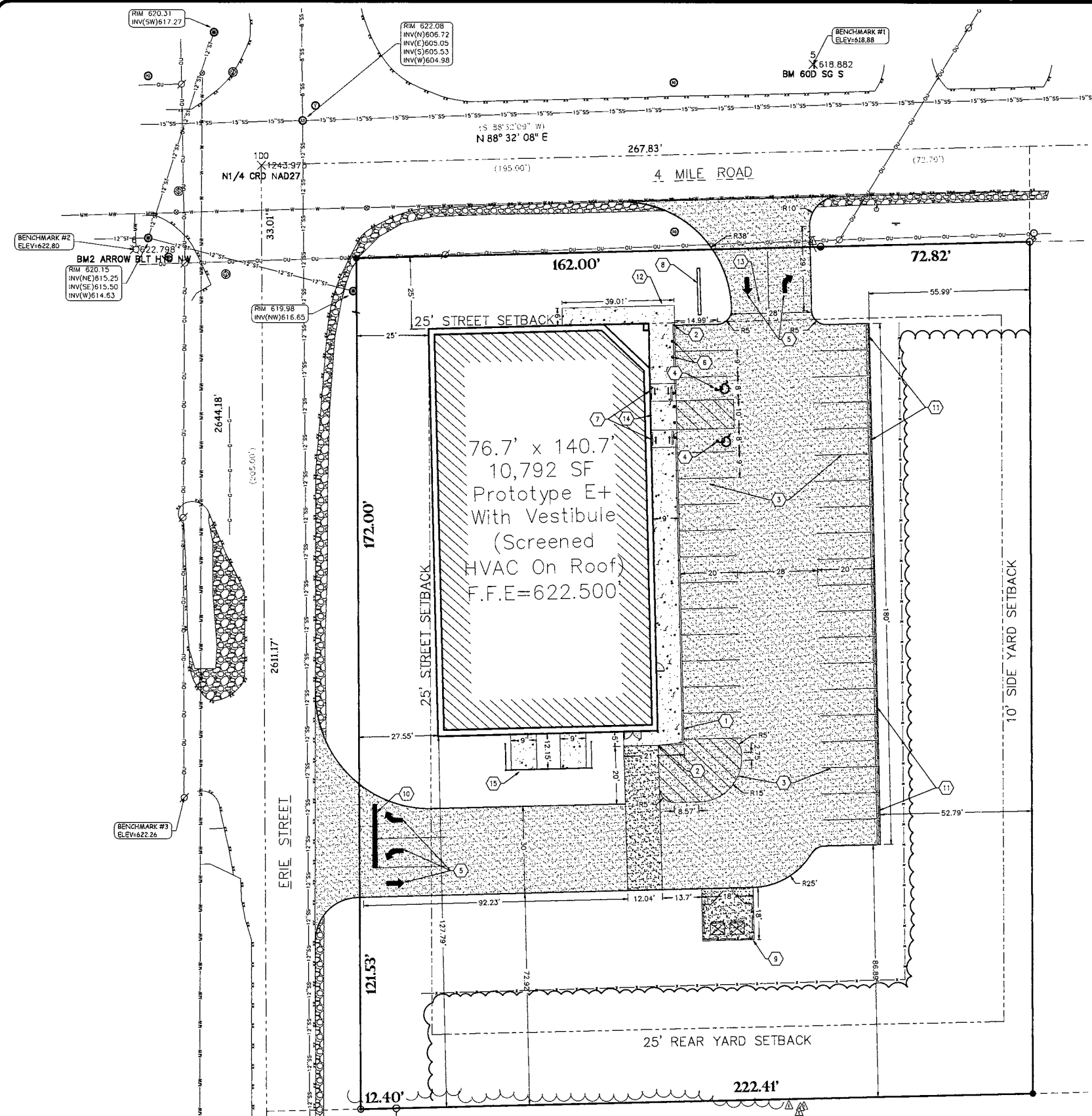
LANDSCAPE PLAN

MIDWEST WI, LLC
DOLLAR GENERAL
VILLAGE OF CALEDONIA
RACINE CO, WISCONSIN

Civil Engineering
Land Surveying
Landscape Architecture
4941 Kirschling Court
Sevens Point, WI 54481
715.344.9999 [PH] 715.344.9922 [FX]

Point of Beginning

SHEET L1.0



BENCHMARK:

ELEVATIONS ARE REFERENCED TO NGVD 29 DATUM.

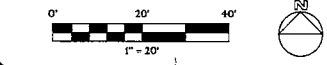
BENCHMARK #1:
60x NAIL ON SOUTH SIDE OF SIGN
LOCATED ON THE NORTH SIDE OF 4 MILE ROAD NORTH OF
THE SUBJECT PROPERTY.
ELEVATION = 618.88

BENCHMARK #2:
ARROW BOLT ON HYDRANT
LOCATED AT THE SOUTHWEST QUADRANT OF THE
INTERSECTION OF 4 MILE ROAD AND ERIE STREET.
ELEVATION = 622.80

BENCHMARK #3:
60x NAIL ON NORTHEAST SIDE OF POWER POLE
LOCATED ON THE WEST SIDE OF ERIE STREET WEST OF THE
SUBJECT PROPERTY.
ELEVATION = 622.26

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GENERAL NOTES:

1. CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
2. GRADE, LINE, AND LEVEL TO BE REVIEWED IN THE FIELD BY THE CONSTRUCTION MANAGER.
3. ALL REQUIRED EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH LOCAL MUNICIPAL AND DEPARTMENT OF NATURAL RESOURCES REGULATIONS.
4. SEE SHEET C4.0 FOR ALL REQUIRED EROSION CONTROL ELEMENTS.
5. ANY EXISTING UTILITIES NOT SHOWN ON THIS DOCUMENT WHICH NEED TO BE REMOVED, RELOCATED AND OR ADJUSTED SHALL BE THE RESPONSIBILITY OF THE SITE GRADING CONTRACTOR AND INCLUDED IN THE BASE BID CONTRACT.
6. VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
7. BIDDERS SHALL VISIT THE SITE AND REVIEW EXISTING CONDITIONS PRIOR TO THE BID DATE.
8. PRIOR TO STARTING WORK, VERIFY WITH THE LOCAL AUTHORITIES THAT ALL REQUIRED PERMITS HAVE BEEN ACQUIRED.
9. COORDINATE CONSTRUCTION IN THE RIGHT OF WAY WITH THE LOCAL AUTHORITIES.
10. PROVIDE PROPER BARRICADES, SIGNS, AND TRAFFIC CONTROL TO MAINTAIN THRU TRAFFIC ALONG ADJACENT STREETS IN ACCORDANCE WITH LOCAL MUNICIPAL REQUIREMENTS.
11. SIDEWALK JOINTS SHALL BE INSTALLED AS INDICATED OR AS APPROVED BY THE CONSTRUCTION MANAGER.
12. ALL GENERAL LANDSCAPE AREAS SHALL BE SEEDED, FERTILIZED, AND CRIMP HAY MULCHED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

KEYNOTES:

- ① THICKENED EDGE WALK
- ② END OF THICKENED EDGE WALK
- ③ PARKING LOT STRIPING
- ④ ADA PARKING STALL
- ⑤ DIRECTIONAL ARROW
- ⑥ CONCRETE BOLLARD
- ⑦ ADA PARKING SIGN
- ⑧ LIGHTED PYLON SIGN W/ UNDERGROUND ELECTRIC (SEE ELECTRICAL PLANS)
- ⑨ 18'x18' DUMPSTER PAD W/ SHADOW BOX FENCING
- ⑩ 18" STOP BAR
- ⑪ 8' PARKING STOPS
- ⑫ APPROXIMATE LOCATION OF 1" SLEEVE FOR PYLON SIGN POWER CONDUIT (VERIFY FINAL LOCATION WITH BLDG ELECTRICAL DESIGNER/CONTRACTOR)
- ⑬ APPROXIMATE LOCATION OF 2" SLEEVE FOR IRRIGATION LINE, VERIFY FINAL LOCATION WITH IRRIGATION DESIGNER/CONTRACTOR
- ⑭ ADA RAMP
- ⑮ HVAC AREA
- ⑯ 8' HIGH PRIVACY FENCE (STYLE AS APPROVED BY OWNER)

PAVEMENT HATCH PATTERNS:

- BASE BID - 6" CONCRETE PAVEMENT
ALTERNATE BID - 4" ASPHALT PAVEMENT
- PROPOSED 4" CONCRETE SIDEWALK
- 6" CONCRETE PAVEMENT

REVISIONS

CHECKED:	JJL
DRAWN:	JJL
DATE:	06/30/2021
PROJECT NO.	21.028

LAYOUT PLAN

VILLAGE OF CALEDONIA
RACINE CO, WISCONSIN

Civil Engineering
Land Surveying
Landscape Architecture

4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)

Point of Beginning

SHEET C2.0



Meeting Date: August 30, 2021

Item No. **6a**

PLAN COMMISSION REPORT

Proposal: Building, Site, & Operations (BSO) Plan Review

Description: Review a request for approval of a building, site, and operation plan for a ±576 square-foot addition to an existing commercial building for the property located at 11333 CTH G.

Applicant(s): Ken Parker

Address(es): 11333 CTH G

Suggested Motion: That the Plan Commission recommends to the Village Board that a building, site, and operations plan for a ±576 square-foot attached storage addition be approved with the condition that a revised stormwater management plan be submitted and approved by the Village prior to a building permit being issued for the property located at 11333 CTH G for the following reasons:

1. The proposed use is allowed through the building, site, and operation plan review process and is a permitted use in B-3 Zoning District.
2. This use will not adversely affect the surrounding property values.

Owner(s): Kennth Parker

Tax Key(s): 104-04-22-17-047-000

Lot Size(s): ±3.11 acres

Current Zoning District(s): B-3, Commercial Service District

Overlay District(s): N/A

Wetlands: ☒ Yes ☐ No Floodplain: ☐ Yes ☒ No

Comprehensive Plan: Commercial

Background: The applicant is proposing to construct a ±576 square-foot addition on the west side of the existing commercial building for storage purposes.

The building addition exterior will match the existing metal siding and brick base as the main building. The entrance portion of addition will be an overhead door facing the interior of the site. The proposed addition meets zoning setback requirements. No additional parking is required as this is not additional retail space. This addition will abut a drainage ditch and face existing railroad tracks. As a result, no additional landscaping is being proposed. No lighting is proposed with this addition. Included with this report is a review conducted by the Water Utility District. Since the applicant's last development approval, additional impervious surface has been created on the property. With the proposed addition and increased impervious surface, the applicant will need to submit a revised stormwater management plan to accommodate this change prior to a building permit being issued.

The proposed addition complies with Village zoning code and the proposed use is a permitted use in the B-3 District. Staff recommends approval of the proposed development located at 11333 CTH G with the condition that the applicant submit a revised stormwater management plan that is approved by the Village prior to a building permit being issued. If the Plan Commission is comfortable with the proposed development, staff has drafted a suggested motion to approve the proposed development.

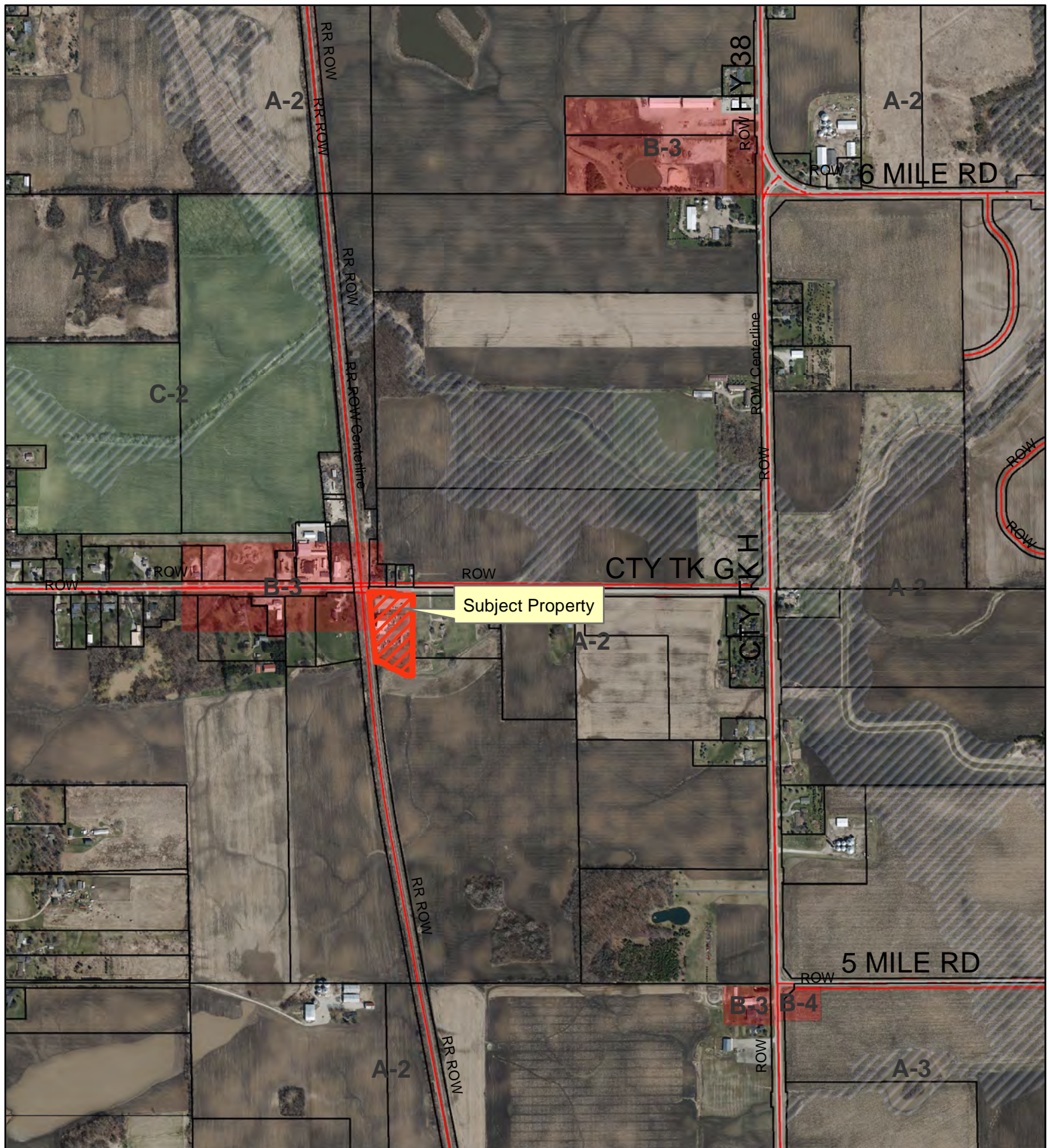
Respectfully submitted:

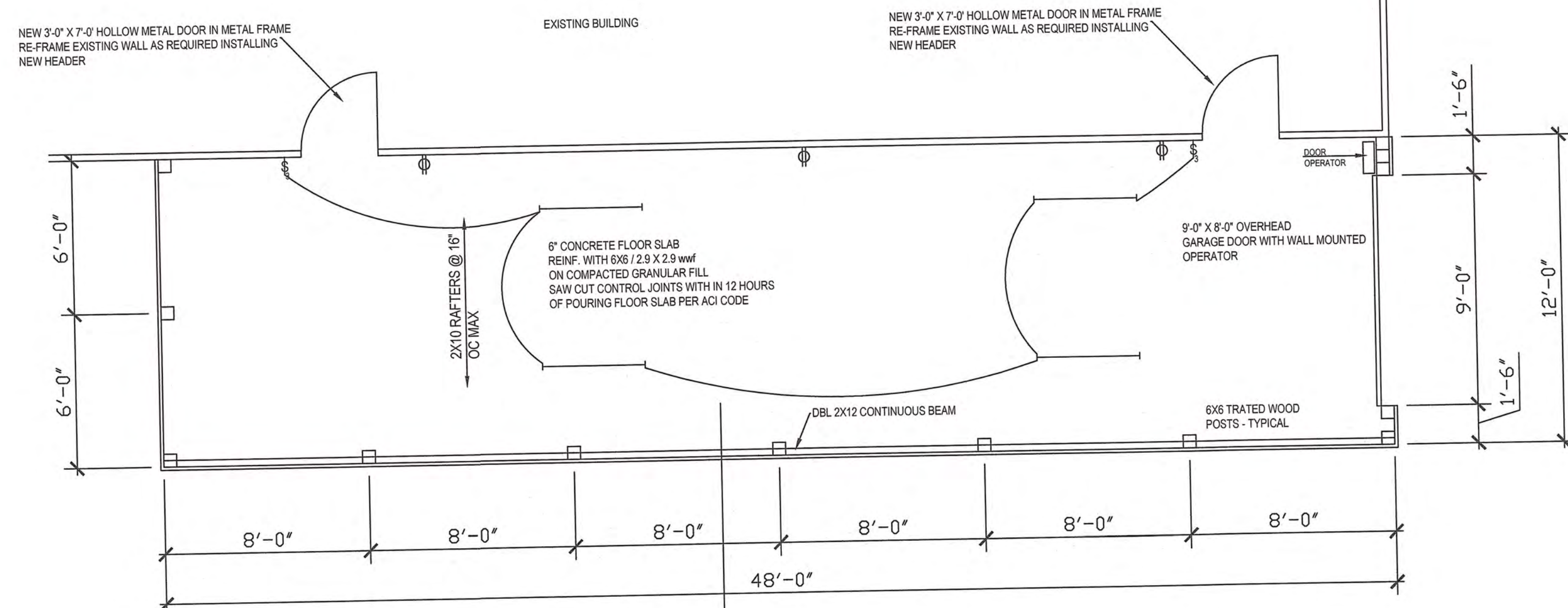


Peter Wagner, AICP
Development Director

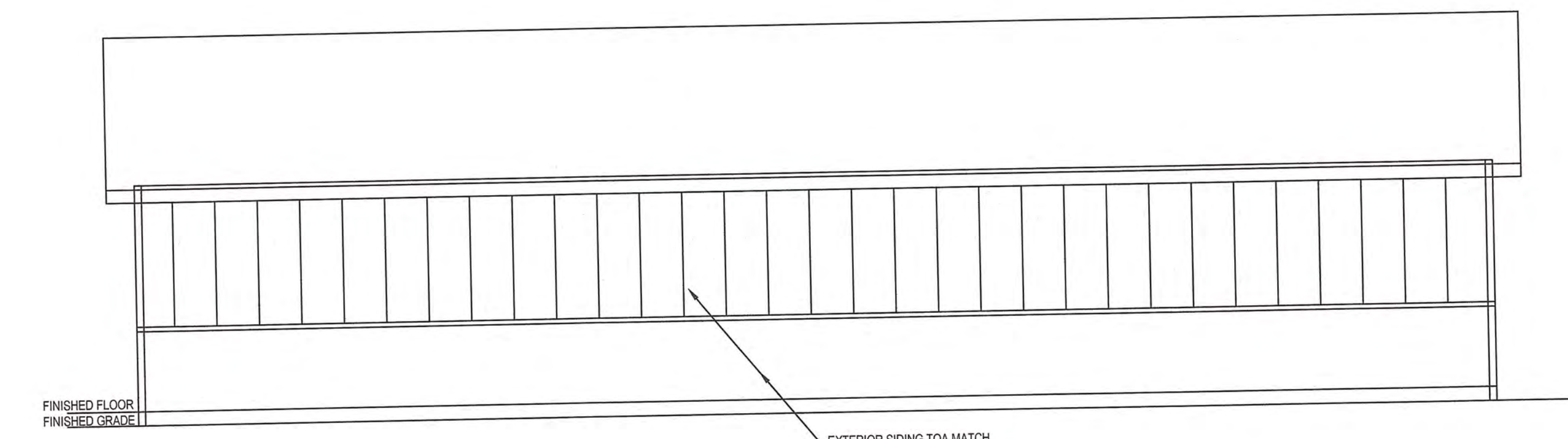
Location Map

11333 CTH G

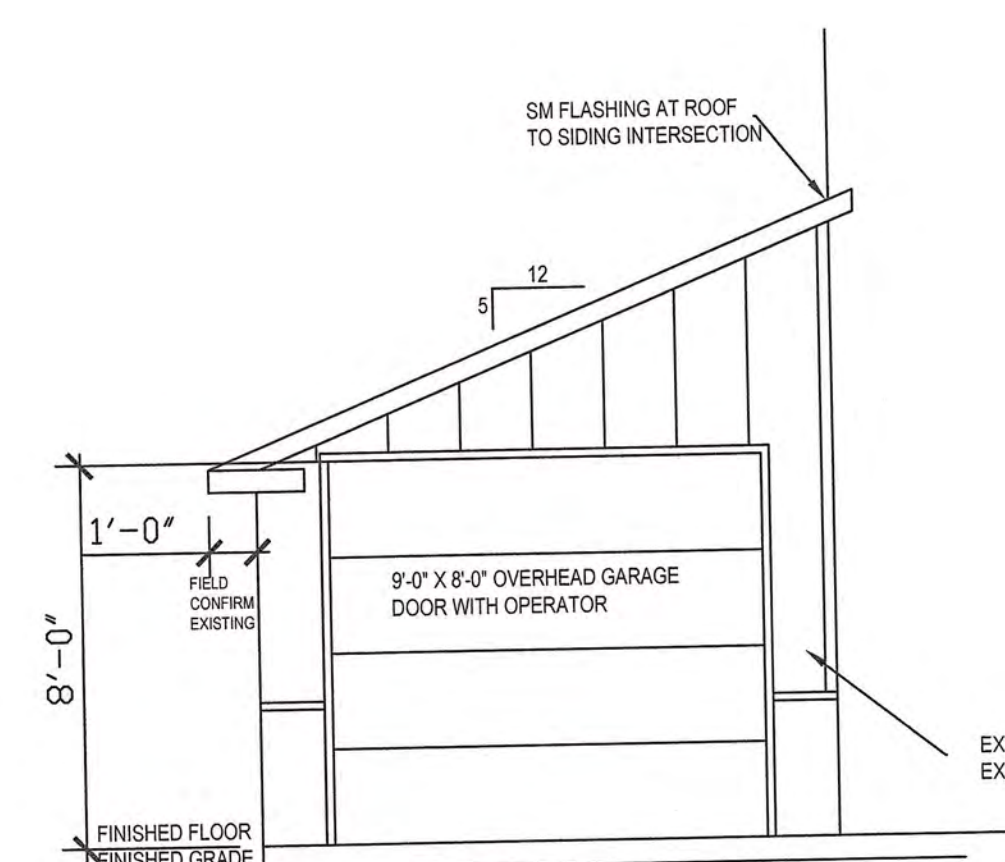




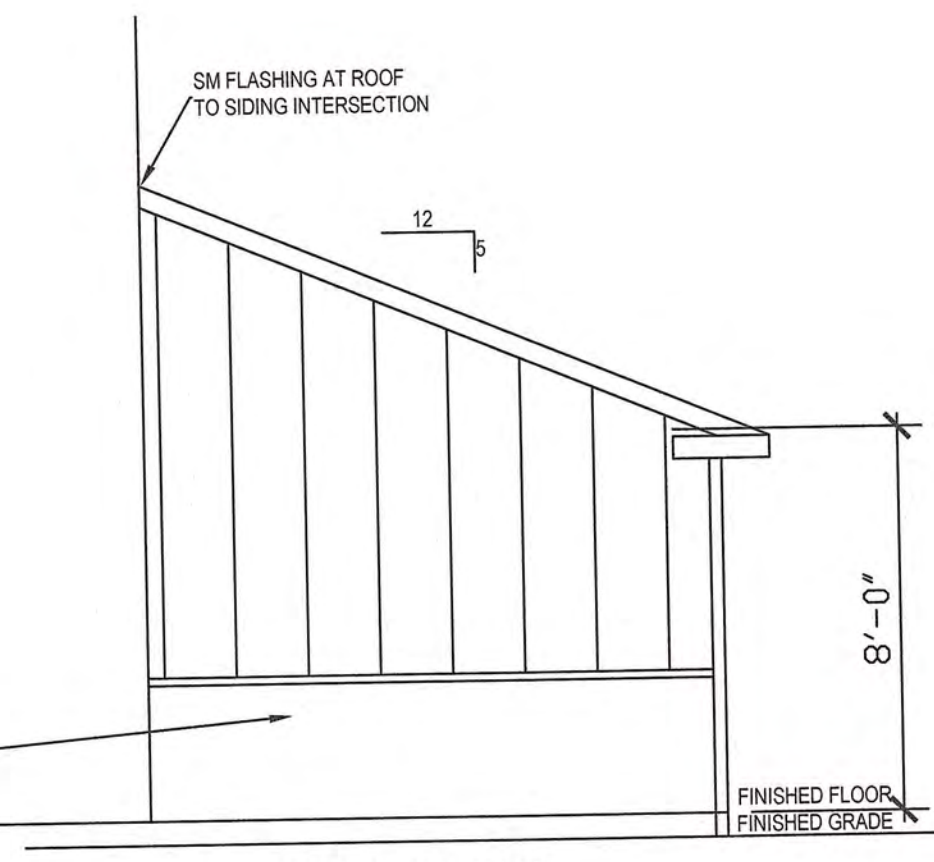
FOUNDATION PLAN
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

MEMBER REPORT
Level PARKER EQUIPMENT RAFTERS
1 piece(s) 2 x 10 SP No.2 @ 16" OC

Stair Length: 13' 7 5/16"

Member Length: 13' 11 7/16"

Design Details	Actual @ Location	Allowed	Result	1/2" L x 8" C (Continuation of Member)	System Roof
Member Reaction (Rn)	426 @ 2' 10"	2231 (0.591) Passed (1975)	1.0 D + 1.0 S (All Spans)	Member Type: JRM	
Shear Wall	235 @ 1' 10"	1665 Passed (675)	1.0 D + 1.0 S (All Spans)	Building Use: Residential	
Member (Ft/Lb)	1254 @ 2' 10"	2239 Passed (6075)	1.0 D + 1.0 S (All Spans)	Building Code: IRC-2009	
Live Load (Ft/Lb)	6186 @ 2' 10"	6229 Passed (5311)	1.0 D + 1.0 S (All Spans)	Design Methodology: ASD	
Dead Load (Ft/Lb)	6345 @ 2' 10"	6229 Passed (5311)	1.0 D + 1.0 S (All Spans)	Member Mark: 1013	

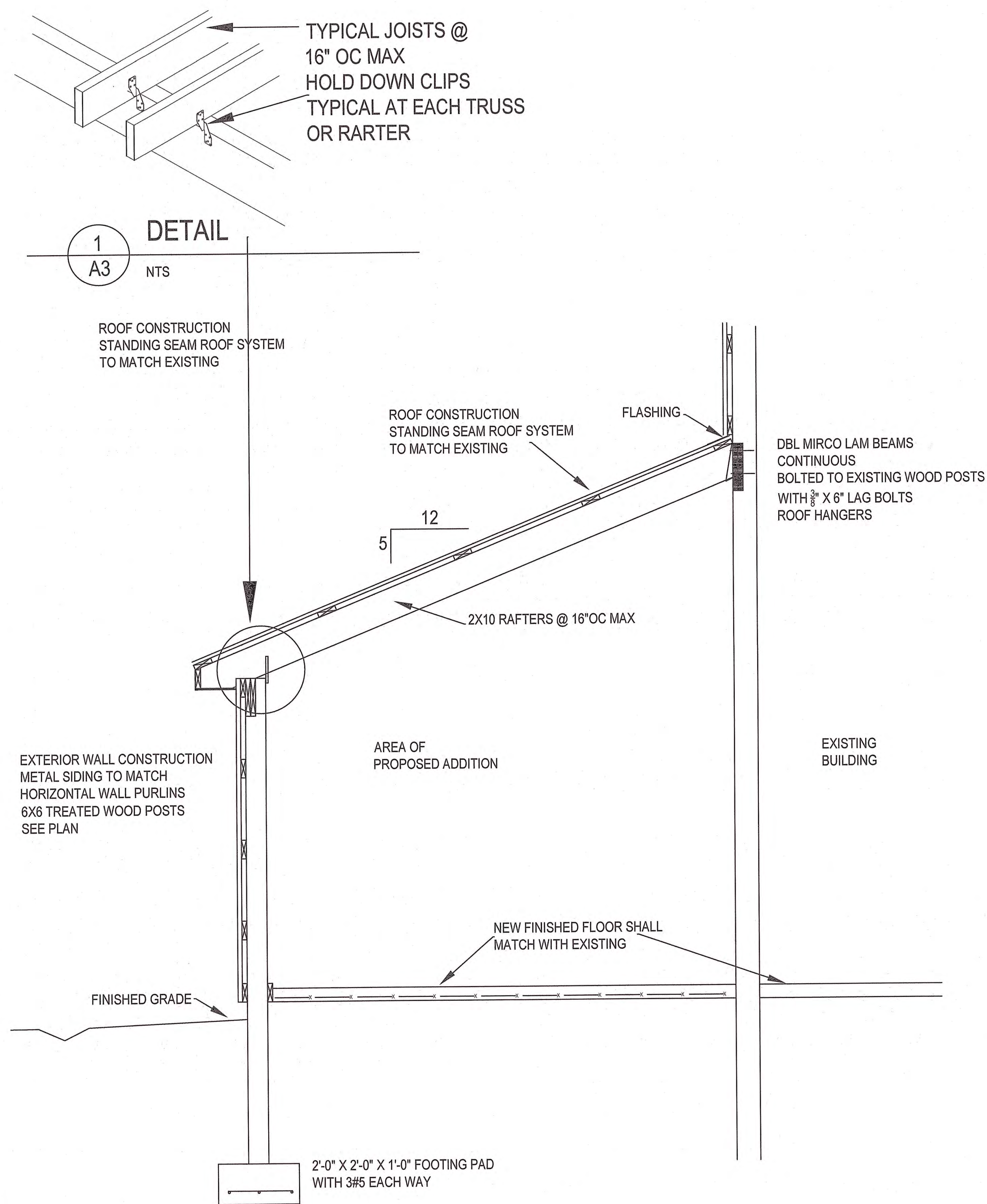
Notes:
- All locations are measured from the outside face of the support for the conditions noted. All dimensions are in inches.
- A 15% increase in the member capacity has been added to account for negative member length.
- All dimensions are based on NDS.

Supports	Span Length	Span Length (ft)	Span Length (in)	Span Length (mm)
1. Beam/Plate - SP	8' 0"	8' 0"	96"	2438
2. Beam/Plate - SP	8' 0"	8' 0"	96"	2438

Column Spacing	Spacing (ft)	Spacing (in)	Spacing (mm)
1. Column Spacing	16' 0"	192"	4878

Vertical Load	Location (ft)	Load (k)	Load (lb)	Load (N)
1. Column (SP)	4' 0"	10	2205	9589

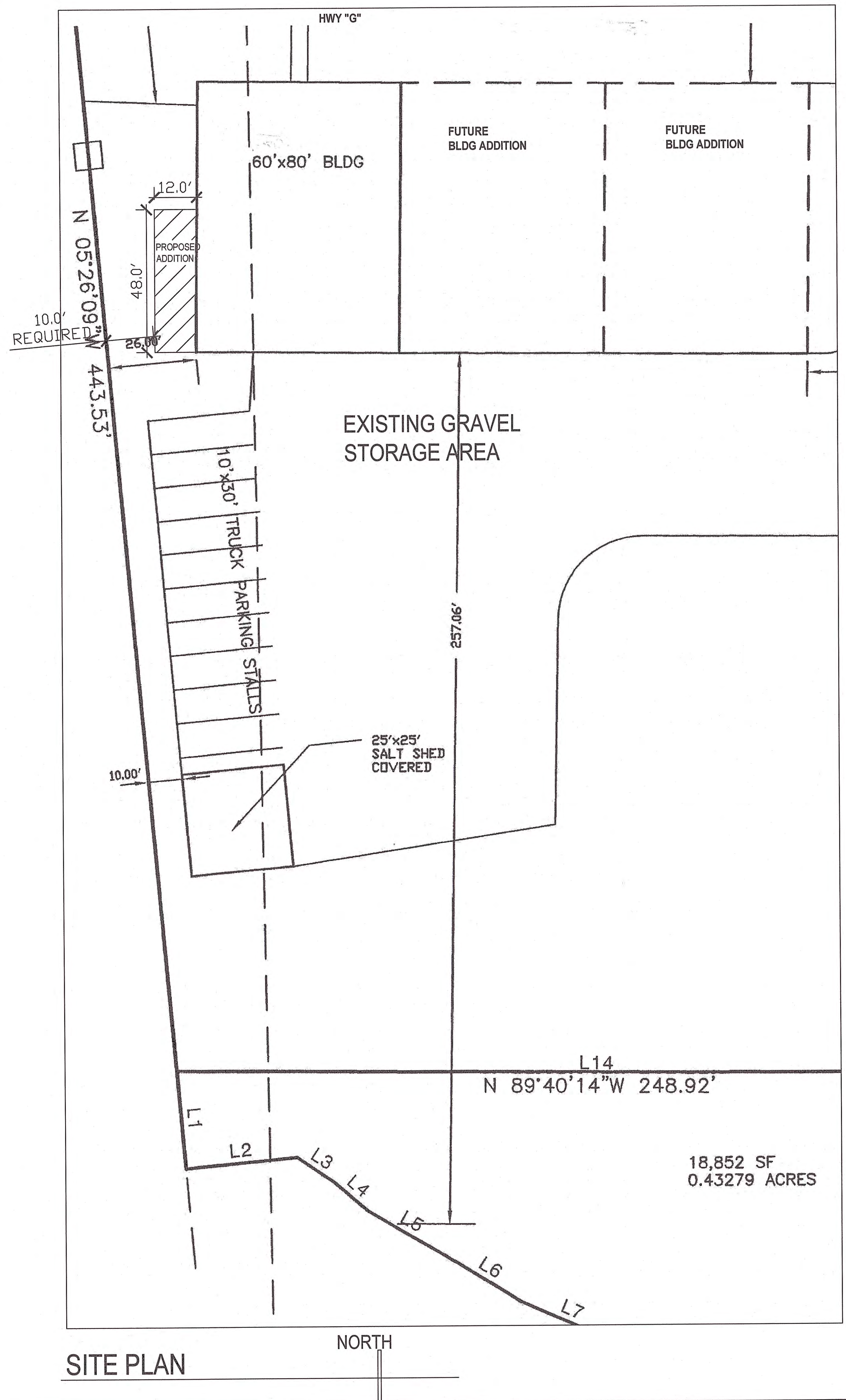
Disclaimer:
The product application, load design, details, dimensions and support information have been provided by FortiWEB Software Operator.



A
A3

SECTION

SCALE 1/2" = 1'-0"



DATE
7/12/21

REVISIONS

WILLIAM A. MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE, WI. 53158

STORAGE BUILDING ADDITION FOR
PARKER EQUIPMENT
11333 HWY G
CALEDONIA WI. 53108

A3



Thursday, August 12, 2021

Peter Wagner, Development Director
5043 Chester Lane
Racine, WI 53402

RE: Parker Power Equipment 11333 Highway G – Building, Site, Operation Plan Review

Dear Mr. Wagner:

The Caledonia Utility District has performed a review of the Building, Site, Operation Plan provided on August 11, 2021, for Parker Power Equipment at 11333 Highway G. This proposal is being considered at the August 30th Plan Commission Meeting.

After review, I offer the following comments.

Storm Water Management Plan

The Parker Power Equipment development has an approved Storm Water Management Plan for the site dated March 11, 2008, and approved April 8, 2008. This Storm Water Management Plan indicates that the impervious surface (buildings, parking lot, gravel areas) for the site at ultimate buildout would be 1.424 acres. Based on the 2020 aerial photo, the existing site has an impervious surface of approximately 1.53 acres. Since the impervious surface in the Storm Water Management Plan has been exceeded, and the proposed building addition would add even more impervious surface to the exceedance, the Storm Water Management Plan will need to be updated and potential improvements or adjustments to the Storm Water Pond and Forebays may need to be completed to ensure compliance with the Village Ordinances.

Utilities (Sewer & Water)

The Parker Power Equipment development is located outside of the Caledonia Utility District for Sewer and Water Services.

Site Grading

A site grading plan will need to be submitted, reviewed, and approved as necessary to show how the proposed addition is to drain to the Storm Water Management facilities onsite, to show any changes that are required to the Storm Water Management facilities based on the updated Storm Water Management Plan as indicated above, and to show any

Best Management Practices (BMP's) needed for erosion control during the construction process.

If there are any questions about this review, please contact me to discuss.

Sincerely,

A handwritten signature in blue ink, reading "Anthony Bunkelman", with a long horizontal flourish extending to the right.

Anthony A. Bunkelman P.E.
Utility Director
Village of Caledonia



1
A3
NTS

ROOF CONSTRUCTION
STANDING SEAM ROOF SYSTEM
TO MATCH EXISTING

ROOF CONSTRUCTION
STANDING SEAM ROOF SYSTEM
TO MATCH EXISTING

FLASHING
DRL. MINCO LAM BEAMS
CONTINUOUS
BOLTED TO EXISTING WOOD POSTS
WITH 1" x 4" LAG BOLTS
ROOF HANGERS

2X10 RAFTERS @ 16" OC MAX

AREA OF
PROPOSED ADDITION

EXTERIOR WALL CONSTRUCTION
METAL SIDING TO MATCH
HORIZONTAL WALL PARALLS
6x6 TREATED WOOD POSTS
SEE PLAN

FINISHED GRADE

NEW FINISHED FLOOR SHALL
MATCH WITH EXISTING

EXISTING
BUILDING

2" x 2" x 1" FOOTING PAD
WITH 3/8" EACH WAY

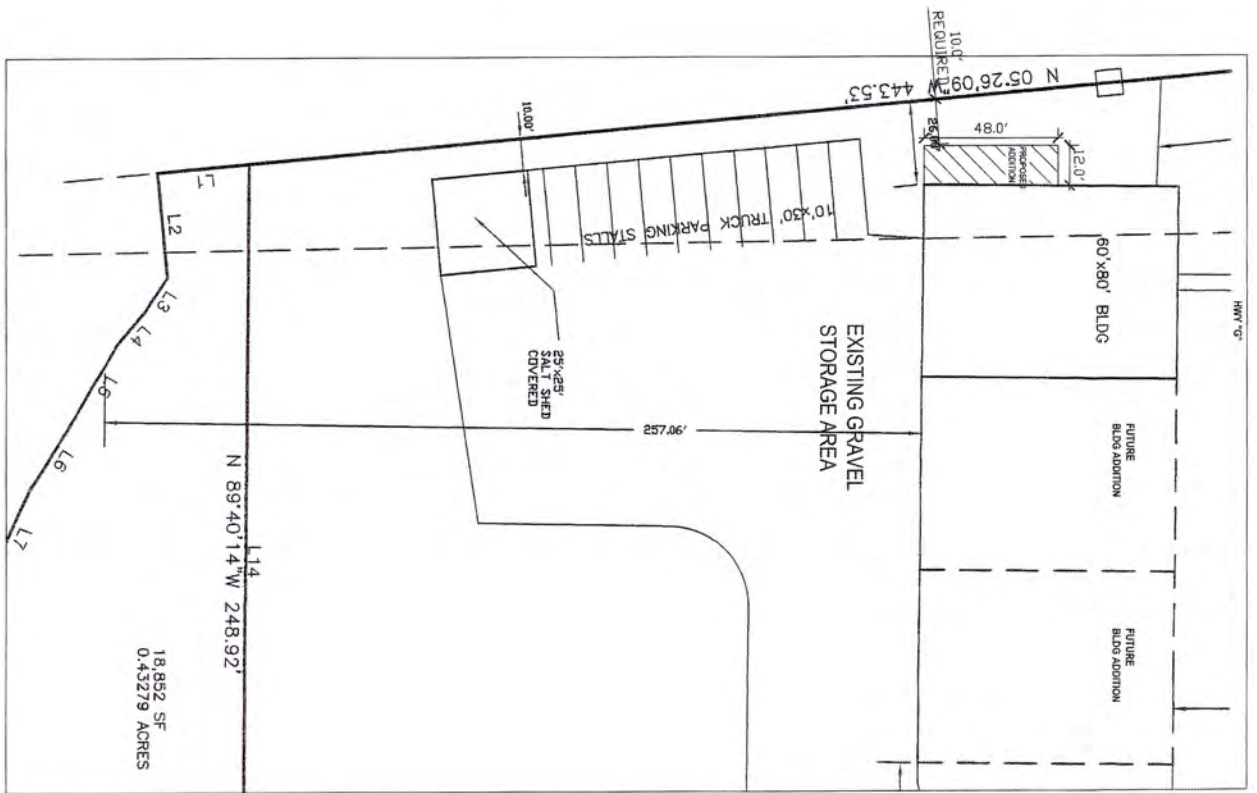
SECTION

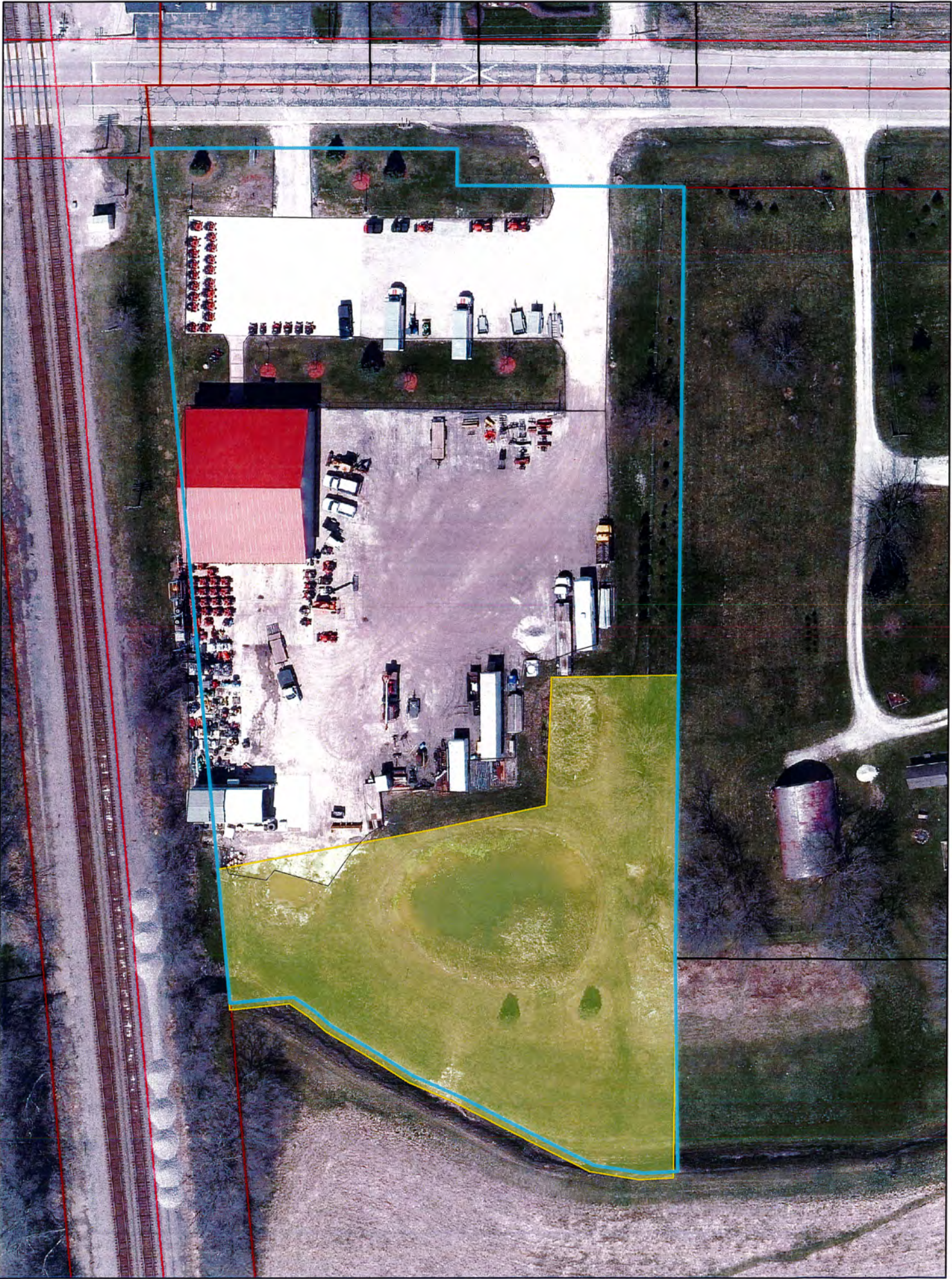
SCALE 1/2" = 1'-0"

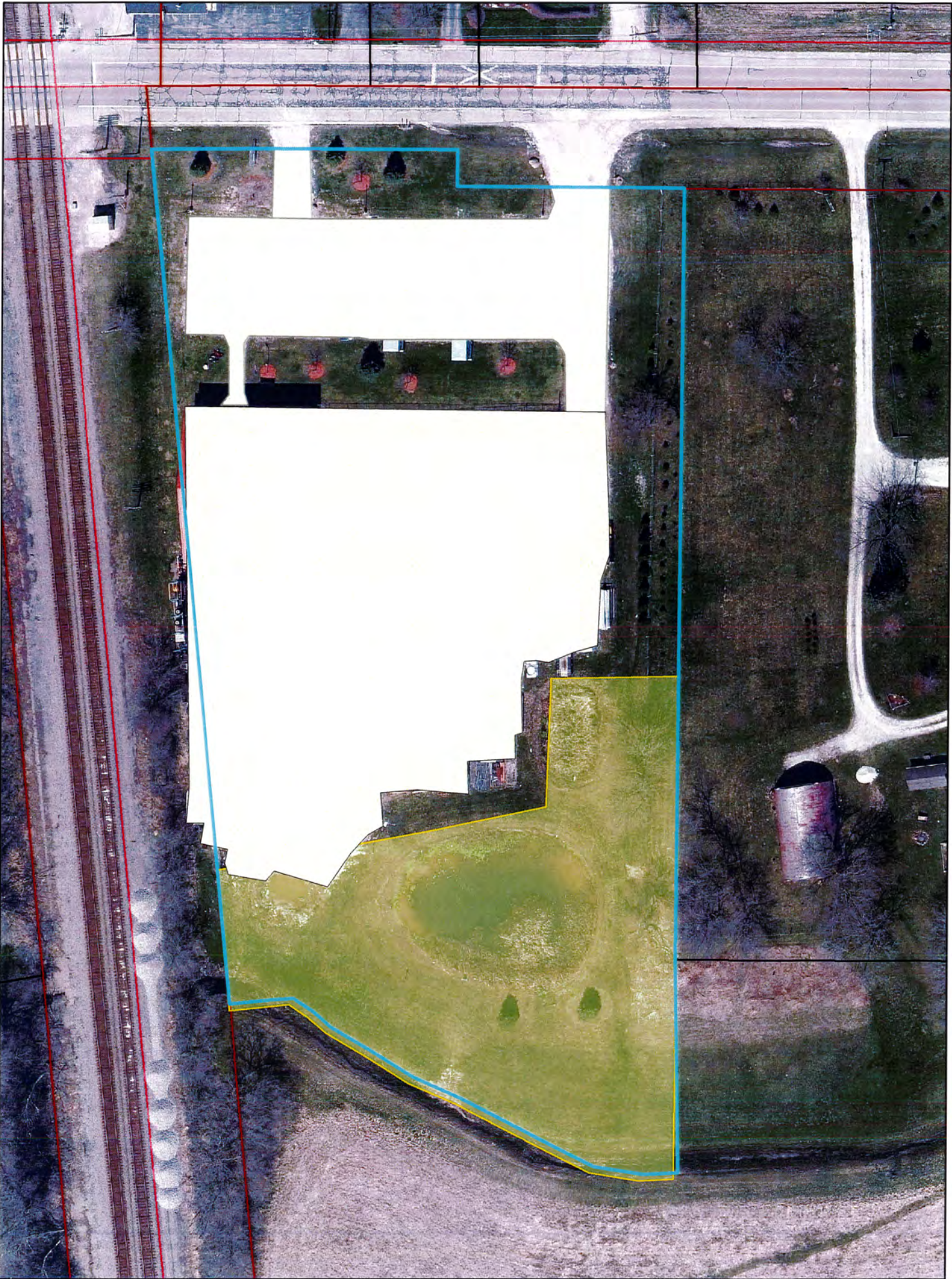
A
A3

SITE PLAN

NORTH








MEMORANDUM

Date: August 10, 2021

To: Plan Commission
Village Board

From: Tom Lazcano P.E. 
Public Works Director

Re: Prochaska – Concept Plan
Parcel ID's: 104-04-22-21-036-000

The Engineering Department has received a Concept Plan for a Certified Survey Map (CSM) from Robert Prochaska. The Concept Plan is for a property located on 4 Mile Road, between County Trunk Highway H and Nicholson Road in the Village of Caledonia. The existing properties are approximately 21.01 acres in size. There is approximately 960 feet of frontage along 4 Mile Road.

The existing parcel currently contains farm fields, a small area of wetlands along the north property line and wooded areas along the side.

This Concept Plan is for the creation of three lots on the parcel. Lot 1 would be ~9.0 acres, Lot 2 would be ~5.8 acres in size, and Lot 3 would be ~5.8 acres in size.

The property is located outside of the Sanitary Sewer & Water Service Area. Each lot will need a mound system and a well for services if they wish to build homes in the future.

The properties currently have a A-3 Zoning Classification. A-3 Zoning requires 150 feet of frontage and 40,000 square feet size. This is outside of the Sanitary Sewer and Water service area so a 5-acre minimum lot size is required. The Village's 2035 Land Use Plan shows that the recommended use for the land is Agriculture, Rural Residential, and Open Land. All Lots on the Concept Plan would stay in line with the Zoning and Comprehensive Land Use Plan.

With this submittal there is 1 Waiver/Modification requests that needs to be considered/reviewed on behalf of the CSM. This Wavier/Modifications is for:

1. Approving lots greater than 2.5 to 1 length to width ratio.

In regards to Waiver/Modification request #1, the Concept Plan is proposing the creation of 2 Lots with greater than 2.5 to 1 length to width ratios. The property is very long and holding to the requirement would only allow for 2 Lots.

If the Plan Commission and Village Board **are willing** to support the Concept Plan the following motion is recommended.

Move to approve the Concept Plan subject to the following:

- **The Final CSM is subject to the Land Division per Lot fee.**
- **A dedication for road Right of Way will be required.**
- **Village approval will be needed for driveways onto 4 Mile Road, this may require combining driveways or a sight distance study.**
- **The approval of Wavier/Modification Request #1.**
- **A Pre-Development Agreement for a CSM will need to be entered into for review and approval of the final CSM.**
- **Soil test showing suitable location for a mound system for each buildable lot.**
- **An approved grading will be needed and the storm water management plan may need to be needed if disturbance or impervious surface area thresholds are met.**
- **A wetland delineation will need to be performed on the entire property.**
- **The Final CSM must conform to all Ordinances in Titles 9, 14, & 18 as necessary.**

If the Plan Commission and Village Board **are not willing** to support the Concept Plan the following motion is recommended.

Move to deny the Concept Plan because of the following:

- **The Concept Plan is creating multiple lots that require waivers.**

CONCEPT PLAN

21-039-002

Bob Prochaska
11430 4 mile Rd
FRANKSVILLE, WI.
53126

Bob Cell 262-939-7732

21-040-002

21-018-002

21-034-000

21-034-010

21-036-00

21-036-000

21-0065

042221

20.6 ACRES

ALL FIGURES
ARE APROX.

~1,030'

24.75'

42' 33'

FOUR MILE ROAD

470'

245'

245'

9601

HOME

20 ACRES

042228

28-0003

28-022-000

28-003-000

28-002-000

28-010-000

28-012-000

28-000

Disclaimer: The information and depictions herein have been produced using data available are for informational purposes and Racine County specifically disclaims accuracy in this prc distances depicted herein and as to which specific or precise accuracy is required should be or other official means.



Meeting Date: August 30, 2021

Item No. **6d**

PLAN COMMISSION REPORT

Proposal: Status Review Zoning Code Revisions
Description: Review proposed draft Chapters 13 & 18 of the Village Zoning Code.
Applicant(s): Village of Caledonia
Address(es): n/a

Suggested Motion: No action required.

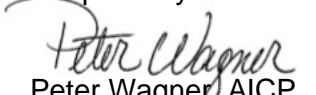
Background: When the Town of Caledonia became the Village of Caledonia in 2005, the Village adopted Racine County's Zoning Code as their own. Since that time, the Village has amended its code several times and has created zoning code Title 16. As a result, staff has had to reference both Title 16 of the Village Code and Racine County's Zoning Code that was adopted in 2005 when applying the zoning code for development projects and code enforcement. This split in regulations is difficult for developers, residents, and businesses to understand what the rules and regulations are for the Village. Staff has been working on merging the two code sections into one unified Village code Title. This process has been more time consuming than originally anticipated.

Staff has prepared draft Chapters 13 & 18 for review and discussion. Chapter topics for discussion will be:

- Chapter 13: Floodplain Regulations
- Chapter 18: Definitions

The purpose of this agenda item to review and discuss the content of the chapters and answer questions or take suggestions as to what should be and not be included in these chapters. These chapters were not revised, but rather reformatted to our current Title/Section/Chapter format. No action is required at this time. Over the next few Plan Commission meetings, staff will be presenting new chapters for your review and input. It is anticipated that the Title 16 will include eighteen chapters. Some of the chapters have few, if any, changes, and others will have significant changes or reorganization than what currently exists. The remaining chapters to review include Signs, and Adult Orientated Businesses. Once all the chapters have been reviewed by the Plan Commission, the next step will be to present it to the Legislation and Licensing Committee for review. Once the Legislation and Licensing Committee is comfortable with the revised zoning code, it will come back before the Plan Commission for a public hearing and recommendation to the Village Board. Staff anticipates final adoption of the revised code will be done in December. At that time, staff will work with our software firm that licenses Zoning Hub and bring the zoning code online.

Respectfully submitted:


Peter Wagner AICP
Development Director

Chapter 13

Floodplain Regulations

(DNR approved Ordinance 2019-01; 01/07/19)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-13-1	Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions.		
16-13-2	General Standards Applicable to all Floodplain Districts.		
16-13-3	Floodway District (FW).		
16-13-4	Floodfringe District (FF).		
16-13-5	General Floodplain District (GFP).		
16-13-6	Nonconforming Uses.		
16-13-7	Administration.		
16-13-8	Amendments.		
16-13-9	Enforcement and Penalties.		
16-13-10	Definitions.		
Sec. 16-13-1	STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS		
(a)	<i>Statutory Authorization.</i> This ordinance is adopted pursuant to the authorization in Sec. 61.35 and 62.23, Wis. Stats., for villages and cities; and the requirements in Sec. 87.30, Wis. Stats.		
(b)	<i>Finding Of Fact.</i> Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.		
(c)	<i>Statement Of Purpose.</i> This ordinance 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.
- (d) *Title.* This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Caledonia, Wisconsin.
- (e) *General Provisions.*
 - (1) *Areas To Be Regulated.*
This ordinance regulates all areas that would be covered by the regional flood or base flood, including floodplain islands unless actual dry land access can be obtained, as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
 - (2) *Official Maps & Revisions.*
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 (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Sec.16-13-8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk at the Village of Caledonia Hall. If more than one map or revision is referenced, the most restrictive information shall apply.
 - (a) *Official Maps:* Based on the FIS:
Flood Insurance Rate Map (FIRM), panel numbers **55101C0079D, 55101C0083, 55101C0084D, 55101C0089D, 55101C0091D, 55101C0092D, 55101C0093D, 55101C0094D, 55101C0103D, 55101C0104D, 55101C0108D, 55101C0111D, 55101C0112D, 55101C0113D, 55101C0114D, 55101C0116D, 55101C0117D, 55101C0118D** dated **May 2, 2012**, and **55101C0093E, 55101C0094E, 55101C0113E** effective **February 1, 2019** with corresponding profiles that are based on the **Flood Insurance Study (FIS) dated February 1, 2019, volume number 55101CV001B.**

Approved by: The DNR and FEMA

VILLAGE STAFF NEED TO REVIEW MAP LISTINGS AND CONFIRM

- (3) *Establishment Of Floodplain Zoning Districts.*
The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW), is 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 FIRM.
 - (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
 - (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
- (4) *Locating Floodplain Boundaries.* Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to Sec. 16-13-8 *Amendments*. 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. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Sec. 16-13-7(c)(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Sec. 16-13-8 *Amendments*.
- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Village's zoning and planning department under the direction of the Zoning Administrator, Department of Natural Resources, FEMA and the Zoning Administrator.
- Note: Where the Floor Profiles are based on established Base Flood elevations from a FIRM, FEMA must also approve any map amendment involving channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe.
- (5) *Removal Of Lands From Floodplain.* Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Sec.16-13-8 *Amendments*.

- (6) *Compliance.*
Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
- (7) *Municipalities And State Agencies Regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stat., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stat., applies.
- (8) *Abrogation And Greater Restrictions.*
 - (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Sec. 62.23, Wis. Stats., for cities; Sec. 61.35, Wis. Stats., for villages; or Sec. 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (9) *Interpretation.*
In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, 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 ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (10) *Warning And Disclaimer Of Liability.* The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
- (11) *Severability.*
Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (12) *Annexed Areas For Cities And Villages.* The Racine 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 municipality 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.

Sec. 16-13-2 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The Village 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 ordinance and all other requirements in Sec. 16-13-7(a)(2). 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.

(a) *Hydraulic And Hydrologic Analyses.*

(1) No floodplain development shall:

- (a) 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**
- (b) Cause any increase in the regional flood height due to floodplain storage area lost.**

(2) 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 FIRM or other adopted map, unless the provisions of Sec. 16-13-8 *Amendments* are met.

(b) *Watercourse Alterations.*

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Sec. 16-13-2(a) 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 six months after the date of the watercourse alteration or relocation and pursuant to Sec. 16-13-8 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(c) *Chapter 30 and 31, Wis. Stats., Development.*

Development which requires a permit from the Department, 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

ordinance are made according to Sec. 16-13-8 *Amendments*.

(d) *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 Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator or as applicable a conditional use permit for the campground is approved by the Village Board;
- (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 sub. (4) above - to remain in compliance with all applicable regulations, including those of the state 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 Sec. 16-13-3, 16-13-4 or 16-13-5 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.

(e) *Floodland Uses.* Floodland uses are conditional uses and may be permitted by the Village Board.

- (1) Open space and related uses may be permitted in any floodplain zoning district for the following uses provided that the applicant shall show that such use or

improvement will not impeded drainage, will not cause ponding, will not obstruct the floodway according to the requirements in section 16-13-1(a), will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of the floodwaters. When permitted, all structures shall be floodproofed in accordance with the standards set in section 16-13-7(e) of this division and constructed so as not to catch or collect debris nor be damaged by floodwaters. All floodproofed structures shall be securely anchored to protect them from large floods. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood elevation.

- (a) Navigational structures.
 - (b) Public water measuring and control facilities.
 - (c) Bridges and approaches.
 - (d) Marinas.
 - (e) Utility poles, towers, and underground conduit for transmitting electricity, telephone, natural gas and similar products and services.
 - (f) Park and recreational areas, not including structures.
 - (g) Parking lots and loading areas accessory to permitted uses in adjacent districts, not including new or used vehicle sales or storage areas, provided that such uses shall not be subject to inundation depths greater than two (2) feet or flood velocities greater than two (2) feet per second.
 - (h) Filing as authorized by the Department to permit the establishment of approved bulkhead lines.
 - (i) Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.
- (2) The thin mantle spreading of spoils resulting from the cleanout and/or dredging of existing drainage ditches or canals may be permitted in floodplain zoning districts provided that the spreading does not result in an increase in the regional flood elevation; the spoils are leveled to a maximum depth of twelve (12) inches; and provided that such spreading will not have a significant adverse impact upon the criteria established by the Department in NR 116.07. Applicants are required to complete hydrologic and hydraulic analyses per section 16-13-2(a) unless the applicant can demonstrate the spoils are being placed to pre-existing elevations (i.e. due to settlement or erosion).
 - (3) Municipal water supply and sanitary sewerage systems may be permitted provided that the system is floodproofed – in accordance set forth in section 16-13-7(e) of this article – to an elevation at least two (2) feet above the regional flood elevation and is designed to eliminate or minimize infiltration of floodwaters into the system. All floodproofed utilities shall be anchored to prevent floatation. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths and other factors associated with the regional flood elevation for the particular stream reach. Municipal water supply and sanitary sewerage systems are prohibited in the floodway.

Sec. 16-13-3 FLOODWAY DISTRICT (FW).

- (a) *Applicability.* This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Sec. 16-13-5(d).
- (b) *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 by any other ordinance;
 - they meet the standards in Sec. 16-13-3(c) and 16-13-3(d); and
 - all permits or certificates have been issued according to Sec. 16-13-7(a).
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, grazing, sod farms, truck farming 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 Sec. 16-13-3(c)(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with Sec. 16-13-3(c) and 16-13-3(d).
 - (5) Extraction of sand, gravel or other materials that comply with Sec. 16-13-3(c)(4).
 - (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 Sec. 16-13-3(c)(3).
 - (8) Accessory structures for navigation controls and aids and bridge approaches may be permitted by conditional use.
- (c) *Standards For Developments In The Floodway.*
- (1) *General.*
 - (a) Any development in the floodway shall comply with Sec. 16-13-2 and have a low flood damage potential.
 - (b) Applicants shall provide the following data to determine the effects of the proposal according to Sec. 16-13-2(a):
 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.
 - (c) The zoning administrator shall deny the permit application if the project will

cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subd. (b) above.

- (2) *Structures.* Structures accessory to permanent open space uses, classified as a historic structure, or functionally dependent on a waterfront location may be allowed by conditional use permit if the structures comply with the following criteria:
 - (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
 - (b) The structures are constructed and placed on the building site so as to increase Flood heights less than 0.00 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
 - (c) 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.
 - (d) Must be anchored to resist flotation, collapse and lateral movement; and restriction of bridge openings or other restricted sections of the stream or river;
 - (e) The structures shall have all services facilities, including mechanical and utility equipment, elevated or flood proofed to or above the flood protection elevation; and
 - (f) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) *Public Utilities, Streets And Bridges.* Public utilities, streets and bridges may be allowed by permit, if:
 - (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of Sec.16-13-2(a).
- (4) *Fills Or Deposition Of Materials.* Fills or deposition of materials may be allowed by permit, if:
 - (a) The requirements of s. 16-13-2(a) are met;
 - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Stats., and a permit pursuant to S. 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;
 - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (d) The fill is not classified as a solid or hazardous material.
- (d) *Prohibited Uses.* All uses not listed as permitted uses in Sec. 16-13-4(b) are 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. Adm. 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. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. 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.

Sec. 16-13-4 FLOODFRINGE DISTRICT (FF).

- (a) *Applicability.* This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 16-13-5(d).
- (b) *Permitted Uses.* Any structure, land use, or development is allowed in the Floodfringe District if the standards in Sec. 16-13-4(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Sec. 16-13-7(a) have been issued.
- (c) *Standards For Development In The Floodfringe.* Sec. 16-13-2(a) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Sec. 16-13-6 *Nonconforming Uses*;
 - (1) *Residential Uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Sec. 16-13-6 *Nonconforming Uses*;
 - (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of Sec. 16-13-4(c)(1)(b) 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.
 - (b) 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;
 - (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subd. (d).
 - (d) In developments where existing street or sewer line elevations make compliance with Subd. (c) impractical, the municipality may permit new

development and substantial improvements where roads are below the regional flood elevation, if:

1. 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
 2. The municipality has a DNR-approved emergency evacuation plan.
- (2) *Accessory Structures Or Uses.* Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
 - (3) *Commercial Uses.* Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of Sec. 16-13-4(c)(1). Subject to the requirements of Sec. 16-13-4(c)(5), 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.
 - (4) *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 Sec. 16-13-7(e). Subject to the requirements of Sec. 16-13-4(c)(5), 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.
 - (5) *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 Sec. 16-13-7(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
 - (6) *Public Utilities, Streets And Bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (a) 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 Sec. 16-13-7(e).
 - (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
 - (7) *Sewage Systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Sec. 16-13-7(e)(3), to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - (8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Sec. 16-13-7(e)(3), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
 - (9) *Solid Waste Disposal Sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.
 - (10) *Deposition Of Materials.* Any deposited material must meet all the provisions of this ordinance.

- (11) *Manufactured Homes.*
 - (a) 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.
 - (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse or move laterally during a flood
 - (c) 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 Sec. 16-13-4(c)(1).
- (12) *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 s. 16-13-4(c)(11)(b) and (c). 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.

Sec. 16-13-5 GENERAL FLOODPLAIN DISTRICT (GFP).

- (a) *Applicability.* The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
- (b) *Permitted Uses.* Pursuant to Sec. 16-13-5(d), it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (Sec. 16-13-3(b)) and Floodfringe (Sec. 16-13-4(b)) Districts are allowed within the General Floodplain District, according to the standards of Sec. 16-13-5(c), provided that all permits or certificates required under Sec. 16-13-7(a) have been issued.

- (c) *Standards For Development In The General Floodplain District.* Sec. 16-13-3 applies to floodway areas, Sec. 16-13-4 applies to floodfringe areas. The rest of this ordinance applies to either district.
 - (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (a) at or above the flood protection elevation; or
 - (b) two (2) feet above the highest adjacent grade around the structure; or
 - (c) the depth as shown on the FIRM
 - (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.
- (d) *Determining Floodway And Floodfringe Limits.* Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
 - (1) 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 FIRM.

- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - (a) A Hydrologic and Hydraulic Study as specified in Sec. 16-13-7(a)(2)(c).
 - (b) 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;
 - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (e) *Limited Floodplain Boundary Adjustments.*
 - (1) Limited floodplain boundary adjustments by a combination of excavating and filling may be permitted in the GFP general floodplain district provided that:
 - (a) The excavation shall take place prior to or simultaneously with the filling and be in areas either within or contiguous to the floodland;
 - (b) At a minimum, the area removed from the floodplain shall be the same or less than the area created.
 - (c) The fill must be at least two feet above the regional or base flood elevation; the fill must be contiguous to land outside the floodplain and the map must be amended pursuant to section 16-13-8(b).
 - (d) The excavated earth material, if suitable for reuse in the area to be filled, shall be so used and, if not suitable or if insufficient in quantity for the fill required, the applicant may be permitted to utilize suitable fill obtained from land other than that which is being excavated.
 - (e) There shall be created by the excavation floodwater storage and conveyance capacity at least equal to that which shall be lost by filling.
 - (f) If it is determined that the floodplain boundary adjustment will be located in the floodway as determined by this section, then hydrologic and hydraulic analyses will need to be completed per section 16-13-2(a) to determine no increase to Base Flood Elevations.
 - (2) It is the express legislative intent that this section allow, after careful review, limited excavation and filling in and immediately adjacent to floodlands so as to create more usable and functional parcels in and adjacent to floodlands while not reducing the floodwater storage and conveyance capacity then existing in the floodlands.
 - (3) Before issuing a conditional use permit under this section, the Village Board shall make a specific written determination that the proposed excavation and filling complies with each of the foregoing four (4) standards as well as the standards applicable to conditional uses under Racine County Code of Ordinances section 20-1182 applicable in the Village. In making such determinations, the committee may request an advisory review by a duly constituted watershed committee of the

- Southeastern Wisconsin Regional Planning Commission.
- (4) A limited floodplain boundary adjustment requires department of natural resources (DNR) and federal emergency management agency (FEMA) approval before a conditional use permit may be issued.

Sec. 16-13-6 NONCONFORMING USES

(a) *General.*

- (1) *Applicability.* If these standards conform with Sec. 87.30, Wis. Stat. and Ch. NR 116.15, Wis. Adm. Code and 44 CFR 59-72, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. 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 ordinance;
- (c) The Zoning Administrator shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized 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% of its present equalized 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 Sec. 16-13-4(c)(1). 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% provisions of this paragraph;

- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized 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 Sec. 16-13-4(c)(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) above equals or exceeds 50% of the present equalized 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 Sec. 16-13-4(c)(1).
- (g) Except as provided in subd. (h) below, 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% of the structure's present equalized assessed value.
- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood 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 Structures
 - a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 16-13-7(e)(2).
 - b. Shall be 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. Shall be constructed with 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

- d. during conditions of flooding.
- e. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- f. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 16-13-5(c)(1).
- g. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- 2. Nonresidential Structures
 - a. Shall meet the requirements of s. 16-13-6(a)(2)(h)1a-b and e-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 Sec. 16-13-7(e)(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 16-13-5(c)(1).
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Sec. 16-13-3(c)(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 16-13-7(e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Sec. 16-13-6(a)(2)(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.
- (4) Notwithstanding anything in this Chapter to the contrary, modifications, additions, maintenance and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
 - (a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - (b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - (c) The nonconforming building is permanently changed to conform to the applicable requirements of Sec. 16-3-2; and
 - (d) The nonconforming building is in the floodway, the building is permanently changed to confirm to the applicable requirements of Sections 16-13-3(c), 16-13-3(c)(2)(b) through (f), 16-13-3(c)(3), 16-13-3(c)(4) and 16-13-6(b); or
 - (e) If the nonconforming building is in the floodfringe, the building is permanently changed to confirm to the applicable requirements of 16-13-4

and 16-13-6(c).

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(b) *Floodway District.*

- (1) 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:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of Sec. 16-13-6(a);
 - (c) Shall not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to Sec. 16-13-7(e), by means other than the use of fill, to the flood protection elevation; and
 - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. 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;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (2) 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, Sec. 16-13-7(e)(3) and Ch. SPS 383, Wis. Adm. Code.
- (3) 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, Sec. 16-13-7(e)(3) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(c) *Floodfringe District.*

- (1) 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 Sec. 16-13-4(c) except where Sec. 16-13-6(c)(2) is applicable.

- (2) Where compliance with the provisions of Subd. (1) 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 Adjustment/Appeals, using the procedures established in Sec. 16-13-7(c), may grant a variance from those provisions of Subd. (1) 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:
 - (a) floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in Sec. 16-13-4(c)(5).
- (3) 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, Sec. 16-13-7(e)(3) and Ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, Sec. 16-13-7(e)(3) and Ch. NR 811 and NR 812, Wis. Adm. Code.

Sec. 16-13-7 ADMINISTRATION

Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under Sec. 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this ordinance.

- (a) *Zoning Administrator.*
 - (1) *Duties And Powers.* The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred; assist owners of substantially damaged structures with increased cost of compliance insurance claims in accordance with federal regulations.
 - (d) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;

2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses.
7. Where Base Flood elevation data are utilized, within the 1% annual chance flood:
 - i. Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - ii. Obtain, if the structure has been floodproofed in accordance with this Chapter, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - iii. Maintain a record of all such information in the office of the Zoning Administrator.
- (e) Submit copies of the following items to the Department Regional office:
 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of case-by-case analyses and other information required by the Wisconsin Department of Natural Resources including an annual summary of floodplain zoning actions taken.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of text and map amendments to the FEMA Regional office.
- (h) Conduct public information activities.
- (i) Cause marks to be placed on structures to show the depth of inundation during the regional flood.
- (j) Ensure that all maps, engineering data, and regulations shall be available and widely distributed.
- (k) Encourage all real estate transfers to show within what floodplain zoning district any real property is located.
- (2) *Land Use Permit.* A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and such applications shall meet the following standards and include:
 - (a) *General Information.*
 1. Name and address of the applicant, property owner and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;
- (b) *Site Development Plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:
1. Location, dimensions, area and elevation of the lot;
 2. Location of the ordinary highwater mark of any abutting navigable waterways;
 3. Location of any structures with distances measured from the lot lines and street center lines;
 4. Location of any existing or proposed on-site sewage systems or private water supply systems;
 5. Location and elevation of existing or future access roads;
 6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sec. 16-13-3 or 16-13-4 are met; and
 9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Sec. 16-13-2(a). This may include any of the information noted in Sec. 16-13-3(c)(1).
- (c) *Hydraulic and Hydrologic Studies to Analyze Development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
1. Zone A floodplains:
 - a. *Hydrology.* The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*
 - b. *Hydraulic Modeling.* The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, *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 four 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 road 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.

c. 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.

2. Zone AE Floodplains

- a. Hydrology If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- b. Hydraulic model The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, *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 FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS 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 Department 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 top widths 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.

- c. Mapping Maps and associated engineering data shall be submitted to the Department 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 (FBFMs), 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 FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM 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 in accordance with FEMA mapping specifications.
 - 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.

- (d) *Expiration.* All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.
- (3) *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 provisions:
 - (a) 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;
 - (b) Application for such certificate shall be concurrent with the application for a permit;
 - (c) 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;
 - (d) The applicant shall submit a certification 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. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 16-13-7(e) are met.
- (4) *Other Permits.* Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
- (b) *Zoning Agency.*
 - (1) The Village of Caledonia Planning Commission shall:
 - (a) oversee the functions of the office of the zoning administrator;
 - (b) review and advise the Village Board by making recommendations on all proposed amendments to this ordinance, maps and text;
 - (c) review and make recommendations to the Village Board on conditional uses and site plan; and
 - (d) such other functions as established by the Village Board.
 - (2) The Village of Caledonia Planning Commission shall not:
 - (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - (b) amend the text or zoning maps in place of official action by the governing body.
- (c) *Board Of Appeals.* The Board of Appeals, created under Sec. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.
 - (1) *Powers And Duties.* The Board of Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
 - (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
 - (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.
- (2) *Appeals To The Board.*
- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
 - (b) *Notice And Hearing For Appeals Including Variances.*
 - 1. Notice - The board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
 - 2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to Sec. 16-13-7(c)(3);
 - b. Decide variance applications according to Sec. 16-13-7(c)(4); and
 - c. Decide appeals of permit denials according to Sec. 16-13-7(d).
 - (c) Decision: The final decision regarding the appeal or variance application shall:
 - 1. Be made within a reasonable time;
 - 2. Be sent to the Department Regional office within 10 days of the decision;
 - 3. Be a written determination signed by the chairman or secretary of the Board;
 - 4. State the specific facts which are the basis for the Board's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance

- application; and
 - 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
 - (3) *Boundary Disputes.* The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
 - (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 16-13-8 *Amendments*.
 - (4) *Variance.*
 - (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in Sec. 16-13-1(c).
 - (b) In addition to the criteria in subd. (a) above, to qualify for a variance under FEMA regulations, the following criteria must be met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
 - (c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self-created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in Sec. 16-13-8 *Amendments*; and
 - 6. Allow any alteration of an historic structure, including its use, which

- would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
 - (d) *To Review Appeals Of Permit Denials in Floodland Districts.*
 - (1) The Zoning Agency (Sec. 16-13-7(b)) or Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in Sec. 16-13-7(a)(2);
 - (b) Floodway/floodfringe determination data in Sec. 16-13-5(d);
 - (c) Data listed in Sec. 16-13-3(c)(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
 - (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of Sec. 16-13-7(c);
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
 - (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Sec. 16-13-8 *Amendments*; and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
 - (e) *Floodproofing Standards For Nonconforming Structures Or Uses.*
 - (1) No permit or variance shall be issued for a non-residential 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.
 - (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (a) certified by a registered professional engineer or architect; or
 - (b) 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.
 - (3) Floodproofing measures shall be designed, as appropriate, to:

- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement;
 - (d) Minimize or eliminate infiltration of flood waters; and
 - (e) Minimize or eliminate discharges into flood waters.
- (f) *Public Information.*
 - (1) Place marks on structures to show the depth of inundation during the regional flood.
 - (2) All maps, engineering data and regulations shall be available and widely distributed.
 - (3) Real estate transfers should show what floodplain district any real property is in.

Sec. 16-13-8 AMENDMENTS

- (a) *When Allowed.* Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 16-13-8(b).
 - (1) 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 FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Sec. 16-13-8(b). Any such alterations must be reviewed and approved by FEMA and the DNR.
 - (2) 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 FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Sec. 16-13-8(b).
- (b) *General.* The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Sec. 16-13-8(c) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) 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 FIRM;
 - (3) Any changes to any other officially adopted floodplain maps listed in 16-13-1(e)(2)(b);
 - (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 a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. 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 FIRM requires prior approval by FEMA.
- (c) *Procedures.* Ordinance amendments may be made upon petition of any party according to the provisions of Sec. 62.23, Wis. Stat., for cities and villages, or Sec. 59.69, Wis. Stat., for counties. The petitions shall include all data required by Sec. 16-13-5(d) and 16-13-7(a)(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
 - (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stat., for cities and villages or Sec. 59.69, Wis. Stat., for counties.
 - (2) No amendments shall become effective until reviewed and approved by the Department.
 - (3) All persons 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.

Sec. 16-13-9 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (Fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Sec. 87.30, Wis. Stat.

Sec. 16-13-10 DEFINITIONS.

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory

structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines.

The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

50. **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
59. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
60. **NEW CONSTRUCTION** – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of

columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

73. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. **SUBDIVISION** – Has the meaning given in Sec. 236.02(12), Wis. Stat.
75. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
76. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
81. **WATER SURFACE PROFILE** – A graphical representation showing the elevation

of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

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CHAPTER 18 Definitions

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18-1-1 DEFINITIONS

- (a) For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Chapter include the future. The word “person” includes a firm, association, partnership, trust, company, or corporations as well as an individual. The word “he” includes the word “she” The word “shall” is mandatory, the would “should” is advisory, and the word “may” is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

A zones shall mean those areas show[n] on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or un-numbered A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Access and viewing corridor shall mean a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

Accessory structure or use shall mean a facility, structure, building or use which is accessory to or incidental to the principle use of a property, structure, or building.

Adult bath houses shall mean an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities."

Adult body painting studios shall mean an establishment or business wherein patrons are afforded an opportunity to paint images on a "specified anatomical area." For purposes of this chapter, the adult body painting studio shall not be deemed to include a tattoo parlor.

Adult bookstore shall mean an establishment or business having as at least twenty-five (25) percent of its: (1) retail floor space used for display of adult products; or (2) stock in trade consisting of adult products; or c) weekly revenue derived from adult products. For purposes of this definition, the phrase adult products means books, films, magazines, motion pictures, periodicals, or other printed matter, or photographs, video cassettes, Compact Disks (CDs), DVDs, Blu-Ray Discs, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." For purposes of this definition, the phrase adult products also means any device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited

to, bather restraints, body piercings implements (excluding earrings or other decorative jewelry), chains, dildos, muzzles, non-medical enema kits, phallic shaped vibrators, racks, whips and other tools of sadomasochistic abuse.

Adult cabaret shall mean any nightclub, bar, theatre, restaurant, or similar commercial establishment which features:

- (1) Live performances by bottomless and/or topless dancers, exotic dancers, go-go dancers, strippers or similar entertainers where such performances which are characterized or distinguished by an emphasis on specified sexual activities or by the exposure of "specified anatomical areas" or the removal of articles of clothing; or
- (2) Films, motion pictures, video cassettes, digital video disks, CDs, DVDs, Blu-Ray Discs, or other photographic and/or, video reproductions, slides or other visual presentations which are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons; or
- (3) Persons who engage in exotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.

Adult drive-in theatre shall mean an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of films, motion pictures, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons. **Adult establishments** shall mean an adult bookstore, adult cabaret, adult drive-in theatre, adult live entertainment arcade, adult mini-motion pictures theatre, adult motel, adult motion picture arcade, adult motion picture theatre, or adult services establishment.

Adult live entertainment arcade shall mean any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed, screened area, or booth a series of live dance routines or strip performances or other gyrational choreography, which choreography, performances, or routines are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult massage parlor shall mean an establishment or business with or without sleeping accommodations which provides services including any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, heat and light treatments of the body, and all forms and methods of physiotherapy not operated by a medical practitioner or professional physical therapist licensed by the state.

Adult mini-motion picture theater shall mean an enclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting films, motion pictures, slides, video cassettes, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult modeling studio shall mean any establishment or business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
- (3) Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

Adult motel shall mean a hotel, motel, or similar establishment offering public accommodations, for any form of consideration, that offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours and that provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, slides, video cassettes, or other photographic reproduction that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture arcade shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theatre shall mean an enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, slides, video cassettes, CDs, DVDs, Blu-Ray Discs, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture theater (outdoor) shall mean a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas."

Adult novelty shop shall mean an establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for "specified sexual activity" or stimulating such activity.

Adult service establishment shall mean any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities, display of specified anatomical areas, or massage of specified anatomical areas, not performed or operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin.

Adult theater shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult video store shall mean an establishment or business having as a substantial or significant portion of its stock and trade for sale or rental of motion pictures or other visual media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Advertising sign shall mean a sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located.

AH zone. See "Area of shallow flooding."

Alley shall mean a special public right-of-way affording only secondary access to abutting properties.

Alteration shall mean an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Animal unit shall have the meaning that was given in NR 243.03(3) as of April 27, 2004.

Animated sign shall mean any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Antenna means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

AO zone. See "Area of shallow flooding."

Area of shallow flooding shall mean a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

Arterial street shall mean a public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

Back-to-back, side-by-side, bottom-on-top, and V-shaped sign shall mean signs that are physically contiguous and share a common structure, in whole or in part, or are located not more than fifteen (15) feet apart at their nearest point in cases of "back-to-back" or "V-shaped."

Balcony shall mean a platform that projects from the wall of a building four (4) feet or less, is surrounded by a railing or balustrade, is open and roofless, and which is suspended or cantilevered from, or supported solely by, the structure to which it is attached.

Banner shall mean any sign of lightweight fabric, plastic, coated paper, or similar material not enclosed in a rigid frame that is mounted to a pole or a structure at one (1) or more edges. Flags or pennants are not considered banners.

Base flood shall mean the flood having a one (1) percent chance of being equaled or exceeded in

any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement shall mean any enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).

Beacon (search light) shall mean any light with one (1) or more beams that rotate or move or any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source.

Bed and breakfast (B and B) shall mean a private owner-occupied residence that offers sleeping accommodations to not more than a total of twenty (20) tourists or transients in eight (8) or fewer rooms which provides no meals other than breakfast and provides breakfast only to renters of the place.

Billboard shall mean a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, except for section 20-1380 (c), section 20-1380 (l), section 20-1381 (a), section 20-1402(a), and section 20-1407(a).

Bluff shall mean the often steeply sloped land area located to the landward side of the Lake Michigan beach. The edge of the bluff is shown on the county topographic maps as "Edge of Cliff" at a scale of one (1) inch equals two hundred (200) feet.

Bluff recession rate shall mean the rate at which the bluff recedes because of erosion by the waters of Lake Michigan and because of unstable slope conditions.

Boardinghouse shall mean a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

Boathouse shall mean a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

Brew pub shall mean a restaurant that manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises or sale in hand-capped or sealed containers in quantities up to one-half (½) barrel or fifteen and one-half (15½) gallons sold directly to the consumer.

Building shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building area shall mean the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Building envelope shall mean the three-dimensional space within a structure is built.

Building height shall mean the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Bulkhead line shall mean a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to [W.S.A.] § 30.11, and which

allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this article.

Bus shelter shall mean a small, roofed structure, usually having three (3) walls, located near a street and designed primarily for the protection and convenience of bus passengers.

Campground shall mean any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

Camping unit shall mean any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to, a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Canopy sign (awning sign) shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover. A marquee is not a canopy. The overhead protective cover used for fuel pumps is considered a canopy.

Certificate of compliance shall mean a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this article.

Changeable copy sign shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign not more than once every eight (8) seconds or the minimum standards set by the Federal Highway Administration, whichever is longer. Each change of message shall be accomplished in one second or less. A sign on which the only copy that changes is an electronic or mechanical indication of time, date, or temperature is considered a "time and temperature" portion of a sign and not a changeable copy sign or traveling message sign.

Channel shall mean a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Class 1 collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in substantial modification.

Class 2 collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does not need to engage in substantial modification.

Clear cutting shall mean the removal of an entire stand or area of trees or shrubs.

Clothing repair shops shall mean shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five (5) persons.

Clothing stores shall mean retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

Cluster development shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining lands to be used for recreation, common open space, or

the preservation of historically, agriculturally or environmentally sensitive features. The size of individual lots may be reduced to gain such common open space.

Commercial day care center shall mean an establishment providing care and supervision for four (4) or more persons under the age of seven (7) and licensed by the State of Wisconsin pursuant to W.S.A., § 48.65.

Commercial-scale wind energy facility shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operating control and includes substations, MET towers, cables/wires, and other buildings accessory to such facility whose main purpose is to supply electricity to off-site customer(s) provided that such a system shall only include a wind turbine with both a total height greater than one hundred seventy (170) feet and name-plate capacity greater than one hundred (100) kilowatts/one (1) megawatt.

Conditional use shall mean a use which is permitted by this chapter provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the economic development and land use planning committee or county board.

Conservation standards shall mean guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the U.S. Department of Agriculture, Soil Conservation Service, for the county, adopted by the county soil and water conservation district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Core area of living space shall mean that area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, decks, carports, and other appurtenances.

Corner lot shall mean a lot abutting two (2) or more streets at their intersections provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.

Crawlways or crawlspace shall mean an enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

DATCP shall mean the state department of agriculture, trade and consumer protection.

Day care center. See "Family day care home" and "Commercial day care center."

Decibel shall mean a unit for measuring the relative loudness of a sound (abbreviated dB) measured on an "A" weighted decibel scale.

Deck shall mean an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Density bonus shall mean the allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned or beyond the net density established in the adopted town land use plan, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, net shall mean the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acres of land. Net density calculations exclude all or a portion of the area occupied by rights-of-way of publicly dedicated streets and private streets, floodplains, wetlands, and water.

Department shall mean the state department of natural resources (DNR).

Development shall mean any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Development Regulations. Those portions of this Ordinance pertaining to lot area, lot width, structure size, yard/setback, frontage, height, parking, loading, or separation distance requirements.

Directional sign shall mean any auxiliary sign that is limited to directional messages principally for assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one way. Directory sign shall mean a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

Displaced threshold shall mean a horizontal line on a runway, perpendicular to the runway centerline. Departing aircraft must be airborne before crossing the displaced threshold. Incoming aircraft may not touch down before crossing the displaced threshold.

District, basic use, shall mean a part or parts of the county for which the regulations of this chapter governing the use and location and land and buildings are uniform (such as the residential, business, industrial, or farming district classifications).

District, overlay, shall provide for the possibility of superimposing certain additional requirements upon a basic use zoning district without disturbing the requirements of the basic use district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.

Drainage system shall mean one (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dryland access shall mean a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling shall mean a detached building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodging houses, motels, hotels, tenements, cabins, or mobile homes.

Efficiency shall mean a dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

Egg production, commercial shall mean an animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.

Elevation shall mean the height in feet above National Geodetic Datum of 1929, also known as mean sea level datum.

Emergency shelter shall mean public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare, fire, flood, windstorm, riots and invasions.

Encroachment shall mean any fill, structure, building, use, or development in the floodway.

Enlargement (pertaining to adult establishment only) shall mean an increase in size of the building, structure or premises in which the adult establishment is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Equipment compound means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

Essential services shall mean services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, tower, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

Establishing an adult establishment shall mean and include any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not an adult establishment, to any of the adult establishments defined herein;
- (3) The relocation of any such business.

Existing development pattern shall mean that principal structures exist within two hundred and fifty (250) feet of a proposed principal structure in both directions along the shoreline.

Existing manufactured home park or subdivision shall mean a parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this article. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Existing structure means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a county or municipality.

Expanded livestock facility shall mean the entire livestock facility that is created by the expansion, after May 1, 2006. Expanded livestock facility includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

Expansion shall mean (for livestock siting purposes) an increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least ninety (90) days in any twelve-month period.

Expansion to existing manufactured home park shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Expressway shall mean a divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family shall mean any number of persons related by blood, adoption or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as a single housekeeping entity.

FAA shall mean the Federal Aviation Administration.

Face shall mean the surface of a sign upon which the message is displayed. One (1) sign structure may have more than one (1) face.

Fall zone means the area over which a mobile support structure is designed to collapse.

Family day care home shall mean a dwelling licensed as a day care center by the State of Wisconsin pursuant to W.S.A., § 48.65, where care is provided for not more than eight (8) children under the age of seven (7) years for less than twenty-four (24) hours per day.

Family foster home shall mean the primary domicile of a foster parent which houses four (4) or fewer foster children and which is licensed pursuant to W.S.A., § 48.62.

Federal emergency management agency (FEMA) shall mean the federal agency that administers the national flood insurance program.

Flag shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, school, or to indicate membership in a non-profit organization.

Flashing sign shall mean any directly or indirectly illuminated sign on which the natural or artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. This definition includes parts that move while the light remains constant, giving the impression of changing or flashing lights. Intermittent signs only providing information such as time, date, and temperature and changeable copy signs as defined herein are not considered "flashing signs."

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation of runoff of surface waters from any source;
- (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency shall mean the probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Flood insurance rate map (FIRM) shall mean a map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study shall mean a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood hazard boundary map shall mean a map designating approximate flood hazard areas. Flood hazard areas are designated as un-numbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood profile shall mean a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation shall mean an elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: freeboard)

Flood stage shall mean the elevation of the floodwater surface above an officially established datum plane, which is mean sea level, 1929 adjustment, on the supplementary floodland zoning map or in any of the flood profiles cited in section 20-211 et seq.

Flood storage shall mean those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodfringe shall mean that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Floodlands shall mean all lands contained in the "regional flood" or one-hundred-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the urban

floodway district, the urban floodplain conservancy overlay district, the urban floodplain fringe overlay district and the general floodplain overlay district.

Floodplain shall mean land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, as those terms are defined in W.A.C. ch. NR 116, and may include other designated floodplain areas for regulatory purposes.

Floodplain island shall mean a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management shall mean policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodplain nonconforming structure shall mean an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the food protection elevation, the structure is nonconforming.)

Floodplain nonconforming use shall mean an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies, such as a residence in the floodway.

Floodproofing shall mean any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purposes of reducing or eliminating flood damage.

Floodway shall mean the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Footprint shall mean the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports)—a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: for the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

Freeboard shall mean a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology or the watershed, loss of flood storage areas due to development and aggradation of the river or streambed.

Freeway shall mean an expressway with full control of access and with fully grade separated intersections.

Frontage shall mean the smallest dimension of a lot abutting a public street measured along the street line.

General floodplain shall mean that portion of the natural one-hundred-year recurrence interval flood hazard area that is not committed to urban development. The regulations of the general floodplain overlay district are constructed in a manner to promote protection of these natural floodplains in their natural state and to prevent the encroachment of urban development and other structures.

Generally accepted forestry management practices shall mean forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

Gift stores shall mean retail stores where items such as art, antiques, jewelry, books and notions are sold.

Greenhouse shall mean a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, shrubbery, vegetables, trees and other horticultural and floricultural products.

Greenhouse, commercial shall mean a greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale.

Ground sign (monument sign) shall mean any permanent free-standing sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and which does not exceed fifteen (15) feet in height.

Group foster home shall mean any facility operated by a person required to be licensed by the State of Wisconsin pursuant to W.S.A., § 48.62 for the care and maintenance of five (5) to eight (8) foster children.

Habitable structure shall mean any structure or portion thereof used or designed for human habitation.

Hardware stores shall mean retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

Hearing notice shall mean a publication or posting meeting the requirements of W.S.A., ch. 985. For appeals, a Class I notice is required, published once, at least one (1) week (seven (7) days) before the public hearing. For all zoning ordinances and amendments, a class II notice is required, published twice, once each week consecutively, with the last published at least a week (seven (7) days) before the hearing. Local ordinance or bylaws may require additional notice exceeding these minimums.

High flood damage potential shall mean damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure shall mean any structure that is:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either by an approved state program as determined by the Secretary of Interior; or directly by the Secretary of Interior in states without approved programs.

Home occupation shall mean any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the criteria listed in section 20-1006 et seq.

Hub height shall mean, when referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.

Impervious surface shall mean an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in W.A.C. § 340.01(54), or sidewalks as defined in W.A.C. § 340.01(58), are not considered impervious surfaces.

In-law suite shall mean a physical arrangement of a dwelling unit in such a fashion that a separate living quarters is created within a dwelling unit for the sole purpose of allowing related persons to live in the secondary living area while that owner and his or her family resides in the principal living area. The secondary living area may contain a bedroom, bathroom and kitchenette which permit a limited degree of independence, but does not create a separate housekeeping entity.

Increase in regional flood height shall mean a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Interchange shall mean a grade separated intersection with one (1) or more turning lanes for travel between intersection legs.

Junkyard (salvage yard) shall mean any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber, inoperable machinery, inoperable vehicles, tires, or other materials stored or customarily stored for salvage, buying, selling, exchanging, dealing, disassembling, packing, bailing, wrecking, or handling unless such accumulation shall be housed in a completely enclosed building.

Kitchen shall mean a place (such as a room) with cooking facilities including kitchen-type counters and/or cabinets, kitchen sinks, or any appliances for the preparation or preservation of food, including but not limited to, gas or electric ranges, ovens or stovetops, microwave ovens, refrigerators with more than five (5) cubic feet of capacity, or freezers.

Kitchenette shall mean a small kitchen or an alcove containing minimal cooking facilities.

Land use for floodplain management purposes shall mean any nonstructural or improved real estate.

Landscaped buffer shall mean an area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way or private road, and acts to soften or mitigate the effects of one (1) land use on the other.

Letter of map amendment (LOMA) shall mean an official notification from the Federal Emergency Management Agency (FEMA) to an individual property owner that a flood hazard boundary map or flood insurance rate map has been amended.

Letter of map revision (LOMR) shall mean an official notification from the Federal Emergency Management Agency (FEMA) that a municipality's flood hazard boundary map or flood insurance rate map has been amended. A LOMR is issued when the revised map is not republished.

Livestock shall mean domestic animals traditionally used in this state in the production of food, fiber, or other animal products. Livestock includes cattle, swine, poultry, sheep, and goats. Livestock does not include equine animals, bison, farm-raised deer, fish, captive game birds, rarities, camelids, or mink.

Livestock facility shall mean a feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of forty-five (45) days or more in any twelve-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility.

Livestock structure shall mean a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

Living rooms shall mean all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

Loading area shall mean a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot shall mean a parcel of land having frontage on a public street, or other means of access that was in existence prior to the original adoption of this zoning ordinance and which has been

approved by the town, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, lot yard, parking area, and other open space provisions of this chapter.

Lot area shall mean the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters or within the mapped right-of-way.

Lot lines and area shall mean the peripheral boundaries of a parcel of land and the total area lying within such boundaries exclusive of any highway right-of-way or road easement.

Lot width shall mean the width of a parcel of land measured at the rear of the specified street yard. On all parcels where parallel side lot lines are not perpendicular to the street right-of-way line, such lot width shall be determined by measuring along a line which is perpendicular to the side lot lines and begins at a point on the side lot line that is at the specified street yard setback distance. For parcels with non-parallel side lot lines, lot width shall be measured at the street yard setback distance along a line that is perpendicular to a line which begins at the center of the lot at a point on the street right-of-way line and is perpendicular to such right-of-way line or perpendicular to the tangent at such point in the case of a curved right-of-way.

Lowest adjacent grade shall mean the elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Machine shops shall mean shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Maintenance and repair shall include such activities as interior remodeling, exterior remodeling, and the replacement or enhancement of plumbing or electrical systems, insulation, windows, doors, siding, or roof within the existing building envelope.

Manufactured dwelling shall mean a dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two Family Uniform Dwelling Code Section ILHR 20.07(52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.

Manufactured home shall mean a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufactured Housing Construction Standards. (Ref. 42 United States Code Section 5401-5406.)

Marquee shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Marquee sign shall mean any sign attached to, in any manner, or made a part of a marquee.

MET tower shall mean a meteorological tower used to measure wind speed.

Minimum facility setback distance shall mean a component of the structural and nonstructural setback overlay district distances which represents a setback distance measured from the regraded stable sloped bluff edge which provides a safety factor against possible failure of shore protection structures or the occurrence of higher than expected bluff recession rates, provides a buffer area which helps protect the regraded bluff edge from excessive surface runoff and from the potential bluff slope stresses resulting from the additional weight of buildings being placed close to the bluff edge, and provides an area which may be effectively utilized for surface water drainage and control.

Minor structures shall mean any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment and arbors.

Mitigation shall mean balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

Mobile home shall mean a readily transportable factory-built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a Manufactured Home under 42 U.S. Code Sections 5401 to 5406 but which is not set on an enclosed foundation in the manner described in section 20-1020 shall be deemed to be a mobile home under this zoning ordinance. Recreational vehicles are not classified as mobile homes and may not be used as a residence.

Mobile home park shall mean any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more units occupied for dwelling or sleeping purposes on a yearround basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale, and shall not include recreational vehicle (RV) courts/campgrounds.

Mobile recreational vehicle shall mean a vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes

that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of mobile recreational homes.

Mobile service facility means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

Mobile service provider means a person who provides mobile service as defined by federal law.

Mobile service support structure means free-standing structure that is designed to support a mobile service facility.

Model, corrected effective shall mean a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

Model, duplicate effective shall mean a copy of the hydraulic analysis used in the effective FIS and referred to as the effective mode.

Model, effective shall mean the hydraulic engineering model that was used to produce the current effective flood insurance study.

Model, existing (pre-project) shall mean a modification of the duplicate effective mode or corrected effective model to reflect any manmade modifications that have occurred within the floodplain since the date of the effective model, but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective mode, this model would be identical to the corrected effective model or duplicate effective model.

Model, revised (post-project) shall mean a modification of the existing or pre-project conditions model, duplicate effective model, or corrected effective model to reflect revised or post-project conditions.

Modular home shall mean a structure which is partially pre-assembled at a manufacturing plant and placed on a lot or parcel as a dwelling unit or units. Also called "pre-fabricated" or pre-cut" homes or "double-wide" units. For purposes of this chapter, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home. (See definitions of manufactured home and mobile home.)

Motel shall mean a series of attached, semiattached or detached sleeping units for the accommodation of transient guests.

Municipality or municipal shall mean the county, city, or village governmental units enacting, administering, and enforcing this zoning ordinance.

NAVD or North American Vertical Datum shall mean elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum shall mean elevations referenced to mean sea level datum, 1929 adjustment.

Navigable waters means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under W.S.A., § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under W.S.A., § 59.69, and W.A.C. ch. NR115, do not apply to lands adjacent to:

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to the natural navigable water body.

Net stable slope distance shall mean the horizontal distance that the top of the bluff would need to be receded, or be regraded, to form a stable bluff slope, which would not likely be affected by major bluff recession processes such as slumping or sliding. The stable slope distance is one (1) component of the structural and nonstructural setback overlay district distances.

New construction, for floodplain management purposes, shall mean structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

New livestock facility shall mean a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. New livestock facility does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.

Nonconforming Lot shall mean a lot, the area, dimensions, or location that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to current regulations of this Ordinance. Such nonconforming lots are also referred to as substandard lots.

Nonconforming uses or structures shall mean any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Nonstructural setback overlay district distance shall mean, for Lake Michigan shoreland areas, not recommended to be protected by properly designed, constructed, and maintained shore protection structures, the distance from the existing bluff edge which is expected to be affected by shoreline erosion and bluff recession over a fifty-year period, or by regrading of the bluff slope as needed to achieve a stable slope. The nonstructural setback distance also includes a minimum facility setback distance.

Normal maintenance and repair shall mean cleaning, painting, replacing broken and vandalized non-structural parts; replacing light bulbs; and other like minor routine repairs in a manner that does not change or alter the basic copy area, design, or structure of the sign.

Obsolete sign shall mean any sign that no longer correctly directs or exhorts any person or advertises a business, service, product, tenant, or activity no longer conducted, available, or in existence on the premises where such sign is displayed.

Obstruction shall mean any structure, growth, or other object, including a mobile object, which penetrates any of the protected surfaces described in section 20-898.

Obstruction to flow shall mean any development which blocks the conveyance of flood waters such that this development alone or together with any future development will cause an increase in regional flood heights.

Off-road trail shall mean a new or existing trail made for the use of an off road vehicle(s) where a permanent and defined path has been created and/or where the landscape has been manipulated in such a manner as to create a path or ruts that may or may not include jumps, pits, hills, and/or berms.

Off-road vehicle shall mean a motorized vehicle designed for use on a variety of non-improved surfaces including but not limited to, dune buggies, four-wheel drive vehicles, snowmobiles, all-terrain vehicles (ATVs), dirt bikes, mini bikes, motor bikes, mopeds and trail bikes. Agricultural equipment (such as farm tractors, seeders, combines, cultivators, etc.) used in the operation of a farm, garden tractors and riding lawnmowers are not a type of off-road vehicle.

Official floodplain zoning map shall mean that map, adopted and made part of this article, as described in section 20-213.5, which has been approved by the WI-DNR Department and FEMA.

Official letter of map amendment shall mean official notification from the federal emergency management agency (FEMA) that a flood hazard boundary map or flood insurance rate map has been amended.

Open space use for floodplain management purposes shall mean those uses having a relatively low flood damage potential and not involving structures.

Ordinary highwater mark shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Overspeed control shall mean a mechanism used to limit blade rotation speed to below the design limits of the wind energy facility.

Parking lot shall mean a structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

Parking space shall mean a graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in interest shall mean and include all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Pennant shall mean any lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from a rope, wire, or string, usually in series that typically streams in the wind.

Pergola shall mean a structure of parallel colonnades supporting an open roof of crossing rafters or trelliswork.

Person shall mean any individual, firm, partnership, corporation, company, association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

Pierhead line shall mean a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to W.S.A., § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to W.S.A., § 30.12(2).

Pinwheel shall mean a wheel with vanes of paper or similar material, pinned to a stick, pole, or similar structure or device, so as to revolve in the wind.

Pond shall mean a natural or artificial (manmade) body of standing water smaller than a lake which generally retains water yearround.

Pole sign (freestanding sign, self-supporting sign) shall mean any sign that is mounted on one (1) or more poles so that the bottom of the sign is at least six (6) feet in height.

Portable sign shall mean any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles, trailers, or equipment that are parked and readable from the street right-of-way, unless said vehicles, trailers, or equipment are used in the normal day-to-day business operations.

Principal structure shall mean a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.

Private sewage system shall mean a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also shall mean an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Projecting sign shall mean any sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the side(s) of such building.

Pyramiding shall mean the act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel backlot development from offshore

lots or residences via a narrow parcel of land to provide access to the water. Publicly owned access point shall not fall within this definition.

Qualified nutrient management planner shall mean a person qualified under § ATCP 50.48.

Reach shall mean a longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.

Rear yard shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearer point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.

Reasonably safe from flooding shall mean base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle shall mean a vehicular unit designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, or motor home.

Recycling means the transfer, transporting, processing, marketing, and conversion of solid waste into usable materials or products and includes the stockpiling and disposal on non-usable portions of solid wastes, but does not include the collection of solid wastes.

Recycling center means that a facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling drop-off site means a collection point for recyclable materials. Temporary storage of specific materials is permitted on each site, but no processing of such items is allowed.

Recyclable materials means waste material for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as a raw material.

The following materials are "recyclable materials" under this chapter:

- (1) Batteries;
- (2) Major appliance;
- (3) Motor oil and lubricants;
- (4) Magazines and newspapers;
- (5) Plastic containers;
- (6) Glass containers;
- (7) Aluminum containers;
- (8) Polystyrene foam packaging;
- (9) Steel containers;
- (10) Waste tires, as defined in W.S.A., § 84.078(1)(b);
- (11) Carbonated or malt beverage containers made primarily of steel and aluminum;

(12) Office paper.

Recycling plant means a facility that is not a junk yard and in which recoverable resources are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Regional flood shall mean a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE and which may be expected to occur on a particular stream because of like physical characteristics, once in every one hundred (100) years.

Related livestock facilities shall mean livestock facilities that are owned or managed by the same person and related to each other in at least one (1) of the following ways:

(1) They are located on the same tax parcel of adjacent tax parcels of land. NOTE: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.

(2) They use one or more of the same livestock structures to collect or store manure.

(3) At least a portion of their manure is applied to the same landspreading acreage.

Note: Compare definition of "animal feeding operation" under § NR 243.03(2). "Related livestock facilities" are treated as a single livestock facility for purposes of local approval, except that a "separate species facility" may be treated as a separate livestock facility.

Relocatable structure shall mean a structure or building which can be moved by a professional building moving contractor to its desired location at a cost not to exceed thirty (30) percent of the equalized value of the structure.

Roadside stand shall mean an accessory structure having a ground area of not more than three hundred (300) square feet, not closer than twenty-five (25) feet to any street right-of-way line, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

Roof sign shall mean any sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above any point of a building with a flat roof, the deck line of a building with a mansard roof, or the eave line of a building with a gambrel, gable, dome or hip roof.

Routine maintenance of vegetation means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

Runway shall mean any existing or planned rectangular paved surface which is specifically used for the landing and/or taking off of aircraft.

Screening shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Search ring means shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and demographics of the service area.

Self-service storage facility shall mean any structure designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property; also known as a miniwarehouse.

Sensitive land use shall mean any of the following:

- (1) Property zoned or used for residential purposes;
- (2) Property zoned or used for religious institutional purposes;
- (3) An educational institution for students in twelfth grade or below;
- (4) A library or museum;
- (5) A public or private park, recreation area, or playground;
- (6) A day care center;
- (7) A historic district;
- (8) A facility predominantly serving individuals with a "developmental disability," as that term is defined in W.S.A. §§ 51.01(5)(a) and (b), and subsequent amendments thereto;
- (9) A private youth development organization such as, but not limited to, YMCA, Junior Achievement, Boys Club of America and Campfire Girls.

Separate species facility shall mean a livestock facility that meets all of the following criteria:

- (1) It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (See definition of a "related livestock facility.")
 - a. Cattle;
 - b. Swine;
 - c. Poultry;
 - d. Sheep;
 - e. Goats.
- (2) It has no more than five hundred (500) animal units.
- (3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (4) It meets one of the following criteria:
 - a. Its livestock housing and manure storage structures, if any, are located at least seven hundred fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - b. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.

Shore protection structures shall mean structures which are intended to reduce shoreline erosion and bluff recession by providing an artificial protective barrier against direct wave and ice attacks on the beach and bluff toe, by increasing the extent of the beach available to absorb wave energy before the water reaches the bluff, by dissipating wave energy and/or by stabilizing the bluff slope. Shore protection structures include bulkheads, revetments, seawalls, groins, breakwater and slope stabilization measures.

Shore yards shall mean a yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the ordinary highwater mark of a lake, pond, flowage, river, stream or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the ordinary highwater mark.

Shoreland setback area shall mean an area in a shoreland of an established distance from the ordinary high-water mark within the construction or placement of buildings or structures has been limited or prohibited under this chapter enacted under W.S.A. § 59.692.

Shoreland-wetland district shall mean a zoning district, created as a part of the county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department of natural resources.

Shorelands shall mean those lands within the following distances from the ordinary highwater mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a natural navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and (c) such lands are maintained in nonstructural agricultural use.

Shorelines shall mean the intersection of the land surfaces abutting lakes, ponds, rivers, streams, flowages, and wetland with the ordinary highwater mark.

Side yard shall mean a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Sign shall mean any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign height. See section 20-1409(a).

Small wind energy facility shall mean an electric generating facility consisting of one wind turbine that has a rated capacity of not more than one hundred (100) kw/one (1) mw and is primarily intended to reduce on-site consumption of power.

Smoke unit shall mean the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Specified anatomical areas shall mean:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttock, anus;
 - c. Female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered. Specified sexual activities shall mean:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse, or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast;
 - (4) Flagellation or torture in the context of a sexual relationship;
 - (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 - (6) Erotic touching, fondling or other such contact with an animal by a human being; or
 - (7) Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in subsections (1) through (6) above.

Stable, commercial shall mean a building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

Start of construction shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement

was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. Storage capacity shall mean the volume of space available above a given cross section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

Streamer. See "Pennant."

Street shall mean a public or private right-of-way providing primary access to abutting properties.

Street yard shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

Structural alterations shall mean any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Structural setback overlay district distance shall mean for Lake Michigan shoreland areas recommended to be protected by properly designed, constructed, and maintained shore protection structures, the distance from the existing bluff edge which would be lost by regrading the bluff slope as needed to achieve a stable slope. The structural setback distance also includes a minimum setback distance.

Structure shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts. Additionally, in the APO district, a structure also includes a mobile object such as a crane, earthworks and overhead transmission lines. In shoreland areas a structure means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway patio, deck, retaining wall, porch or firepit.

Substantial damage shall mean damage sustained by a structure whereby the cost of repairing or restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of

the building commences, whether or not that alteration affects the external dimensions of the structure.

Substantial modification means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

- (a) for structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet;
- (b) for structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten (10) percent or more;
- (c) measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by more than twenty (20) feet or more, unless a larger area is needed for collocation;
- (d) increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2500) square feet.

Substantial work shall mean a considerable amount of work done towards completing the project that received approval, that may include obtaining necessary plot plans, surveys, engineering data, easements, deed restrictions, approvals, permits, and physically starting the project. For typical building construction projects, the site work must progress beyond grading and completion of structural foundations, and construction must be occurring above grade to be considered substantial work.

Support structure means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

Sustained yield forestry shall mean management of forest lands to provide annual or periodic crops of forest products.

Swept area shall mean the largest area of the wind energy facility that extracts energy from the wind stream. There is a direct relationship between swept area and the rotor diameter in a conventional propeller-type wind energy facility.

Temporary sign shall mean any sign intended for a limited or intermittent period of display.

Temporary structure shall mean a movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Total height shall mean, when referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

Traveling message sign shall mean any characters, letters, or illustrations (see changeable copy sign) that appear to move, change, or flash on a sign more than once every eight (8) seconds or the minimum standards set by the Federal Highway Administration, whichever is longer, excluding a "time and temperature" portion of a sign.

Tree shall mean, for purposes of the APO district, any object of natural growth.

Turning lanes shall mean an existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unnecessary hardship shall mean that circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the ordinance.

Utilities shall mean public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Utility pole means a structure owned or operated by an alternative telecommunications utility, public utility, telecommunications utility, county, municipality, or cooperative associate, all as defined under current law or under the proposal, and that is specifically for and used to carry lines, cables, or wires for telecommunications service, video service, or for electricity or to provide light.

Variance shall mean an authorization granted by the zoning board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance. A variance may not permit the use of a property that is otherwise prohibited by the ordinance or allow floodland construction that is not protected to the flood protection elevation.

Violation shall mean the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation, documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Wall sign shall mean any sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

Waste shall mean (for livestock siting purposes) manure, milking center waste and other organic waste generated by a livestock facility.

Waste storage facility shall mean one or more waste storage structures. Waste storage facility includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. Waste storage facility does not include equipment used to apply waste to land.

Waste storage structure shall mean a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Waste storage structure does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12(2) and 51.14, waste storage structure does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility;
- (2) A manure digester consisting of a sealed structure in which manure is subjected to manage biological decomposition.

Watershed shall mean the entire region contributing runoff or surface water to a watercourse or body of water.

Water surface profile shall mean a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well shall mean an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetlands shall mean those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wind access permit shall mean a wind access permit within the meaning of Wisconsin Statutes 66.0403 or any successor statute.

Wind energy facility siting permit shall mean a construction and operation permit granted according to the provisions of this article.

Wind turbine shall mean a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base, and pad transformer, if any.

Window sign shall mean any sign that is placed inside a window or upon the windowpanes or glass and is readable from the street or highway.

Winter grazing area shall mean cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period from October 1 to April 30. Winter grazing area does not include any of the following:

- (1) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30;
- (2) An area which at any time has an average of more than four (4) livestock animal units per acre;
- (3) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water;
- (4) An area in which manure deposited by livestock causes nutrient levels to exceed standards in § ATCP 51.16.

Yard shall mean an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot. **Zoning administrator** shall mean a person recommended by the county economic development and land use planning committee and appointed by the board of supervisors to administer and enforce this chapter. Reference to the zoning administrator shall be construed to include duly appointed deputy administrators.