

**PLANNING COMMISSION AGENDA**  
**Monday, November 27, 2023 at 6:00 p.m.**  
**Caledonia Village Hall – 5043 Chester Lane**

- 1. Meeting Called to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
- 4. Public Comment:** Provides citizens a two-minute opportunity to voice their opinions to the Plan Commission. The Plan Commission is unable to respond as any discussion may conflict with open meeting requirements.
- 5. Public Hearing and Possible Action on Items set for Public Hearing**
  - A. TEXT AMENDMENT – Review a proposed text amendment that will repeal and replace Title 16, Chapter 13, Floodplain Regulations for required updates as prescribed by the Federal Emergency Management Agency and Wisconsin Department of Natural Resources, submitted by Village of Caledonia. More information at Caledonia ZoningHub: <https://s.zoninghub.com/F7HM68DTBK>
  - B. REZONE & CONDITIONAL USE REVIEW – Review a request to rezone a ±5.994-acre parcel located at 13038 Golf Road and a ±40.25-acre parcel located directly east of 13038 Golf Road from A-2, Agricultural District to M-3, Heavy Manufacturing District and a request for a conditional use for the future development of one bio-solid storage building for the parcels submitted by Dan Hintz, Applicant, Racine County and Hintz Real Estate Development Company, Owners. (Parcel ID Nos. 104-04-22-31-021-000 & 104-04-22-31-007-000)  
More information at Caledonia ZoningHub: <https://s.zoninghub.com/GYXE92CQ8W>
  - C. REZONE & CONDITIONAL USE REVIEW – Review a request to rezone ±2.477 acres of a ±4.29-acre parcel located east of 5333 Douglas Avenue from R-7, Multi-Family Residential (Legacy District) to Rm-1, Multi-Family Residential District and a request for a conditional use to construct a 73-unit apartment building submitted by Alf McConnell, Applicant, McConnell Trust Alfred G, Owner. (Parcel ID No. 104-04-23-20-102-131)  
More information at Caledonia ZoningHub: <https://s.zoninghub.com/WBIT5R16WV>
  - D. REZONE & CONDITIONAL USE REVIEW – Review a request to rezone ±22.5 acres of a ±28.95-acre parcel from B-4, Planned Business District (Legacy District) & A-2, Agricultural District to B-3, Highway Business District and to request a conditional use for a future commercial development of a logistic business with outdoor storage located directly east of 5735 USH 41 submitted by Pavle Dunder, Applicant, John & Bridget Pettinger, Owners. (Parcel ID No. 104-04-22-19-038-000)  
More information at Caledonia ZoningHub: <https://s.zoninghub.com/081QS3OOZJ>

## 6. New Business

A. LAND ACQUISITION – Review Plan Commission Resolution 2023-04 recommending the transfer of ownership of a parcel (totaling ±5.994 acres) located at 13038 Golf Road from Racine County to the Village of Caledonia submitted by Village of Caledonia, Applicant, Racine County, Owner. (Parcel ID No. 104-04-22-31-021-000)

More information at Caledonia ZoningHub: <https://s.zoninghub.com/E8PRCVLLU2>

B. BUILDING, SITE, & OPERATION PLAN REVIEW – Review a building, site, and operation plan for the construction of a ±252 square-foot storage building located at 8334 CTH V submitted by St. Nikola Free Serbian Orthodox Church, Applicant, St. Nikolas' Association Inc., Owner. (Parcel ID No. 104-04-22-06-057-000)

More information at Caledonia ZoningHub: <https://s.zoninghub.com/9MJ4OSL4Q9>

C. BUILDING, SITE, & OPERATION PLAN REVIEW – Review a building, site, and operation plan for the construction of a ±647 square-foot building expansion for the Franksville Market building located at 10616 Northwestern Avenue submitted by Rajwinder Singh, Applicant, Franksville Market LLC, Owner. (Parcel ID No. 104-04-22-32-029-000)

More information at Caledonia ZoningHub: <https://s.zoninghub.com/7AEDHX9W7Z>

## 7. Adjournment

Dated November 24, 2023

Megan O'Brien  
Village Deputy 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.

**1. Meeting called to order**

President Weatherston called the meeting to order at 6:00 pm at the Village Hall, 5043 Chester Lane, Racine, WI.

**2. Roll Call/Introductions**

Members present: Tom Knitter, Joe Kiriaki, Michael Moore, Ami May, Trustee Pierce and President Weatherston.

Absent: Ron Bocciardi was excused.

Also present: Development Director Peter Wagner, Director of Public Services Tony Bunkelman, Village Engineer Ryan Schmidt, and Village Administrator Kathy Kasper. Trustee Martin was also present.

**3. Approval of Minutes**

Motion by Pierce to approve the minutes from August 28, 2023. Seconded by May. Motion carried unanimously.

**4. Public Hearing and Possible Action on Items set for Public Hearing**

**4A. REZONE REVIEW – Review a request to rezone ±0.535-acre parcel located at 4913 7 Mile Road from B-3, Highway Business District and A-2, Agricultural District to R-3, Single-Family Residential district for the future development of a residential home submitted by Nellie & Franscico Rodriguez, Applicants and Owners. (Parcel ID No. 104-04-22-12-004-000)**

The applicant has a property located at 4913 7 Mile Road and it is currently split zoned commercial and agricultural. There was a home that was previously on the property that was in bad shape and has been torn down. Since then, they have been marketing the property and with the current zoning, they feel that they are having a hard time selling the parcel. Staff recommend that they apply for a rezone for the site. The applicant is seeking to change the zoning to R-3 rezone which fits within the rezone category. Staff looked into this request and recommends approval.

Public Hearing opened at 6:02PM

*President Weatherston asked three times if anyone wanted to speak in favor of this proposal.*

**In Favor:**

None.

*President Weatherston asked three times if anyone wanted to speak against this proposal.*

**Against:**

None.

Public Hearing closed at 6:03PM

**4A. Commission Deliberation**

None.

Motion by Pierce to recommend approval to the Village Board the Rezone of parcel ID 104-04-22-12-004-000 to R-3. Seconded by Knitter.

Motion carried unanimously.

**4B. LAND USE MAP AMENDMENT REVIEW – Consider an amendment to the Village’s Land Use Plan Map as part of the Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 for the parcel located at 12800 Adams Road changing the land use category from Industrial/Business Park to Transportation, Communications, & Utilities submitted by Andy Schultz, Applicant, Village of Caledonia, Owner. (Parcel ID No. 104-04-22-30-015-224)**

The applicant is requesting the land use category to be changed from industrial business park to the transportation, communications, and utilities category for a future development of a water tower to provide water service into that area.

Public Hearing opened at 6:05PM

*President Weatherston asked three times if anyone wanted to speak in favor of this proposal.*

**In Favor:**

None.

*President Weatherston asked three times if anyone wanted to speak against this proposal.*

**Against:**

None.

Public hearing closed at 6:06PM

**4B. Commission Deliberation**

Motion by Pierce to recommend approval to the Village Board to adopt Resolution PC2023-002 amending the land use plan based out of Racine County for the 2035 land use for parcel 104-04-22-30-015-224 to Transportation, Communications, & Utilities. Seconded by Moore.

Motion carried unanimously.

**4C. REZONE REVIEW – Review a request to rezone a ±1.89-acre parcel located at 12800 Adams Road from M-3, Heavy Manufacturing District to I-1, Institutional District for the future**

**construction of a municipal water tower submitted by Andy Shultz, Applicant, Village of Caledonia, Owner. (Parcel ID No. 104-04-22-30-015-224)**

This is the second part of the entitlement process to allow for the future construction of the water tower at 12800 Adams Road. The zoning category that is being requested is I-1, Institutional district which is for utilities and governmental type construction. This request is consistent with the land use plan.

Public Hearing opened at 6:11PM

*President Weatherston asked three times if anyone wanted to speak in favor of this proposal.*

**In Favor:**

Keith Thornton, 12845 Adams Road – Questions if water hookup will be required for the installation of this water tower.

Merritt Rhoads, 12820 Adams Road – States that he is worried about allergies, that the current state of this property gets a lot of weeds.

*President Weatherston asked three times if anyone wanted to speak against this proposal.*

**Against:**

None.

Public Hearing closed: 6:13PM

**4C. Commission Deliberation**

Motion by Pierce to recommend approval to the Village Board to approve the rezoning from M-3, Heavy Manufacturing District, to I-1, Institutional District on parcel ID 104-04-22-30-015-224. Seconded by Knitter.

Motion carried unanimously.

**5. New Business**

**5A. BUILDING, SITE, AND OPERATION PLAN REVIEW – Review a building, site, and operation plan for the construction of a municipal water tower at 12800 Adams Road submitted by Andy Schultz, Applicant, Village of Caledonia, Owner. (Parcel ID No. 104-04-22-30-015-224).**

Wagner states that there is a site plan that includes two rows of arborvitae that are being proposed on the east and west lot lines to reduce the visibility of the water tower from the abutting residential homes. A gravel or asphalt pad would also be prepped for the future development of a cell tower addition, for the equipment to be added to the ground. A paved driveway will also be added from Adams Road to the water tower.

Motion by Kiriaki to recommend approval to the Village Board that the building, site, and operation plan for the construction of a 137-foot-tall municipal water tower located at 12800 Adams Road be approved for the following reason:

1. The proposed use is allowed by underlying zoning through the building, site, and operation plan review process.

Seconded by Pierce.

Motion carried unanimously.

**5B. PRELIMINARY CERTIFIED SURVEY MAP REVIEW – Review a proposed certified survey map creating two lots for the parcel located at 7 Mile Road submitted by Ken Rusch, Applicant, SAM & TOM, Owners. (Parcel ID No. 104-04-22-08-005-000)**

Staff received a concept certified survey map for the property located approximately 1500 feet west of HWY 38 on the south side of 7 Mile Road. The applicant is looking to split the existing 20.11 acre property into two lots.

Randy Thomas, 7804 HWY 38 – Asked staff to clarify the amount of acreage that the lots will be split into.

Eda Thomas, 7800 HWY 38 - Questions if Mr. Salam has the approval from the co-owner to split the lots. She also asked if the Village would require the current owners to control their weeds in a timely manner when it is not being farmed.

Walter Thomas, 7800 HWY 38 – Questions what will happen to the land behind the current parcel, as it is landlocked, and if you split the 20-acre parcel into two, it will cut off of the Caledonia drainage district and water way. He is concerned about access to the back part of the east parcel.

Motion by Kiriaki to recommend approval to the Village Board to include the Conditions subject to the following:

1. A Final CSM is brought before the Planning Commission and Village Board.
2. The Owners agree to execute any and all agreements and make the necessary deposits for the approval of the CSM.
3. The Owners mutually agree to the development deposit and sign the CSM as required by state statutes.
4. The Final CSM is subject to the Land Division per Lot fee.
5. The approval of Waiver/Modification Request #1.
6. The Final CSM dedicates 45' for public road purposes. A note shall be provided stating as such on the Final CSM.
7. The Surveyor locates the drainage channels in coordination with the Village provided Master Drainage Plan and shows it on the CSM.
8. The Owner provides a 40' storm water drainage easement over the drainage channel on the north section of the property and a 30' drainage easement on the south end of the property. These shall be shown on the CSM. A separate exhibit may be required to provide detail and clarity.
9. The Surveyor shall locate the low point on the Northwest corner of the property, if not determined to be a wetland, and modify the drainage easement as determined by the Village Engineer.
10. The Zoning Requirements for A-2 Zoning are written and displayed on the CSM (setbacks, etc.).
11. Locate and display a cross access and maintenance agreement on the Final CSM for both properties. The original parcel is limited to one shared access, or a Modification Waiver will be required to create individual access to each newly created lot.
12. Soil boring locations on the sites that will be served with an on-site waste disposal system shall be shown on the Final CSM.

13. The CSM must conform to all Ordinances in Titles 9, 14, & 18 as necessary.
14. If Storm Water thresholds are met for either lot, an individual Site Grading and Drainage Plan and Storm Water Management Plan will need to be reviewed and approved by the Village. A note shall be placed on the Final CSM.
15. A Wetland Delineation is submitted, and all wetlands shall be shown on the Final CSM.
16. The Final CSM is submitted and recorded within 1 year of approval by the Village Board.

Seconded by Knitter.

Motion carried unanimously.

**5C. CONCEPT SUBDIVISION PLAT REVIEW – Review a concept subdivision plat creating 14 lots for the parcel located at 5908 4 Mile Road submitted by Nancy Washburn, Applicant, TNG 23 LLC, Owner. (Parcel ID No. 104-0422-24-036-020)**

A new concept subdivision between Bluffside and Short Road has been submitted to the Village. This concept came before the Plan Commission in 2019. The plan was reviewed and was slightly altered than what was presented in 2019. Due to the timing between applications and modifications to the zoning code, it was advised that the developer resubmit the proposal and begin with the concept plan. This currently does not meet the 40% open space requirement per Ordinance. A site distance study will be required to be performed because the proposed subdivision is in an area where site distance is a concern. Schmidt states that a turn lane will also have to be added to accommodate the traffic on 4 Mile Road.

Weatherston asks what the current open space of the subdivision is if it is not 40%.

May questions the turning lane and asks if the Village will have to pay for the road construction work to include a turning lane into the subdivision.

Nancy Washburn, agent for the developer, states that she believes that they can meet all the requirements.

Motion by May to recommend to the Village Board to approve a Modification Waiver from Ordinance 14-3-4(c)(4)(b)(ii) for the Concept Subdivision Plat- Crawford Subdivision to allow the subdivision to develop with less than 40% Open Space within the Sanitary Sewer and Water Service Area subject to the following:

1. The Village is in the process of reviewing and may revise the Ordinance Title 14 Chapter 3 regarding Subdivisions for Open Space and Conservation Easements.
2. The 40% Open Space requirement has been restrictive and prohibitive for the development of land within the Sanitary Sewer and Water Service Area

Seconded by Knitter.

Thomas Knitter	Aye
Trustee Pierce	Nay
Amy Mai	Aye
Michael Moore	Aye
President Weatherston	Aye

Motion carried 5/1.

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Monday, October 30, 2023**

Motion by May to recommend to the Village Board to approve a Modification Waiver from Ordinance 14-3-S(b) for the Concept Subdivision Plat- Crawford Subdivision to allow the subdivision to develop without Conservation Easements within the Sanitary Sewer and Water Service Area subject to the following:

1. The Village is in the process of reviewing and may revise the Ordinance Title 14 Chapter 3 regarding Subdivisions for Open Space and Conservation Easements.

Seconded by Knitter.

Thomas Knitter	Aye
Trustee Pierce	Nay
Amy Mai	Nay
Michael Moore	Aye
President Weatherston	Aye

Motion carried 4/2.

Motion by Kiriaki to recommend approval of the Concept Plat for the Crawford Subdivision subject to the following:

- Approval of Modification Waivers from Ordinance 14-3-4(c)(4)(b)(ii) and 14-3-S(b)
- Approval of a rezoning from R-2 to R-5.
- The Crawford Subdivision must conform to all Ordinances in Title 9, 14, and 18.
- The Crawford Subdivision Preliminary and Final Plat is updated to include all features as listed in Title 14-3-3(f) and 14-3-3(i).
- Right-of-Way is provided to be 45' wide along 4 Mile Road for the length of the property.
- Add a name for the new Road.
- Addition of all platted Right-of-Ways within 300' of the Plat.
- Addition of all public and private easements within 300' of the Plat.
- Provide Ownership information for lots within 100' of the Plat.
- Provide a wetland delineation or proof that no wetlands exist on the property.
- Provide a right turn lane into the development from 4 Mile Road.
- Provide a sight distance study and exhibit for the proposed access.
- Modify plans to include curb and gutter at the radii for the development.
- Granting of a minimum 12' Drainage and Utility Easement along the exterior boundary of the subdivision. This is not required along Outlot 1. Easement may need to be large in the rear portion of lots with a large drainage swale.
- Provide utility easements as required when Utility layouts have been completed.
- Provide a note on the plat restricting trees, plantings, buildings, berms, fences, patios, etc in easement areas and Right-of-Ways.
- Provide a note on the Plat that driveways shall not have a centerline slope greater than 6%.
- Review and approval of Sanitary Sewer, Watermain, and a Storm Water Management Plan by the Caledonia Utility District.
- Review and approval of the Site Grading, Drainage and Road Construction Plans by the Engineering Department, Utility District, and Village Board.
- Execute a Development Agreement with appropriate securities for the infrastructure required for the site at time of the Final Plat.
- Prior to construction of any infrastructure or earthmoving activities, the Developer shall obtain a Land Disturbance Permit from the Village of Caledonia.
- Obtain any and all State or County Permits as required



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- Final as-builts for all infrastructure shall be prepared, submitted, reviewed and approved prior to the release of any building permits.
- All comments from Village Department Heads, Committees, and Commissions addressed as necessary.

Seconded by Knitter.

Thomas Knitter	Aye
Trustee Pierce	Nay
Amy Mai	Aye
Michael Moore	Aye
President Weatherston	Aye

Motion carried 5/1.

Vanessa Seymour, 5831 4 Mile Road – Is concerned with the traffic on 4 Mile Road and how the site will impact traffic.

**5D. FINAL CONDOMINIUM PLAT REVIEW – Review a final condominium plat creating five buildings and ten condominium units for Briarwood Condominium Addendum No. 2 Subdivision submitted by Nancy Washburn, Applicant, Briarwood of Caledonia LLC, Owner. (Parcel ID Nos. 104-04-23-21-061-000)**

This is the 3<sup>rd</sup> and final addendum to the plat to include the northern most and final phase of the Briarwood Condominiums.

Motion by Pierce to approve the final condominium plat for parcel ID 104-04-23-21-061-000. Seconded by Knitter. Motion carried unanimously.

**5E. BUILDING, SITE, AND OPERATION PLAN – Review a site plan for the expansion of a telecommunication tower and ground equipment with fencing for the property located at 8451 USH 41 submitted by Bailly McGrew, Applicant, American Transmission Company, Owner. (Parcel ID No. 104-04-22-06-041-000)**

Motion by Pierce to mark the building, site, and operation plan as received and filed. Seconded by May. Motion carried unanimously.

**6. Adjournment**

Meeting adjourned at 6:48 PM

Respectfully submitted,  
Megan O'Brien  
Public Services Administrative Coordinator

## PLAN COMMISSION REPORT

Proposal:	Zoning Text Amendment
Description:	Review and take action on the proposed revised Municipal Code Title 16, Chapter 13: Floodplain Regulations.
Applicant(s):	Village of Caledonia
Address(es):	n/a
<b>Suggested Motion:</b>	That the Plan Commission recommends to the Village Board that Municipal Code Title 16, Chapter 13: Floodplain Regulations be repealed and recreated as presented.

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**Background:** Periodically, the Federal Emergency Management Agency updates their floodplain maps and regulations. The last time the Village updated the floodplain regulations to be in compliance with FEMA map updates was in 2019. In 2022, FEMA again has updated their maps which requires municipalities to update their floodplain ordinances to be consistent with those updates. Staff has worked with legal counsel and the Wisconsin Department of Natural Resources to update the Village's Floodplain regulations to be in compliance with FEMA floodplain maps. Included with this report is a summary drafted by Rebecca Shepro of Pruitt, Ekes & Geary, S.C. that explains the proposed changes. The proposed changes have been reviewed by Wisconsin DNR and the Village has received approval by the DNR to proceed in adopting the revisions.

There is an option the Village can choose to incorporate into the floodplain regulations. Currently, the regulations state that if there is a nonconforming structure in the floodplain and the owner wants to repair/expand that structure, the repair/expansion cannot exceed 50% of the value of the structure. Act 175 allows municipalities to waive that requirement allowing a property owner to repair/expand a nonconforming use more than 50% of the value of the structure. Staff recommends not including this language as the purpose of the floodplain regulations is to limit/prohibit structures in the floodplain for the protection of the public.

If the Village elects not to include Act 175 language, the Village will not allow repair or additions to nonconforming structures in the floodplain that exceed 50% of the value of the structure. This would allow the Village to limit additions or repairs to structures in the floodplain, with the intent of reducing the number of floodplain obstructions over time.

By omitting the Act 175 language, Village will have the authority to limit repairs to nonconforming structures with the long-term intent of having those structures removed permanently. This language will not prohibit the use of docks, piers, or other permitted structures along rivers and lakes. Staff recommends omitting Act 175 language in the latest update of the ordinance.

If the Plan Commission is comfortable with the proposed Chapter 13, staff has drafted a motion recommending to the Village Board that they adopt the proposed zoning code as presented.

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Respectfully submitted:

  
Peter Wagner, AICP  
Development Director



**Pruitt, Ekes & Geary, S.C.**

Timothy J. Pruitt  
Elaine Sutton Ekes  
Christopher A. Geary  
Rebecca J. Shepro

Office Administrator:  
Eileen M. Zaffiro

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## MEMORANDUM

**To: Village of Caledonia**  
**From: Attorney Rebecca Shepro, Associate Attorney**  
**Date: November 17, 2023**  
**Re: Summary of Changes to Chapter 13, Title 16**

The Wisconsin Department of Natural Resources (“DNR”) periodically revises its model floodplain ordinance to be in accordance with the newest FEMA floodplain maps. This most recent revision, effective as of March 2022, simply brings ordinances across the state into compliance with the new FEMA floodplain maps and both the minimum regulatory standards required in Ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72. These changes to Caledonia’s floodplain ordinance are required. The proposed ordinance has been preliminarily approved by the Crystal Von Holt with the DNR for adoption.

The enumerated, proposed changes are discussed below:

- Removes the ability to rely on other maps as prepared by the DNR in determining areas to be regulated and what qualifies as an “Official Map and Revision.”
- Requires that “Official Maps” must be maps based on studies by the DNR, not maps created by the DNR itself and the DNR must approve of any maps more restrictive than the Flood Insurance Study (“FIS”).
- The addition of Sec. 16-13-6 “Coastal Floodplain District.”
- The addition of Sex. 16-13-7 “Flood Storage District.”
- A delineation of the floodplain districts may be revised by Caledonia (after DNR approval) where natural or man-made changes have occurred and/or where more detailed studies have been conducted.
- We have proposed allowing Limited Floodplain Boundary Adjustments by a combination of excavating and filling in the General Floodplain District (“GFP”) subject to enumerated requirements.
- Requires DOT to provide sufficient project documentation and analysis to ensure Caledonia is in compliance with Federal, State, and local floodplain standards and requires certain design documents for projects located within a Zone A floodplain.

- Requires “other proposed new developments” in a flood prone area to follow the General Standards Applicable to All Floodplain Districts.
- Revises public or private campground sections relating to mobile recreational vehicles (“RVs”) placed on a campground—requires RVs to meet the standards of the floodplain district within which the RV is placed; imposes a 180 consecutive day time limit for parking RVs in a floodplain and requires that the RV be ready for highway use, for which the ordinance provides a definition.
- Imposes Standards for Structures in a public or private Campground which includes regulation of decks, patios, and landings; camping equipment and appurtenant equipment; and places a duty on the campground to ensure that all persons, camping units, decks, camping equipment and appurtenant equipment shall be evacuated if a flood warning is issued for the campground.
- Requires a land use permit to be obtained before any “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.”
- Floodway District
  - Impose restrictions on portable latrines, public or private campgrounds, public or private wells, wastewater treatment ponds or facilities, and sanitary sewer lines.
  - Sets forth new requirements for applicant supplied analyses.
  - Restricts encroachments into the floodway unless an analysis demonstrates that the encroachment will not cause any increase in flood elevations occurring during flood events up to the base flood or removes the encroached area from the regulatory floodway.
  - Imposes additional requirements for structures within the floodplain including but not limited to floodproofing, certification by a professional engineer.
  - Imposes requirements for structures designed to allow the automatic entry of floodwaters below the Regional Flood Elevation.
- Floodfringe District
  - Requires new construction and substantial improvement of residential structures to have the lowest floor elevated to or above the flood protection elevation on fill.
  - Imposes requirements for basements and crawlspaces in new construction and substantially improved residential structures.
  - Adds “new construction and substantial improvements of” to the regulations relating to accessory structures.
- General Floodplain District
  - Provides the means by which floodway boundaries are to be defined for proposed development.
  - Relies on the Flood Insurance Rate Map (“FIRM”) to impose standards for development in the GFP.

- Requires new construction and substantial improvement of structures in Zone AH to have the lowest floor elevated to or above flood protection elevation.
- Requires development in Zones AO and AH to meet the requirements of flood fringe areas.
- Coastal Floodplain District
  - Sets forth the Zones (V- V1-30 and VE) that are in the CFD as well as determining the floodway boundaries.
  - Provides standards for development within the CFD based on the Ordinary High-Water Mark, prohibits bulkheads, seawalls, revetments, and other erosion control measures to be connected to the foundation or superstructure of a building and cannot direct floodwaters or increase flood forces or erosion impacts on the building.
  - Prohibits man-made alterations of sand dunes unless engineering documents support that the alterations will not increase flood damage.
  - Prohibits the use of fill unless it is “non-structural” and an engineering report demonstrates that the fill will not cause runup, ramping, or deflection of floodwaters.
  - Requires new construction or substantial improvement of buildings to be elevated on pilings or columns and sets forth requirements for those pilings and columns.
  - Regulates what can be placed in that open space below the lowest floor.
  - Requires that new and replacement water supply systems and sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and limits discharges from sewage systems into floodwaters.
  - Requires onsite waste disposal systems to be located so as to avoid impairment to the systems or cause contamination during flooding.
  - Imposes requirements for RVs parked within the CFD.
  - Imposes requirements on Manufactured Homes placed within the CFD.
- Flood Storage District
  - “The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge.” Included in our ordinance because the DNR has Caledonia lists as a flood storage community.
  - Requires that all development within FSD follow the requirements set forth in the Floodfringe District.
  - Requires that development not increase the height of a regional flood at all; not be allowed to remove flood storage volume unless an equal volume of storage shall be provided in the immediate area to compensate; if compensation cannot be provided the area may not be developed unless the entire area is rezoned to a floodfringe district.
  - Sets requirements to remove lands from FSD.

- Updates the nonconforming uses section of the floodplain ordinance to conform with 2011 Act 170, 2005 Act 112, and 2017 Act 67.
- ACT 175 Language – decision point (see DNR summary of Act 175).
- Adds Coastal Floodplain District records to the list of records of official actions to be kept by the Zoning Administrator.
- Requires hydraulic and hydrologic studies to analyze development within certain parameters in Zone A floodplains and in AE zones within which a floodway is not delineated.
- Requires the development to comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date if the permitted work has not started within 180 days of the permit date.
- Adds requirements to the Certificate of Compliance section for situations where an applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member.
- Adds requirements to the Certificate of Compliance section for situation where an applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by the Standards for Development in the General Floodplain District.
- Adds an explicit requirement for the Village Planning Commission to publish adequate notice of meetings and public hearings pursuant to Ch 985.
- Adds additional requirements for an applicant to qualify for a variance under FEMA regulations.
- Provides that floodproofing is not an alternative to the development standards for each floodplain district as set forth in the ordinance as they apply to nonconforming structures or uses.
- Adds additional requirements to the floodproofing standards for nonconforming structures or uses.
- Adds the following definitions or clarifications:
  - Clarifies that “[a]n accessory structure shall not be used for human habitation.”
  - Breakaway Wall
  - Coastal Floodplain
  - Coastal High Hazard Area
  - Lowest Floor
  - Moderate Wave Action Area (MoWA)
  - Non-Flood Disaster
  - Primary Frontal Dune
  - Sand Dunes

## CHAPTER 13, TITLE 16

<b>Section Number</b>	<b>Title</b>	<b>Ordinance Number</b>	<b>Date of Ordinance</b>
Sec.16-13-1.	Statutory authorization, finding of fact, statement of purpose, title and general provisions.		
Sec. 16-13-2.	General standards applicable to all floodplain districts.		
Sec. 16-13-3.	Floodway District (FW).		
Sec. 16-13-4.	Floodfringe District (FF).		
Sec. 16-13-5.	General Floodplain District (GFP).		
Sec. 16-13-6.	Coastal Floodplain District (CFD).		
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Sec. 16-13-8.	Nonconforming uses.		
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## Chapter 13. Floodplain Regulations

### Sec. 16-13-1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

- (a) *Statutory Authorization.* This ordinance is adopted pursuant to the authorization in Wis. Stats. Sec. 61.35 and 62.23, and the requirements in Wis. Stats. Sec. 87.30.
- (b) *Finding Of Fact.* 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) *Statement Of Purpose.*  
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 of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map (FIRM). Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) *Official Maps & Revisions.*

Special Flood Hazard Areas (SFHA) are designated as zones A, AE, AH, AO or A1-30, VE, V1-30, or V on the maps based on the FIRMs listed below.

Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies by the DNR and listed in subd. (b) below.

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 Flood Insurance Study (FIS):

Flood Insurance Rate Map (FIRM), panel numbers 55101C0104E, 55101C0108E, 55101C0116E, 55101C0117E, and 55101C0118E, dated 01/11/2024;

Flood Insurance Rate Map (FIRM), panel numbers 55101C0093E, 55101C0094E, and 55101C0113E, dated 02/01/2019;

Flood Insurance Rate Map (FIRM), panel numbers 55101C0079D, 55101C0083D, 55101C0084D, 55101C0087D, 55101C0089D, 55101C0091D, 55101C0092D, 55101C0103D, 55101C0111D, 55101C0112D, and 55101C0114D, dated 05/02/2012;

Flood Insurance Study (FIS) for Village of Caledonia (Racine County), 55101CV001C, 55101CV002C, and 55101CV003C, dated 01/11/2024.

Approved by: The DNR and FEMA

(b) *Official Maps:* Based on Other Studies:

Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the Flood Insurance Study (“FIS”) at the site of the proposed development.

(3) *Establishment Of Floodplain Zoning Districts.*

The flood hazard areas regulated by this ordinance 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, or within A Zones shown on the FIRM when determined according to 16-13-5(e).

(b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when the floodway limits have been determined according to 16-13-5(e), within A Zones shown on the FIRM.

- (c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
  - (c) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A zone or AE zone with no floodway determination abuts the CFP district, the riverine study's floodway limit must be determined based on standard floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP districts.
  - (d) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- (4) *Locating Floodplain Boundaries.* Discrepancies between boundaries of zones A1-30, AE, AH, or A 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. 16-13-10 *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. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Sec. 16-13-9(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. 16-13-10 *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, including any boundary of zone A, AO, V-130, VE, or V, the location of the boundary shall be determined by the map scale.
- (5) *Removal Of Lands From Floodplain.*
- (a) 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.16-13-10 *Amendments*.

- (b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
- (1) The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
  - (2) The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- (c) 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 floodplain.
    - (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 16-13-10.
    - (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 floodplains so as to create more usable and functional parcels in and adjacent to floodplains while not reducing the floodwater storage and conveyance capacity then existing in the floodplains.
  - (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 six (6) standards as well as the standards applicable to conditional uses under the Village's Zoning Code. In making such determinations, the Board may request an advisory review by a duly constituted watershed committee of the Southeastern Wisconsin Regional Planning Commission.
- (6) *Compliance.*
  - (a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
  - (b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 16-13-11.
  - (c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 16-13-11.
- (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 Wis. Stat. Sec. 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. Sec. 30.2022, applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under Wis. Stat. § 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the

proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under Wis. Stat. § 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) *Abrogation And Greater Restrictions.*

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. Sec. 61.35; or Wis. Stats. Sec. 87.30, 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 Wis. Adm. Code Ch. NR 116, 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 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 Wis. Adm. Code Ch. NR 116, 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 and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- (a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
  - (1) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads;
  - (2) be constructed with flood-resistant materials;
  - (3) be constructed by methods and practices that minimize flood damages; and
  - (4) Utility and mechanical equipment must be elevated to or above the flood protection elevation.
- (b) or other proposed new development is in a flood-prone area, the Village shall assure that:
  - (1) such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
  - (2) public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (3) adequate drainage is provided to reduce exposure to flood hazards.

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. 16-13-9(a)(2). =

- (c) *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. 16-13-10 *Amendments* are met.

(d) *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(c) 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. 16-13-10 *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.

(e) *Chapter 30, 31, Wis. Stats., Development.*

Development which requires a permit from the Department, under Wis. Stats. Chs. 30 and 31, 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. 16-13-10 *Amendments*.

(f) *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 Agriculture, Trade and Consumer Protection;
- (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 Agriculture, Trade and Consumer Protection and all other applicable regulations;

- (6) All mobile recreational vehicles placed on site must meet one of the following:
  - (a) Be fully licensed, if required, and ready for highway use are;
  - (b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
  - (c) Meet the requirements in either s. 16-13-3, 16-13-4, 16-13-5, or 16-13-6 for the floodplain district in which the structure is located;

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.

- (7) 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 consistent with s. (f)(6) above, and shall ensure compliance with all the provisions of this section;
- (8) 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; and
- (11) Standards for structures in a campground:
  - (a) All structures must comply with section 16-13-2(f) or meet the applicable requirements in ss. 16-13-3, 16-13-4, 16-13-5, or 16-13-6 for the floodplain district in which the structure is located;
  - (b) Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 16-13-2(f)(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the

regional flood.

- (c) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards
  - (d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 16-13-2(f)(4).
  - (e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 16-13-2(f)(4).
- (12) A land use permit shall be obtained as provided under 16-13-8(2) before any 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

### **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(e).
- (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. 16-13-9(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) 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 Wis. Adm. Code Ch. SPS 383.
- (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Wis. Adm. Code Chs. NR 811 and NR 812.
- (10) Wastewater treatment ponds or facilities permitted under Wis. Adm. Code § NR 110.15(3)(b).
- (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(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 an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 16-13-2(c) and 16-13-9(a)(2)(c) The analysis must be completed by a registered professional engineer in the state of Wisconsin.
  - (c) Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 16-13-3(c)(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 16-13-1(e)(5).
- (2) *Structures.* Structures accessory to permanent open space uses, including utility and sanitary facilities, 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) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  - (1) Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
  - (2) Have structural components capable of meeting all provisions of Section 16-13-3(c)(2)(g) and
  - (3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 16-13-3(c)(2)(g)
- (c) Must be anchored to resist flotation, collapse and lateral movement;;
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 16-13-3(c)(2)(a) through 16-13-3(c)(2)(e) and meets or exceeds the following standards:
  - (1) The lowest floor must be elevated to or above the regional flood elevation;
  - (2) 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;
  - (3) the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open; and
  - (4) The use must be limited to parking, building access or limited storage.
- (g) *Certification:* Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following

floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood;

- (1) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
  - (2) Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 16-13-3(d)(4) and (5);
  - (3) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
  - (4) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
  - (5) Placement of utilities to or above the flood protection elevation.
- (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 Wis. Stat. Ch. 30, 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 Wis. Adm. Code Ch. SPS 383;
- (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 Wis. Adm. Code Chs. NR 811 and NR 812;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Adm. Code s. NR 110.15(3)(b); 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(e).
- (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. 16-13-9(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. 16-13-8 *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. 16-13-8 *Nonconforming Uses*;
    - (a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 16-13-1(e)(5).

- (b) Notwithstanding s. 16-13-4(c)(1), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind 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 that follows acceptable hazard mitigation guidelines.
- (2) *Accessory Structures Or Uses.* In addition to 16-13-2 (a) and (b), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (3) *Commercial Uses.* In addition to s. 16-13-2 (a) and (b), 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.* In addition to s. 16-13-2 (a) and (b), 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. 16-13-9(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. 16-13-9(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. 16-13-9(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. 16-13-9(e)(3), to the flood protection elevation and meet the provisions of all local ordinances and Wis. Adm. Code Ch. SPS 383.
- (8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Sec. 16-13-9(e)(3), to the flood protection elevation and shall meet the provisions of Wis. Adm. Code Chs. NR 811 and NR 812.
- (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 must be on site for less than 180 consecutive days and be either:



- (a) licensed and ready for highway use
- (b) 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) *Floodway Boundaries.* For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 16-13-1(e)(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 16-13-5(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 16-13-3. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 16-13-4.
- (c) *Permitted Uses.* Pursuant to Sec. 16-13-5(e), 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(d), provided that all permits or certificates required under Sec. 16-13-9(a) have been issued.

- (d) *Standards For Development In The General Floodplain District.* Sec. 16-13-3 applies to floodway areas, determined pursuant to 16-13-5(e); Sec. 16-13-4 applies to floodfringe areas determined pursuant to 16-13-5(e).

- (1) New construction and substantial improvement of structures in AO Zones the structure's lowest floor must meet one of the conditions listed below:
  - (a) at or above the depth, in feet, as shown on the FIRM above the highest adjacent grade; or
  - (b) If the depth is not specified on the FIRM, two (2) feet above the highest adjacent natural grade around the structure.

- (2) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation

- (3) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

- (4) All development in zones AO and zone AH shall meet the requirements of s. 16-

13-4 applicable to flood fringe areas

- (d) *Determining Floodway And Floodfringe Limits.* Upon receiving an application for development within zone A, or with zone AE where a floodway has not been delineated on the FIRM, 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. 16-13-9(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.

**Sec. 16-13-6 COASTAL FLOODPLAIN DISTRICT (CFD)**

- (1) *Applicability.* The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in s. 16-13-1(3)(d) or a regulatory floodway identified pursuant to s. 16-13-1(5), extends into a Coastal Floodplain District, development shall comply with the standards of s. 16-13-3 and s. 16-13-6.
- (2) *Standards for Development in the Coastal Floodplain District.* Development in the CFD district shall meet the requirements of s. 16-13-2, as well as the following:
  - (a) New construction shall be located landward of the Ordinary High-Water Mark.
  - (b) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
  - (c) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
  - (d) The use of fill for structural support of buildings is prohibited.
    - (1) Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runup, ramping, or deflection of floodwaters that cause damage to buildings.
  - (e) New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the FPE.
    - (1) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or other equivalent standard.
    - (2) A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of s. 16-13-6(2)(e).

- (f) New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- (1) For the purpose of s. 16-13-6(2)(f), a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
  - (2) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
    - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
    - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or equivalent standard.
  - (3) All space enclosed by breakaway walls, open wood latticework, or insect screening below the lowest floor shall be used solely for parking, building access, or storage.
- (g) Require within flood-prone areas:
- (1) New and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
  - (2) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- (h) All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:
- (1) fully licensed and ready for highway use; or

- (2) shall meet the standards of ss. 16-13-6(2)(a) through 16-13-6(2)(g) inclusive

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 type utilities and security devices and has no permanently attached additions.

- (i) Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of ss. 16-13-6(2)(a) through 16-13-6(2)(g) inclusive.

### **Sec. 16-13-7 FLOOD STORAGE DISTRICT (FSD)**

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

- (1) *Applicability.* The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.
- (2) *Permitted Uses.* Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 16-13-4(c).
- (3) Standards for Development in Flood Storage Districts.
  - (a) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
  - (b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
    - © If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. 16-13-10 Amendments of this ordinance.
  - (d) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

### **Sec. 16-13-8 NONCONFORMING USES**

(a) *General.*

(1) *Applicability.*

- (a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Wis. Stat. § 87.30 and Wis. Adm. Code §§ 116.12-14 and 44 CFR 59-72. These standards 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. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
- (b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings

(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). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- (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. 16-13-9(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 during conditions of flooding.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 16-13-5(d)(1).
- f. 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. 16-13-8(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. 16-13-9(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(d)(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. 16-13-9(e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Sec. 16-13-8(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.

(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. 16-13-8(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. 16-13-9(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. 16-13-9(e)(3) and Wis. Adm. Code Ch. SPS 383.
- (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. 16-13-9(e)(3) and Wis. Adm. Code Chs. NR 811 and NR 812.

(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. 16-13-8(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. 16-13-9(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) No 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. 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. 16-13-9(e)(3) and Wis. Adm. Code Ch. SPS 383,.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, Sec. 16-13-8(e)(3) and Wis. Adm. Code Ch. NR 811 and NR 812.

(d) *Flood Storage District (FSD).* No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 16-13-7(3) are met.

(e) *Coastal Floodplain District (CFD).*

- (1) New construction and substantial improvement shall meet the standards of s. 16-13-6.
- (2) No structural repairs, modifications or additions to an existing building, the cost

of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in s 16-13-6.

### **Sec. 16-13-9 ADMINISTRATION**

Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stat. §§ 59.69, 59.692 or 62.23(7), 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. In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.
  8. In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under s. 16-13-6.
- (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 amendments to the FEMA Regional office.
- (1) *Land Use Permit.* A land use permit shall be obtained before any 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 and in AE zones within which a floodway is not delineated:
  - a. *Hydrology.* The appropriate method shall be based on the standards in Wis. Admin. Code Ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge.*
  - b. *Hydraulic Modeling.* The regional flood elevation shall be based on the standards in Wis. Admin. Code Ch. NR 116.07(4), *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 Wis. Admin. Code Ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge*.

- b. Hydraulic model The regional flood elevation shall be based on the standards in Wis. Admin. Code Ch. NR 116.07(4), *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. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
- (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. 16-13-9(e) are met.
  - (e) Where applicable pursuant to s. 16-13-5(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
  - (f) Where applicable pursuant to s. 16-13-5(d), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 16-13-5(d).
- (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) publish adequate notice pursuant to Wis. Stat. Ch. 985, specifying the date, time, place, and subject of the public hearing.
  
- (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 Wis. Stat. § 62.23(7)(e), 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. 16-13-9(c)(3);
    - b. Decide variance applications according to Sec. 16-13-9(c)(4); and
    - c. Decide appeals of permit denials according to Sec. 16-13-9(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;
  - (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. 16-13-10 *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. The applicant has shown good and sufficient cause for issuance of the variance;
3. Failure to grant the variance would result in exceptional hardship;
4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(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. 16-13-10 *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. 16-13-9(b)) or Board shall review all data related to the appeal. This may include:
    - (a) Permit application data listed in Sec. 16-13-9(a)(2);
    - (b) Floodway/floodfringe determination data in Sec. 16-13-5(e);
    - (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. 16-13-9(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. 16-13-10 *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. Floodproofing is not an alternative to the development standards in ss. 16-13-2(a) and (b), 16-13-3, 16-13-4, or 16-13-5.

(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) Placement of essential utilities to or above the flood protection elevation; and

(g) 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.

(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. 16-13-10 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. 16-13-10(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. 16-13-10(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. 16-13-10(b).
- (b) *General.* The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Sec. 16-13-10(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 Wis. Adm. Code s. NR 116.05, 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 Wis. Stat. § 62.23. The petitions shall include all data required by Sec. 16-13-5(e) and 16-13-9(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 Wis. Stat. § 62.23.
  - (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. 16-13-11 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 Wis. Stat. § 87.30.

**Sec. 16-13-12 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. An accessory structure shall not be used for human habitation.
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. BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system
10. BUILDING – See STRUCTURE.

11. **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.
12. **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.
13. **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.
14. **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.
15. **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
16. **COASTAL FLOODPLAIN** – An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood and which is also subject to additional hazard due to wave runup.
17. **COASTAL HIGH HAZARD AREA** – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.
18. **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.
19. **DECK** – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
20. **DEPARTMENT** – The Wisconsin Department of Natural Resources.
21. **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.

22. 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.
23. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
24. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
33. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
34. 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.
35. 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.
36. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
37. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
38. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
39. 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.

40. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
41. **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.
42. **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.
43. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
44. **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.
45. **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.
46. **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
47. **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
48. **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in s. 16-13-6(2)(f), is not considered the building's lowest floor.
49. **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.

50. **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."
51. **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.
52. **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.
53. **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.
54. **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."
55. **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.
56. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
57. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

58. 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.
59. 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.
60. MODERATE WAVE ACTION AREA (MoWA) – A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as “coastal A zone”).
61. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
62. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
63. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
64. NEW CONSTRUCTION – 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.
65. NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
66. 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.)
67. 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.)
68. 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.

69. 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.
70. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
71. 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.
72. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
73. 73.PRIMARY FRONTAL DUNE – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
74. 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.
75. 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.
76. 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.
77. 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.
78. SAND DUNES – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
79. 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.

80. **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.
81. **SUBDIVISION** – Has the meaning given in Sec. 236.02(12), Wis. Stat.
82. **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.
83. **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.
84. **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.
85. **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.
86. **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.

87. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
88. **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.
89. **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.

DRAFT

**PLAN COMMISSION REPORT**

Proposal: Rezone & Conditional Use

Description: Review a request to rezone a ±5.994-acre parcel located at 13038 Golf Road and a ±40.25-acre parcel located directly east of 13038 Golf Road from A-2, Agricultural District to M-3, Heavy Manufacturing District and a request for a conditional use for the future development of one bio-solids storage building.

Applicant(s): Dan Hintz, Hintz Real Estate Development Company, LLC

Address(es): 13038 Golf Road and Lot 7 on Golf Road located directly east of 13038 Golf Road

**Suggested  
Motions:****REZONE**

That the Plan Commission recommends to the Village Board that the ±5.994-acre parcel located at 13038 Golf Road and the ±40.25-acre parcel located directly east of 13038 Golf Road from A-2, Agricultural District to M-3, Heavy Manufacturing District for the following reason:

1. The proposed rezoning is in accord with the 2035 Land Use Plan industrial/business park land use designation for the subject property.

**CONDITIONAL USE**

That the Plan Commission recommends that the Village Board approves the conditional use allowing the construction of a 72'x420' storage building to operate a bio-solids storage facility with no outdoor storage for the parcels located at 13038 Golf Road and the parcel directly east of 13038 Golf Road with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
  2. The proposed use is consistent with the 2035 Land Use Plan designating industrial/business park use for the parcel.
  3. The proposed use is located in the middle of a tract of acreage that is in common ownership and should have limited impact on surrounding property owners;
  4. In response to an inquiry by an adjacent property owner for the prior location for the storage building, a Wastewater Engineer from the Wisconsin Department of Natural Resources reviewed concerns about the proposed use affecting the usability of adjacent land for the raising of crops, the safety of irrigation water and the quality of produce. That Engineer concluded that "it is not anticipated . . . that there will be any direct or indirect discharge of contaminants from the facility to the environment.";
  5. There is little to no visibility anticipated of the structure and use from rights-of-way, including Interstate 94; and
  6. There will be no customers and/or guests regularly accessing the storage facility for this use. Only employees are anticipated on the Property.
-

Owner(s): Racine County & Hintz Real Estate Development Company

Tax Key(s): 104-04-22-31-021-000 & 104-04-22-31-007-000

Lot Size(s): 5.994 acres & 40.25 acres

Current Zoning District(s): A-2, Agricultural District

Overlay District(s): N/A

Wetlands:  Yes  No Floodplain:  Yes  No

Comprehensive Plan: Industrial/Business Park

**Background:** The applicant is requesting to rezone a ±5.994-acre parcel located at 13038 Golf Road and a ±40.25-acre parcel located directly east of 13038 Golf Road from A-2, Agricultural District to M-3, Heavy Manufacturing District and a request for a conditional use for the future development of one bio-solids storage building.

The Village has been working with the property owner of the South Hills Golf Course for over a year regarding future development of the area along the interstate. As part of the discussions with the property owner, we identified that the existing bio-solids storage building located on the golf course property would be an obstruction to future development of the land along the interstate. During this time, staff has worked with the property owner to identify parcels inside and outside the Village that could be suitable for the relocation of the bio-solids building. After much research, staff recommended a solution to relocate the building to the property located directly east of 13038 Golf Road. The owner analyzed the site and concluded that the relocation to the vacant parcel located east of 13038 Golf Road could work if the parcel at 13038 Golf Road was acquired for access purposes to the new location of the bio-solids building. To make the relocation possible, a rezoning with a conditional use is required for the parcels.

The request for rezoning of the parcels to M-3, Heavy Manufacturing District is consistent with the Village’s Land Use Plan map which designates these parcels for future industrial and/or business park uses. Both parcels conform with the minimum size and dimension requirements for the manufacturing zoning district.

In addition to the rezone request, the applicant is seeking approval of a conditional use to allow for the construction and operation of one storage building for bio-solids storage that is currently operated in the southeastern portion of the existing golf course south of the parcels being considered for a conditional use. The storage facility at that location was approved in September 2013 with conditions. Similar conditions are being proposed with this conditional use review. As

part of this conditional use review, staff has included Section 26: Expiration which outlines the length of time the storage use will be allowed.

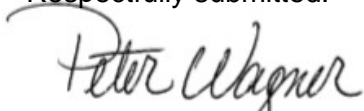
The location and operations of a biosolids storage building are heavily regulated by the State of Wisconsin and Federally as well as the Wisconsin DNR Permit issued for the bio-solids storage project - WPDES No. 0025194-4 (Issued to Racine Wastewater Utility). Applicant is a subcontractor, for the storage of biosolids, to Synagro Central LLC who has a contract addressing management, storage and ultimate disposal of bio-solids from the Racine Wastewater Utility, all of which are required to ensure comply with the state and federal requirements for the storage of biosolids. Specifically, Wisconsin Administrative Code Chapters NR 110 and NR 204 establish distance separation requirements from private and public wells, residential buildings and lands being developed for residential and commercial uses.

Due to the topography of the site and setback regulations regarding this use, the storage facility will not be seen from Golf Road nor the Interstate. The facility will be located on the parcel such that it will be at least 1,000 feet from the nearest residential dwelling as required by State law for this type of use. Concerns regarding odors are addressed in the conditions of approval. There are no records on file regarding complaints of the current operation of the bio-solids storage facility on the golf course to date. It is anticipated that the use will not be a nuisance in the proposed location. If approved, the applicant will need to come back before the Plan Commission and Village Board for building, site, and operation plan approval prior to submitting for building permits.

If the Plan Commission is comfortable with the proposed rezoning and conditional use, staff has drafted two motions for consideration. One approving the proposed rezone to M-3 and a second motion regarding the conditional use to operate a bio-solid storage building with no outdoor storage located on the parcel directly east of 13038 Golf Road with conditions outlined in Exhibit A.

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Respectfully submitted:



Peter Wagner, AICP,  
Development Director

# Exhibit A: Conditions and Restrictions

Applicant: Dan Hintz, Hintz Real Estate Development Company    Approved by Plan Commission: \_\_\_\_\_  
Property Address(es): 13038 Golf Road & Lot 7, Golf Road    Approved by Village Board: \_\_\_\_\_  
Parcel ID Nos.: 104-04-22-31-021-000 & 104-04-22-31-007-000

## 1. LEGAL DESCRIPTION

13038 Golf Road (Parcel ID No. 104-04-22-31-021-000)

The east one-hundred ninety-eight (198) feet of the south east one-quarter (1/4) of the north west one-quarter (1/4) of Section Thirty-One (31), Township Four (4) North, Range Twenty-Two (22) East. Said land being in the Village of Caledonia, County of Racine and State of Wisconsin.

Parcel 7 (Parcel ID No. 104-04-22-31-007-000)

The Southwest ¼ of the Southeast ¼ of Section 31, Town 4 North, Range 22 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Referred to herein collectively as the "Property" or the "Parcels" if plural or individually as a "parcel".

## 2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the Village of Caledonia Municipal Code are in effect and apply to this conditional unless modified as set forth herein.
- B. The conditional use as set forth in the application, narrative, and site plans received are incorporated hereby by reference and shall be modified to comply with these conditions and restrictions.
- C. A precise detailed site plan for the area affected by the conditional use, shall be submitted to, and approved by, the Plan Commission and Village Board prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

### 1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
- i) Location(s) and future expansion
- ii) Number & type(s) of dwellings
- iii) Number of garage & surface parking spaces
- iv) Dimensions
- v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

### 2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

### 3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) Materials of construction (including colors)

### 4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

### 5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

### 6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission and Village Board for their review and approval prior to the issuance of a building permit. The Village may require a letter of credit or bond to be posted to cover the cost of implementing landscaping and to ensure maintenance.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the Village's Public Services Director for approval, if required. The Caledonia Utility District approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of these properties.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed in the M-3, Heavy Manufacturing zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code.
- B. Operation of one 72'x420' bio-solids storage building.
- C. Solid waste collection and recycling shall be the responsibility of the applicant.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the applicant. Snow shall not be stored in the public right-of-way.

4. PARKING AND ACCESS

Parking stall dimensions shall be in accordance with Title 16, Chapter 12 of the Municipal Code.

5. LIGHTING

No outdoor lighting is being approved as part of the conditional use. Plans for new outdoor lighting shall be submitted for review and approval by the Electrical Inspector and/or Development Director in accordance with Title 16, Chapter 10, Section 4 of the Municipal Code. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.

6. SETBACKS

The minimum setbacks for the proposed bio-solid storage building shall be as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft	40 ft	10 ft
Parking	25 ft	10 ft	10 ft

\*Setbacks are modified to require storage facility to comply with separation distances as set forth under Wisconsin law and specifically under Wisconsin Administrative Code Chapters NR 110 and NR 204. Wis. Adm. Code NR 110.15(3)(d) requires a minimum 1,000-foot separation distance from a residential dwelling whether occupied or unoccupied and from land being developed for commercial or residential use.

7. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these Conditions and Restrictions within eighteen (18) months from the date of adoption of the resolution authorizing this Conditional Use. This Conditional Use approval shall expire within eighteen (18) months after the date of adoption of the resolution if a building permit has not been issued for this use and substantial work has not commenced. The applicant shall reapply for a Conditional Use approval prior to recommencing work or construction.

8. HOURS OF OPERATION

The hours of operation shall be 7:00 a.m. to 5:00 p.m. Monday through Friday.

9. ODORS

Property owner is responsible for controlling all odors from the facility. If odors become objectionable, as determined by the Village during the proposed storage of the bio-solids, a misting system or other odor suppressing system must be implemented that meets Wisconsin Department of Natural Resources standards.

10. TRUCKS

Trucks accessing the property that contain biosolids shall be maintained in a watertight condition to prevent spillage of materials on the driveway and roadways on the site.

11. COMPLIANCE

Compliance with all other applicable Village, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

12. BIO-SOLID CONTAINMENT

Internal runoff must be contained and disposed of off-site in compliance with Wisconsin DNR regulations. Any spills associated with the proposed transporting and storage of bio-solids must be cleaned up immediately and disposed of off-site in compliance with Wisconsin DNR regulations. Any sediment or bio-solids must be prevented from being tracked onto public or private roadways. Any sediments or bio-solids reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority.

13. HAULING ROUTES, ROAD WEIGHT LIMITS; DRIVEWAY

All Village roads have Class "B" weight limits unless waived by the Village Engineer. Golf Road is a Village Road and the Applicant shall be allowed to use Golf Road to access the driveway and exceed Class "B" weight limits for Golf Road only. All applicable weight limit restrictions on other roads shall be in full affect and applied to vehicles associated with this use. The Applicant shall file a plan, for maintaining the driveway in a dust free condition, for review and approval by the Village Engineer. If development occurs on any of these two parcels that brings a public right-of-way or driveway closer to the proposed structure, the Village Engineer may require the Applicant/Property Owner to relocate the driveway, along with the scale, to connect to the closer public right-of-way or shared driveway and to prepare necessary plans and specifications for review and approval by the Village Engineer.

14. STORMWATER

The applicant 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 Public Services Director before permits are issued.

15. FIRE DEPARTMENT APPROVAL

Applicant shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.



16. CALEDONIA SEWER AND WATER UTILITY DISTRICTS

Applicant must contact the Caledonia Sewer and Water Utility Districts regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Sewer and Water Utility Districts is required. The site is not located within the Caledonia Sewer and Water Service Area. Due to sanitary sewer and watermain not being available, a declaration of restrictive covenants document will need to be executed by the owner prior to any building permits being issued. All buildings shall connect to public sanitary sewer and water when available.

16. SIGNAGE

The Village's signage requirements are set forth in Title 16 of the Village's Code of Ordinances. Any proposed advertising sign at the site will require a separate sign permit prior to installation. Please contact Village Zoning staff for advertising sign regulations and permit procedures. Banners, balloons, flashing or animated signs are prohibited.

17. NO ACCUMULATION OF REFUSE AND DEBRIS; NO OUTSIDE STORAGE

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. There shall be no outside storage on this site or the parking of vehicles outside of the structure on this site.

18. 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. All drives shall be paved with asphalt. Parking areas shall be paved or have placed upon them compacted recycled asphalt. All drives and parking areas shall be maintained in a dust-free condition. The fabric material utilized for sides and roofing on the structure shall be maintained in weathertight condition and in good to excellent condition which requires the fabric to be in a tear free and stain free condition.

19. PERFORMANCE STANDARDS

The applicant must comply with the provisions of Title 16, Chapter 10, Section 4 of the Municipal Code, as adopted by the Village of Caledonia and any conditions established by subsequent Conditional Use Approvals.

20. 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.

21. 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 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances. Applicant shall comply with all requirements under Wisconsin Administrative Code Chapters NR 110 and NR 204 and the requirements of the Wisconsin DNR Permit issued for the sludge storage project - WPDES No. 0025194-4.

22. REIMBURSE VILLAGE COSTS:  
Applicant shall reimburse the Village all costs incurred by the Village for review of this rezoning approval 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.
23. AMENDMENTS TO CONDITIONAL USE  
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 Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
24. BINDING EFFECT  
These conditions bind and are applicable to the Applicant, property owner, successor and assigns, owner's association(s) and any other users of the Property with respect to the uses on the Property. Because the conditional use encompasses two parcels, both parcels shall remain in common ownership unless otherwise approved by the Village Board. Applicant shall submit evidence of common ownership to the Village prior to permit issuance. This is necessary because the approved legal access to the public right-of-way is by a driveway that provides access to the bio-solids building is on one parcel and the bio-solids building is on the other parcel. The parcels may be combined into one parcel in accordance with Village ordinances.
25. VIOLATIONS & PENALTIES  
Any violations of the terms of these conditions and restrictions of this Conditional Use shall be subject to enforcement and the issuance of citations in accordance with Village Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the Village shall have the right to initiate revocation procedures for this Conditional Use, subject to the provisions of paragraph 27 herein. Nothing herein shall preclude the Village from commencing an action in Racine County Circuit Court to enforce the terms of this Conditional Use or to seek an injunction regarding any violation of this Conditional Use or any other Village ordinances.
26. EXPIRATION; PERMIT DURATION  
This approval will expire twelve (12) months from the date of the Village's final approval unless substantial work has commenced. The conditional use will expire ten (10) years following the facility's construction and the operation of a bio-solids storage facility. At expiration, Applicant shall raze the biosolids storage facility in accordance with Village ordinance and restore the site including seeding and grading to Village Engineer specifications within 6 months of expiration of the conditional use permit. The Village may require a letter of credit or other surety to secure such restoration. In the event Applicant fails to raze the structure on the Parcel within said timeframe, the Village of Caledonia may, in its sole discretion, contract with a third-party and have the structures razed and charge the costs of such razing as a lien against both Parcels as a special charge or special assessment. Applicant hereby waives all rights to notice and hearing prior to the occurrence of such razing and the imposition of such special charge or special assessments on the tax roll and as a lien against the Parcels in accordance with Wisconsin law.
27. REVOCAION  
Should an applicant, its heirs, successors or assigns and any other users of the property fail to comply with the conditions and restrictions of the approval issued by the Village Board, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in the Municipal Code.
28. AGREEMENT  
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the Village or terminated by mutual agreement of the Village and the owner, and

their subsidiaries, related entities, successors and assigns. Therefore, Dan Hintz, and Hintz Real Estate Development Company; its heirs, successors, and assigns, including all users, future owners, occupants and owner's association(s), are responsible for full compliance with the above conditions.

29. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions. The Village may require that the final conditions of the conditional use approval be recorded at the office of the Racine County Register of Deeds at Owner's cost. Proof of recording shall be submitted to the Zoning Administrator office prior to the issuance of the permit.

30. LETTERS OF CREDIT

Any letter of credit posted shall be for a time period specified by the Village Zoning Administrator and shall contain a provision requiring written notice to the Village at least 60 days prior to expiration. Applicant shall ensure that any letter of credit that is posted shall be extended or replaced prior to any expiration date so long as the use is still active on the Property. If the Applicant fails to extend or replace the letter of credit prior to expiration, such inaction shall be grounds for default and the Village shall be entitled to draw on the letter of credit for the full value and hold the cash as a deposit to pay for the costs of whatever improvement or requirement the letter of credit was meant to guaranty.

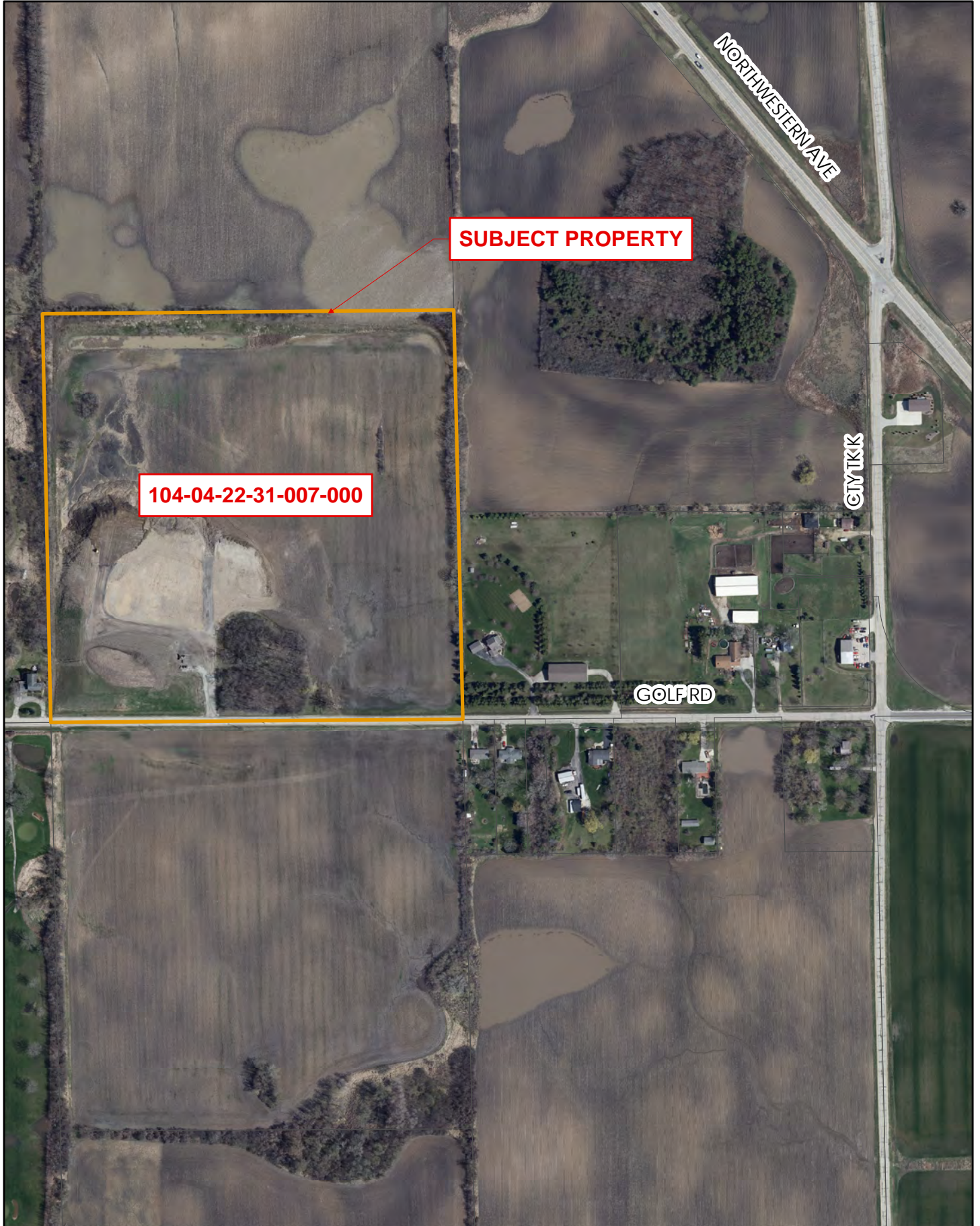
31. RAZING OF EXISTING STRUCTURES ON 13038 GOLF ROAD (PARCEL ID NO. 104-04-22-31-021-000)

Applicant shall raze the existing structure(s) on the Parcel located at 13038 Golf Road. Applicant shall apply to the Village of Caledonia for the raze permit for the existing structures on the Parcel. Applicant shall raze all structure(s) on the Property in compliance with the Village requirements within ninety (90) days of permit issuance and prior to the occupancy permit is issued for the bio-solids storage building. The Village may require a letter of credit or other surety to secure such razing. In the event Applicant fails to raze the structure on the Parcel within said timeframe, the Village of Caledonia may, in its sole discretion, contract with a third-party and have the structures razed and charge the costs of such razing as a lien against both Parcels as a special charge or special assessment. Applicant hereby waives all rights to notice and hearing prior to the occurrence of such razing and the imposition of such special charge or special assessments on the tax roll and as a lien against the Parcels in accordance with Wisconsin law.



PARCEL: 104-04-22-31-007-000

0 200 400 800 Feet



**SUBJECT PROPERTY**

**104-04-22-31-007-000**

**NORTHWESTERN AVE**

**GUYTKK**

**GOLF RD**



# 13038 GOLF ROAD

0 200 400 800 Feet



10-25-2023

Mr. Peter Wagner

Village of Caledonia Development Director

RE: Bio Solids Storage Building (BSSB) Relocation

Dear Mr. Wagner,

Hintz Real Estate Development Company LLC (HD) is requesting a Rezone and Conditional Use Permit to allow the relocation of its existing BSSB from its property at 3047 NE Frontage Road to 12800 Golf Road. The current location is now under contract to be sold to a developer that is planning to build a class-A business park with an estimated 3,000,000 square feet of leasable commercial space. The BSSB does not fit with the proposed use of that plan. HD is requesting the BSSB be relocated to a 40-acre parcel directly north of the proposed business park. The proposed building would be located at the north end of the 40-acre parcel already owned by HD, along with a 6-acre parcel currently owned by Racine County. The new location of the BSSB will comply with DNR setback rules. The current 2035 Village Land Use Plan depicts the desired new location as 'Industrial'. The current zoning of the parcel is A-2.

Please let me know if you have any questions.

Regards,



Dan Hintz

Hintz Real Estate Development Company LLC

DRH/cc



## PLAN COMMISSION REPORT

Proposal: Rezone & Conditional Use

Description: Review a request to rezone ±2.477 acres of a ±4.26-acre parcel located east of 5333 Douglas Avenue from R-7, Multi-Family Residential (Legacy District) to Rm-1, Multi-Family Residential District and a request for a conditional use to construct a 73-unit senior-living apartment building.

Applicant(s): Alf McConnell

Address(es): Douglas Avenue (located directly east of 5333 Douglas Avenue)

**Suggested Motions:**

**REZONE**

That the Plan Commission recommends to the Village Board that ±2.477 acres of the ±4.26-acre parcel located directly east of 5333 Douglas Avenue from R-7, Multi-Family Residential District to RM-1, Multi-Family Residential District for the following reasons:

1. The proposed rezoning is in accord with the 2035 Land Use Plan high density residential land use designation for the subject property.
2. The rezoning will reclassify the legacy zoning district, R-7, Multi-Family Residential District to the current RM-1, Multi-Family Residential District.

**CONDITIONAL USE**

That the Plan Commission recommends that the Village Board approves the conditional use allowing the construction and utilization of a 73-unit senior-living apartment building for the parcel located directly east of 5333 Douglas Avenue with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. The proposed use is consistent with the 2035 Land Use Plan designating high density residential land use for the parcel.
3. The Proposed use is consistent with the approved Planned Unit Development Overlay District regulations.

Owner(s): McConnell Trust Alfred G.

Tax Key(s): 104-04-23-20-102-131

Lot Size(s): 4.26 acres

Current Zoning District(s): R-7, Multi-Family Residential District & B-3, Highway Business District

Overlay District(s): PUD

Wetlands:  Yes  No Floodplain:  Yes  No

Comprehensive Plan: High Density Residential

---

**Background:** The applicant is requesting rezone ±2.477 acres of a ±4.26-acre parcel located east of 5333 Douglas Avenue from R-7, Multi-Family Residential (Legacy District) to Rm-1, Multi-Family Residential District and a request for a conditional use for the construction and operation of a 73-unit senior-living apartment building located on the parcel directly east of 5333 Douglas Avenue.

The applicant is requesting a rezone of the parcel due in part to the adoption of the revised zoning code in October of 2022. As part of the revision to the code, the R-7, Multi-Family Residential District was renamed to RM-1. The RM-1 District has the same regulations as the old R-7 District. Because the applicant wants to develop the site in the future, staff has required the applicant to request a rezone to the current multi-family zoning district. The Village Land Use Plan identifies the area to be rezoned as high-density residential land use. Therefore, the request to rezone to RM-1 is consistent with the Village Land Use Plan. Staff recommends the rezone request as the proposed use is consistent with the abutting land use and complies with the existing Planned Unit Development Overlay for the area.

In 2009, the applicant received a conditional use approval for the construction of a 73-unit senior-living facility on the property being considered at this location. As part of conditional use, there was a provision that allowed the applicant to apply for extensions if the building was never started. Since that time the Village has granted extensions numerous times. In 2020, the Development Director informed the applicant that no more extensions would be granted due to planned zoning code changes and that the applicant would need to start the conditional use process again. The last extension expired in December of 2022.

A senior-housing development is a conditional use in the RM-1 District. Staff has drafted Exhibit A outlining the conditions of approval for the construction and operation of a 73-unit senior-housing facility for your review. If approved, the applicant will need to submit a building, site, and operation plan for review by the Plan Commission and approval by the Village Board prior to submitting building permits. In years past, the conditional use expired after six months. Staff is proposing the conditional use, if approved, expire after two years. If after that, the applicant will need to start the process over again.

Although the zoning district name changed for multi-family zoning, regulations have not changed since the original conditional use approval. Staff recommends approving the conditional use for the construction of a 73-unit senior housing building located on the parcel east of 5333 Douglas Avenue with conditions outlined in Exhibit A.

If the Plan Commission is comfortable with the proposed rezoning and conditional use, staff has drafted two motions for consideration. One approving the proposed rezone to RM-1 and a second motion regarding the conditional use to construct a 73-unit senior-living apartment building on the parcel directly east of 5333 Douglas Avenue with conditions outlined in Exhibit A.



Respectfully submitted:



Peter Wagner, AICP,  
Development Director

# Exhibit A: Conditions and Restrictions

Applicant: McConnell Trust Alfred G.  
Property Address(es): Douglas Avenue  
Parcel ID No.: 104-04-23-20-102-131

Approved by Plan Commission:  
Approved by Village Board:

## 1. LEGAL DESCRIPTION

BEING A PART OF LOTS 1 OF CERTIFIED SURVEY MAP NO. 2862 IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 23 EAST, IN THE VILLAGE OF CALEDONIA, RACINE COUNTY, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE S 00°28'33" E ALONG THE EAST LINE OF SAID 1/4 SECTION, 601.48 FEET; THENCE S 89°11'18" W, 1049.75 FEET TO THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE S 00°05'36" W, 362.70 FEET; THENCE N 89°11'18" E, 60.01 FEET; THENCE S 00°05'38" W, 19.21 FEET; THENCE S 47°14'44" W, 152.30 FEET; THENCE N 45°50'52" W, 300.41 FEET; THENCE N 00°22'56" W, 271.36 FEET; THENCE N 89°11'18" E, 269.83 FEET, TO THE POINT OF BEGINNING. CONTAINING 108,378 SQUARE FEET 2.488 ACRES MORE OR LESS.

## 2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the Village of Caledonia Municipal Code are in effect and apply to this conditional unless modified as set forth herein.

B. The conditional use as set forth in the application, narrative, and concept site plans received November 16, 2023 are incorporated hereby by reference and shall be modified to comply with these conditions and restrictions. A precise detailed site plan for the area affected by the conditional use, shall be submitted to, and approved by, the Plan Commission and Village Board prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

### 1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
- i) Location(s) and future expansion
- ii) Number & type(s) of dwellings
- iii) Number of garage & surface parking spaces
- iv) Dimensions
- v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

### 2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

### 3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) Materials of construction (including colors)

### 4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

### 5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

### 6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission and Village Board for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the Village's Public Services Director for approval, if required. The Caledonia Utility District approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of these properties.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed in the RM-1, Multi-Family Residential zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code.
- B. Construction and operation of a 73-unit, senior-housing building.
- C. Solid waste collection and recycling shall be the responsibility of the applicant.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the applicant. Snow shall not be stored in the public right-of-way.

4. PARKING AND ACCESS

- A. Parking areas shall be in accordance with Title 16, Chapter 12 of the Municipal Code.

5. LIGHTING

Plans for new outdoor lighting shall be submitted for review and approval by the Electrical Inspector and/or Development Director in accordance with Title 16, Chapter 10, Section 4 of the Municipal Code. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway. Lighting on the vacuum booms will be turned off when the business is not open for business.

6. SETBACKS

The external setbacks shall be at least as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	35 ft	50 ft	20 ft
Accessory Structure	35 ft	25 ft	10 ft
Parking	15 ft	0 ft	0 ft

7. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these Conditions and Restrictions within two (2) years from the date of adoption of the resolution authorizing this Conditional Use. This Conditional Use approval shall expire within two (2) years after the date of adoption of the resolution if a building permit has not been issued for this use and substantial work has not commenced. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable Village, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. STORMWATER

The applicant 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 Public Services Director before permits are issued.

10. FIRE DEPARTMENT APPROVAL

Applicant shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.

11. CALEDONIA SEWER AND WATER UTILITY DISTRICTS

Applicant must contact the Caledonia Sewer and Water Utility Districts regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Sewer and Water Utility Districts is required. All buildings shall connect to public sanitary sewer and water prior to occupancy.

12. SIGNAGE

The Village's signage requirements are set forth in Title 16 of the Village's Code of Ordinances. Any proposed advertising sign at the site will require a separate sign permit prior to installation. Please contact Village Zoning staff for advertising sign regulations and permit procedures. Banners, balloons, flashing or animated signs are prohibited.

13. 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.

14. 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. All drives shall be paved with asphalt. Parking areas shall be paved. All drives and parking areas shall be maintained in a dust-free condition.

15. PERFORMANCE STANDARDS

The applicant must comply with the provisions of Title 16, Chapter 10, Section 4 of the Municipal Code, as adopted by the Village of Caledonia and any conditions established by subsequent Conditional Use Approvals.

16. ACCESS

The applicant must allow any Village or Racine County 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 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.

18. REIMBURSE VILLAGE COSTS

Applicant shall reimburse the Village all costs incurred by the Village for review of this rezoning and Conditional Use approval 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 CONDITIONAL USE

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 Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.

20. BINDING EFFECT

These conditions bind and are applicable to the Applicant, property owner, successor and assigns, owner's association(s) and any other users of the Property with respect to the uses on the Property.

21. VIOLATIONS & PENALTIES

Any violations of the terms of this conditions and restrictions of this Conditional Use shall be subject to enforcement and the issuance of citations in accordance with Village Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the Village shall have the right to initiate revocation procedures for this Conditional Use, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the Village from commencing an action in Racine County Circuit Court to enforce the terms of this Conditional Use or to seek an injunction regarding any violation of this Conditional Use or any other Village ordinances.

22. REVOCAION

Should an applicant, its heirs, successors or assigns and any other users of the property fail to comply with the conditions and restrictions of the approval issued by the Village Board, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in the Municipal Code.

23. AGREEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the Village or terminated by mutual agreement of the Village and the owner, and their subsidiaries, related entities, successors and assigns. Therefore, Alf McConnell; its heirs, successors, and assigns, including all users, future owners, occupants and owner's association(s), are responsible for full compliance with the above conditions.

24. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

DRAFT



PARCEL: 104-04-23-20-102-131

0 200 400 800 Feet



October 31, 2023

Mr. Peter Wager, AICP  
Development Director  
Village of Caledonia  
Village Hall  
5043 Chester Lane  
Racine, WI 53402

Re: Parkview IV  
5327 Douglas Avenue  
Conditional Use Permit Request

Dear Mr. Wagner:

As you can appreciate, given the worldwide pandemic (COVID), the supply chain issues, the increase in construction costs, and the increase in interest rates, an expansion of the Parkview Senior-Living Community has not been possible.

With some of these problems somewhat alleviated, we are planning to move forward with the development of Parkview IV at the proposed address of 5327 Douglas Ave. Such address has yet to be formally assigned by the U.S. Post Office.

Attached please find a proposed survey showing the subject land, which has 2.488 acres. This proposed survey was prepared by our long-time and esteemed civil engineer, Chris Jackson of CJ Engineering. CJ Engineering is the same civil engineering company used by the Village of Caledonia for their new Village Hall.

We hereby request the Village's approval of a conditional use permit for the proposed development of Parkview IV to me located at 5327 Douglas Avenue. This approval would be subject to compliance with all applicable Village ordinances and other applicable Wisconsin Statutes and regulations at the time of construction.

Parkview IV will be a three-story apartment building for seniors, ages 55 and older. The apartment building will not exceed 73 apartment units, will contain at least 65 underground parking spaces, and will be similar in design and appearance to Parkview III (5225 Douglas Ave.), which is located just to the south of this proposed Parkview IV. By way of reference, Parkview III is similar in design and appearance to both Parkview II (5311 Douglas Ave.) and Parkview I (5215 Douglas Ave.).

Should you have any questions, please contact me.

Sincerely yours,



Alfred G. McConnell  
On behalf of Parkview IV, L.L.C.  
(a Wisconsin limited liability company)

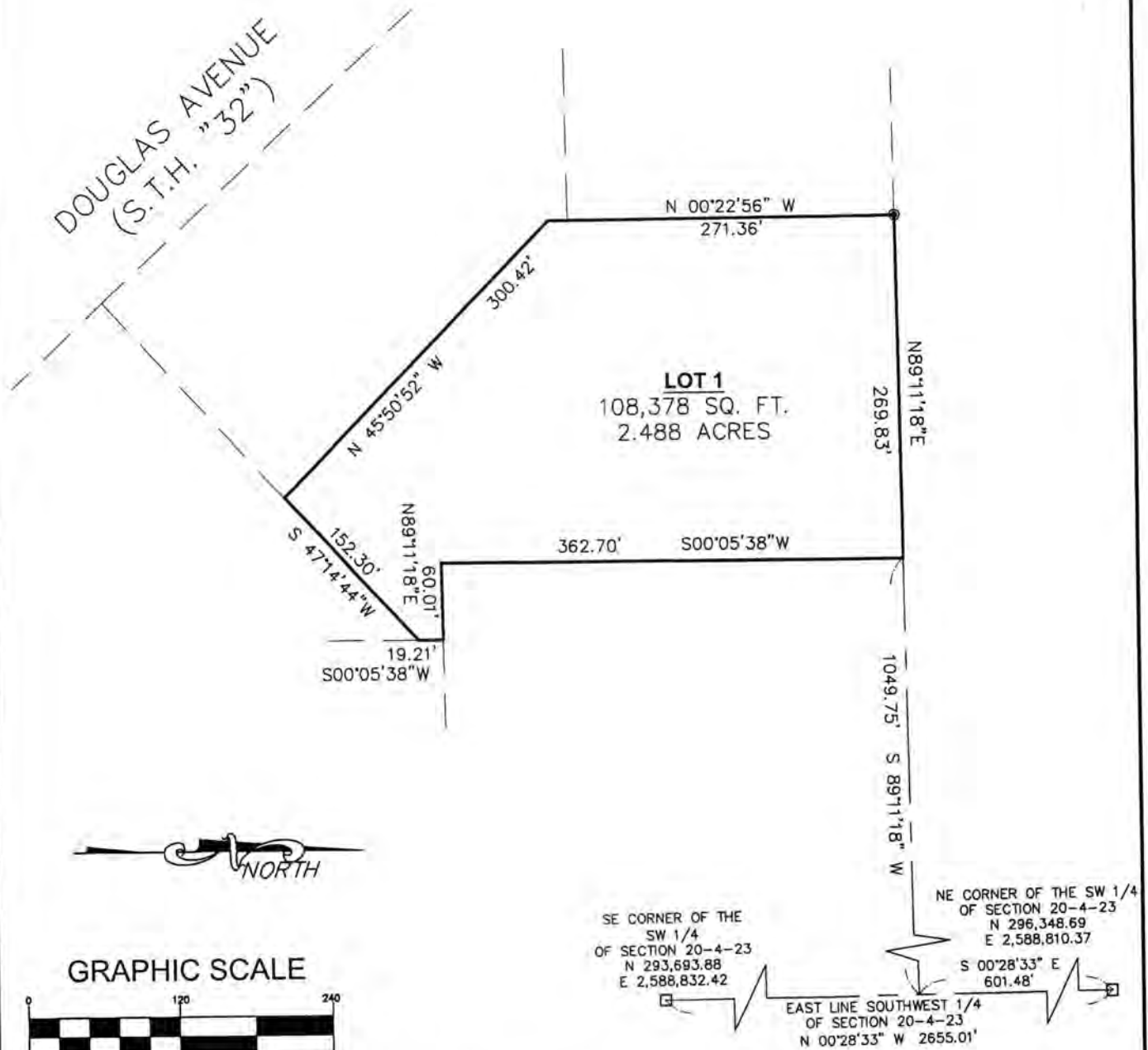


# PARKVIEW 4 - PROPERTY EXHIBIT

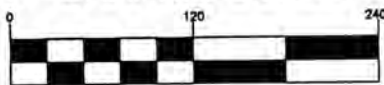
BEING A PART OF LOTS 1 OF CERTIFIED SURVEY MAP NO. 2862 IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 23 EAST, IN THE VILLAGE OF CALEDONIA, RACINE COUNTY, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE S 00°28'33" E ALONG THE EAST LINE OF SAID 1/4 SECTION, 601.48 FEET; THENCE S 89°11'18" W, 1049.75 FEET TO THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE S 00°05'36" W, 362.70 FEET; THENCE N 89°11'18" E, 60.01 FEET; THENCE S 00°05'38" W, 19.21 FEET; THENCE S 47°14'44" W, 152.30 FEET; THENCE N 45°50'52" W, 300.41 FEET; THENCE N 00°22'56" W, 271.36 FEET; THENCE N 89°11'18" E, 269.83 FEET, TO THE POINT OF BEGINNING.

CONTAINING 108,378 SQUARE FEET 2.488 ACRES MORE OR LESS.



GRAPHIC SCALE



1 inch = 120 ft.

THIS INSTRUMENT DRAFTED BY CHRISTOPHER JACKSON S -2851



FUTURE  
 PARKVIEW COMMONS SITE  
 15.197 ACRES  
 (DETAILS TO BE DETERMINED)

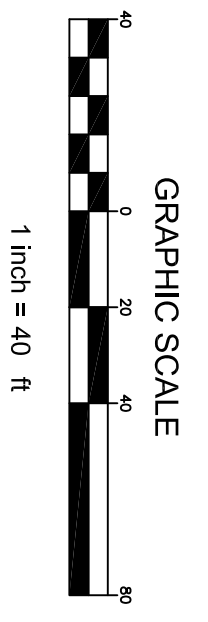
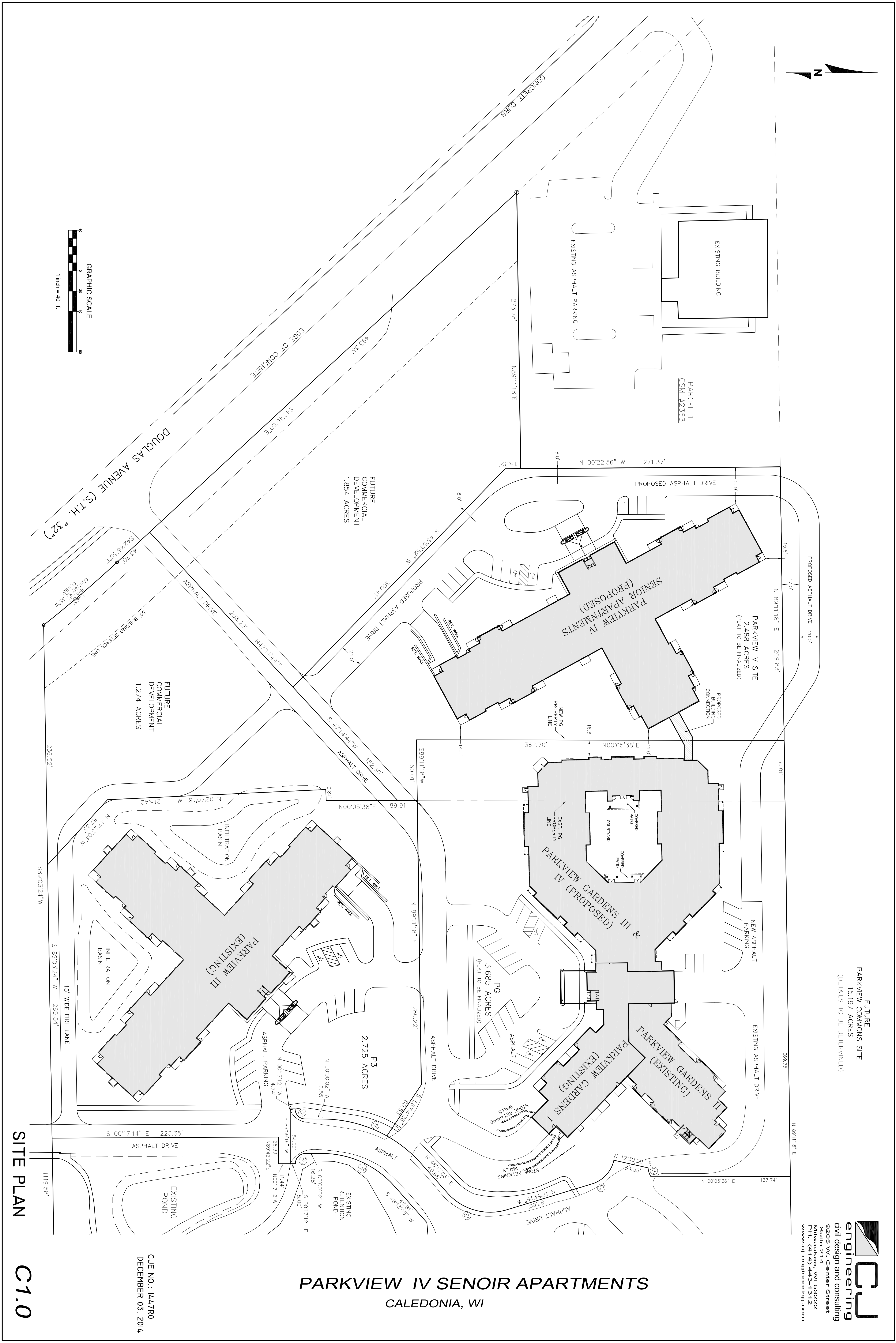
**engineering**  
 civil design and consulting  
 5005 W. 114  
 Milwaukee, WI 53222  
 PH. (414) 443-1312  
 www.ci-engineering.com

**PARKVIEW IV SENIOR APARTMENTS**  
 CALEDONIA, WI

CUE NO.: 1447R0  
 DECEMBER 03, 2014

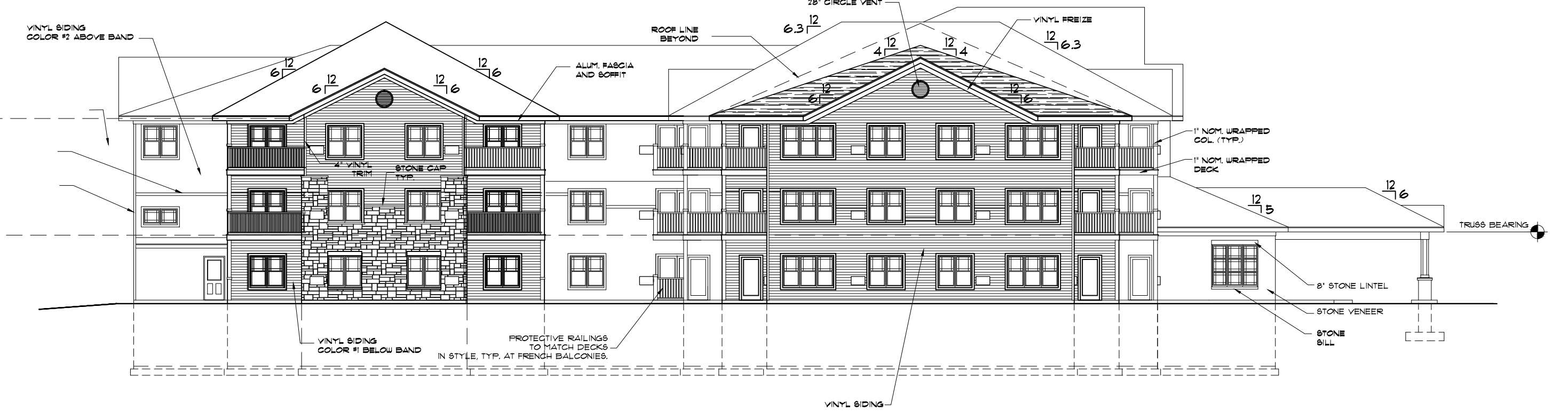
SITE PLAN

C1.0

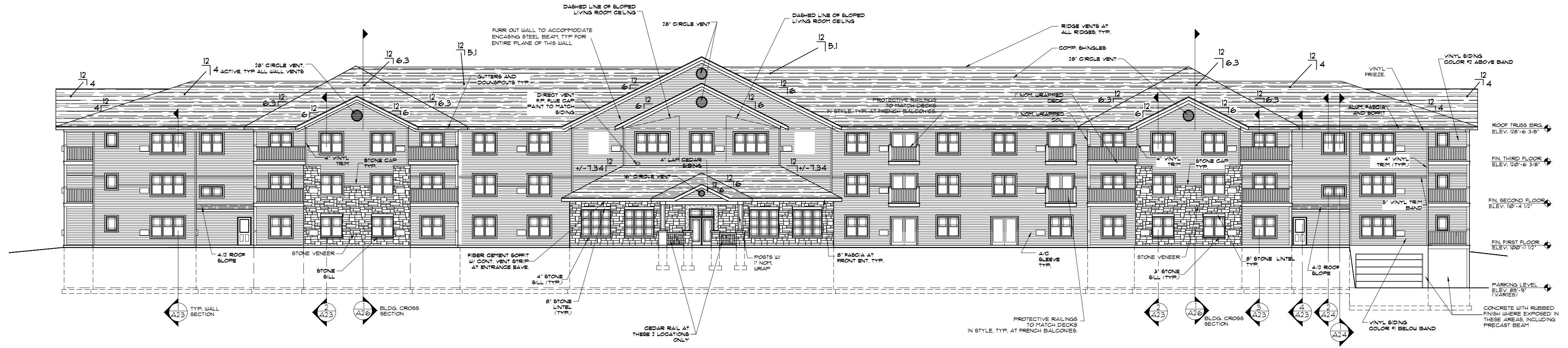




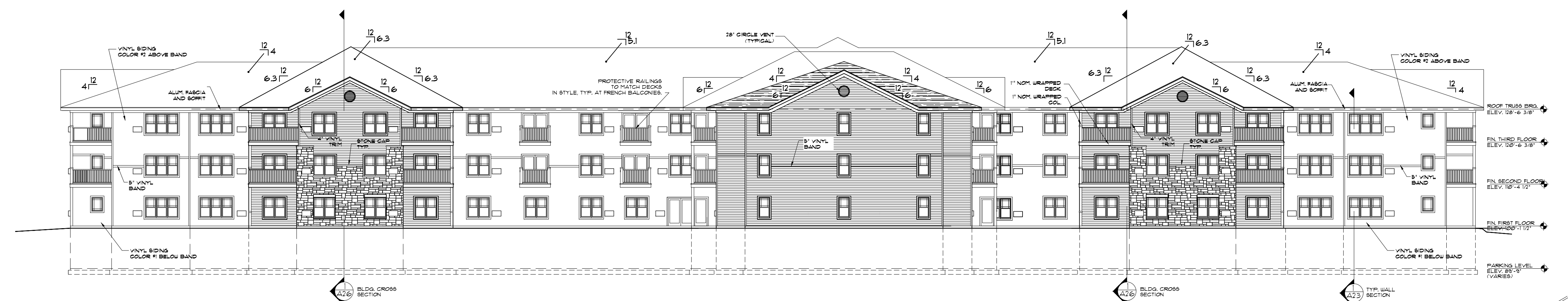
RIGHT SIDE ELEVATION  
SCALE 1/16" = 1'-0"



LEFT SIDE ELEVATION  
SCALE 1/16" = 1'-0"



FRONT ELEVATION  
SCALE 1/16" = 1'-0"



REAR ELEVATION  
SCALE 1/16" = 1'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION

RACINE COUNTY  
PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

14200 Washington Avenue  
Sturtevant, WI 53177

phone: (262) 886-8470 fax: (262) 886-8488  
[www.racineco.com](http://www.racineco.com)

January 22, 2009

Alfred McConnell  
2677 Orrington Avenue  
Evanston, IL 60201

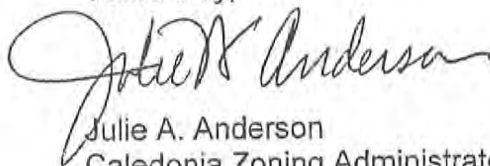
SUBJECT: R-7/PUD Conditional Use to Construct Parkview IV of Caledonia  
(Building # 5), 5329 Douglas Avenue, Village of Caledonia  
Part of Parcel Id. No.104-04-23-20-102-171

Dear Alfred:

The Village of Caledonia Board of Supervisors approved the subject conditional use at their January 20, 2009, meeting. The Village granted approval as this use appears to be permitted by underlying zoning and based on the other things going on in the area, the proposed use appears to fit with the uses in the district. You will be allowed to proceed with the subject project. This project will be located on the "Parkview Campus" as Parkview IV (Building #5) at 5329 Douglas Avenue, Section 20, Town 4 North, Range 23 East, Village of Caledonia.

Under this approval, you must comply with all of the conditions listed in the attached Exhibit A, along with any conditions set forth by Village staff. Failure to comply with the terms and conditions of this approval as listed in Exhibit A or by Village staff could result in the issuance of citation(s) and permit revocation. **PLEASE BE SURE TO READ EXHIBIT A.** If you have any comments or questions, please contact this office at (262) 886-8470.

Yours truly,



Julie A. Anderson  
Caledonia Zoning Administrator  
Planning & Development Director

JAA/ni

attachment

cc: K. Torkilsen, R. Coutts, T. Lebak, E. Ekes, all w/attachment  
file

**ORIGINAL**

1. The applicant must obtain zoning permit cards from the office of the Caledonia Zoning Administrator after paying the required fees for the new, three-story senior independent-living building. The zoning permit card and building permit 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. The applicant must submit a staked survey with site dimensions, building dimensions, and building setbacks from lot lines before permits will be issued. The survey must be prepared by a registered land surveyor.
3. The independent-living senior housing building (one new three-story building), including cross-access driveways, must be located and developed according to the revised site plans received by Racine County Planning in December of 2008. The proposed density is appropriate for the R-7/PUD and the proposed parking areas have been designed based on the campus needs for all buildings.
4. There is a future, single-story building connection illustrated for proposed Building #4, which will connect to the Parkview Gardens Assisted Living Building. Separate zoning and building permits will be required for this connection.
5. Proposed Parkview IV (Building #5) will have an address of 5329 Douglas Avenue.
6. Any additional buildings, and any change of purpose for any of the buildings on the entire Parkview campus under the umbrella of this R-7 PUD will require further review and approval by the Village of Caledonia.
7. By virtue of this approval, the R-7 PUD lands will be combined with the existing PUD Area. The Certified Survey Map land division requirements of the Village of Caledonia need to be followed. The PUD development area has public road frontage along Douglas Avenue (State Trunk Highway 32).
8. The western portion of the site that is not part of this R-7 PUD review will remain zoned B-2/PUD Community Business District/Planned Unit Development Overlay District.
9. As shown on the submitted plans and as described in the submitted documents, the proposed new building must be compatible with the existing structures in terms of building façade character, scale and mass, rooflines and roof shapes, materials (real stone on the exterior), colors, and architectural details.

10. The proposed cross-access driveway easements must be located and constructed according to the plans submitted to the Village of Caledonia. This will facilitate traffic flow through the site without directly accessing State Trunk Highway (STH) 32 (Douglas Avenue).
11. Design of the medians and any other required highway improvements (shadow lanes, turning lanes, etc.) must be determined by the jurisdictional highway authority. The Wisconsin Department of Transportation or the Village of Caledonia may require a traffic impact analysis for the project for this section of STH 32. The applicant is responsible for the cost of any off-site traffic improvements, if so determined by the jurisdictional highway authority. This would be particularly important if any change of purpose or change of use for the multi-unit residential buildings occurs.
12. All gravel access roads must be constructed so as to allow both fire/rescue vehicles and pedestrians to traverse them.
13. Within 45 days after the applicant receives storm water drainage approval, the applicant must submit a detailed site-landscaping plan to the Village of Caledonia for review and approval before installing landscaping. Additional plantings may be incorporated into the overall site development scheme with no additional approvals needed, but no plantings may be deleted.
14. The proposed roads in this development will be private. The site owner is responsible for construction and maintenance of these roads. All new roadways must be constructed to a standard acceptable to the Village of Caledonia before occupancy of the new buildings occurs.
15. This new building will have underground parking. The surface parking layout for the new multi-unit buildings must be located as illustrated on the site plan. Aisles and spaces must be clearly marked. The driveways and all parking areas serving this operation must be maintained in an all-weather, dust-controlled condition.
16. A complete drainage plan for this entire site must be submitted to the Village of Caledonia Engineer for review and approval. The Village will not issue building permits for this site until the storm water plan is approved.
17. This Planned Unit Development approval will expire within twelve months of the date of this letter unless substantial work has commenced pursuant to such grant. No construction may begin after this date unless an extension is granted by the Village of Caledonia.

18. The applicant must allow full and unlimited access to the project site at any reasonable time to any Village of Caledonia employee who is investigating the project's construction, operation, or maintenance.
19. Only clean fill may be used for this project. Fill material may not contain any sod, brush, roots, or other perishable material. No re-bar, asphalt, scrap wood, or other types of construction debris is permitted as fill material. Rock particles larger than three-fourths of the layer thickness must be removed from the material before compacting with the fill.
20. The applicant is responsible for compliance with the provisions of Article VII, Division 4, Performance Standards of Chapter 20 Zoning, Racine County Code of Ordinances (see attached copy), as adopted by the Village of Caledonia.
21. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses.
22. This site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways during construction. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority.
23. 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 and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade.
24. Keep exterior site lighting to the absolute minimum required for the site. Exterior lighting is intended to promote a safe and attractive character throughout the Village of Caledonia without creating a nuisance to adjacent properties. Light fixtures must be selected with care to ensure that they are appropriately scaled in relation to their setting and to ensure that they are of a style that is compatible with the character of their immediate environment. All exterior lighting must comply with the following standards:

- Luminaries must be aimed, shielded, or relocated to minimize glare.
  - The maximum allowable light spillover to an adjacent residential property is 0.5 foot-candles measured at the property line, four feet above grade. For all other types of land uses, the maximum allowable light spillover may be 0.75 average foot-candles, measured in the same manner.
  - Lighting levels must be measured in foot-candles with a portable, direct-reading light meter. The meter sensor must be mounted no more than four feet above the ground line in a horizontal position. Readings must be taken only after the cell has been exposed long enough to provide a constant reading. Measurements must be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings must be compared to the maximum permitted illumination.
  - All lighting wires/cables must be placed underground.
  - Accent lighting should be used to highlight architectural and landscape design elements when appropriate.
  - When any exterior lighting is installed or substantially modified, an exterior lighting plan must be submitted to the Village of Caledonia in order to determine whether the requirements of this section have been met.
  - Illumination of uses must meet the Illuminating Engineering Society of North America (IES) minimum standards.
25. No additions, deletions, or changes may be made to these conditions without the prior approval of the Village of Caledonia.
26. Your accepting the planned unit development approval, obtaining any zoning or building permits, and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Alfred McConnell and Associates, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
27. It is the property owner's responsibility to inform any subsequent owner of the existence of these conditions.



## Art. VII, Div. 4. PERFORMANCE STANDARDS\*

### Sec. 20-1061. Compliance.

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site and sanitary, floodland and shoreland regulations, comply with the following performance standards.

(Code 1975, § 7.091)

### Sec. 20-1062. Water quality protection.

No residential, commercial, industrial, institutional, or recreational use shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant, or aquatic life. This section shall not apply to uses other than those enumerated in it.

(Code 1975, § 7.092)

### Sec. 20-1063. Noise.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

(Code 1975, § 7.093)

### Sec. 20-1064. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances so as to endanger the use of neighboring premises.

(Code 1975, § 7.094)

### Sec. 20-1065. Exterior lighting.

Any lighting source on any use, lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:

- (1) Such lighting shall be arranged, oriented, or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way.
- (2) The source of such illumination shall be arranged, oriented, or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(Ord. No. 86-86, § 7.095, 8-26-86)

### Sec. 20-1066. Maintenance.

Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in sound conditions, and good repair and appearance at all times.

(Ord. No. 86-86, § 7.096, 8-26-86)

### Sec. 20-1067. Odors.

No residential, commercial, industrial, institutional, or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.

(Ord. No. 93-3, 5-11-93)

Cross reference-Outdoor burning, § 13-51 et seq.

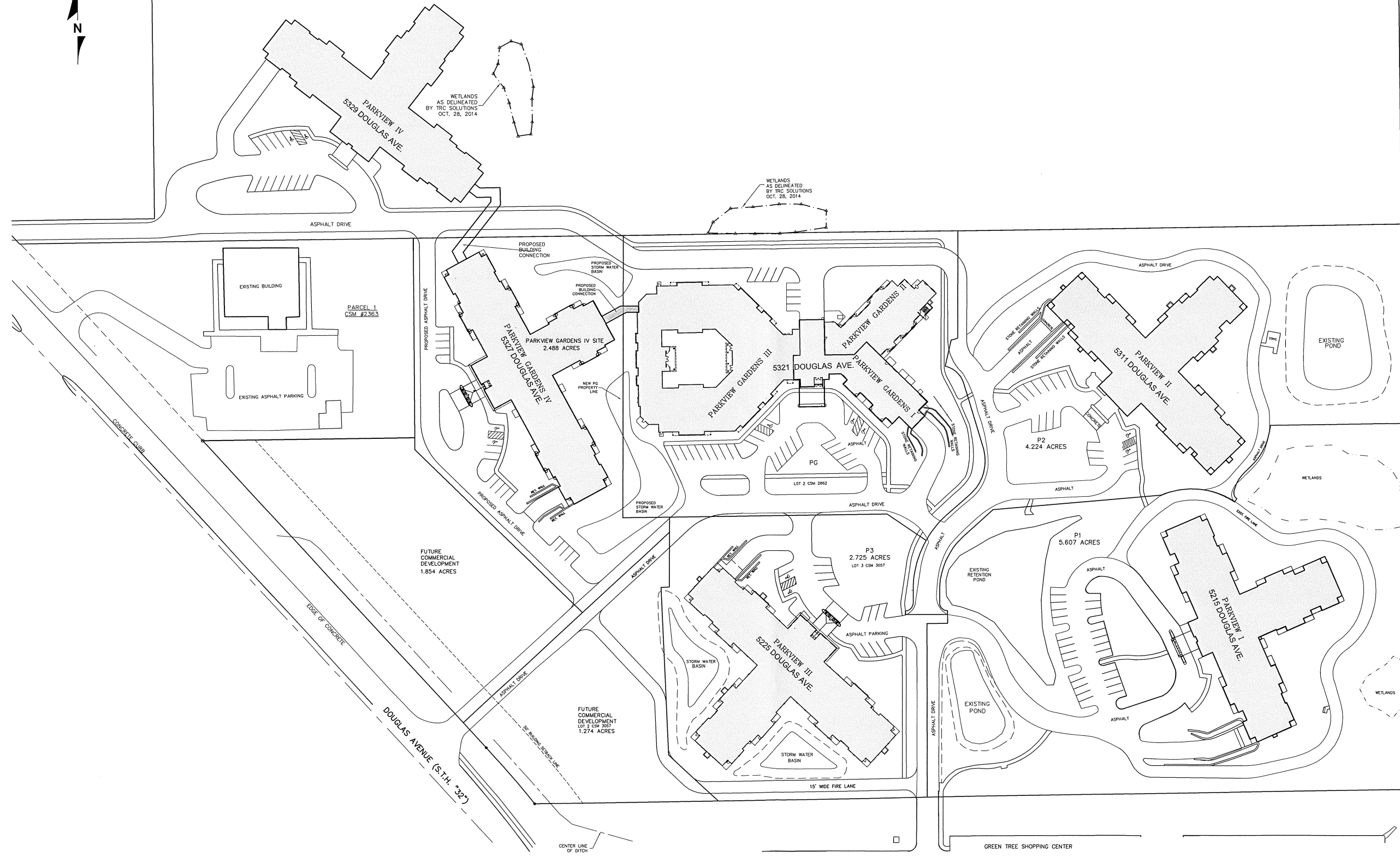
### Secs. 20-1068 - 20-1085. Reserved.

\*Cross reference-Schedule of deposits for violation of the provisions in this division, §5-3.

# PARKVIEW SENIOR LIVING COMMUNITY

CALEDONIA, WI

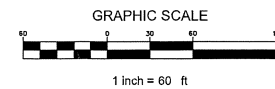
**CJ**  
**engineering**  
 civil design and consulting  
 9205 W. Center Street  
 Suite 214  
 Milwaukee, WI 53222  
 PH: (414) 443-1312  
 www.cj-engineering.com



KLEMA DITCH

EAST LINE OF THE SW 1/4 OF SEC 20

CJE NO.: 1447R8-MP  
 NOVEMBER 14, 2018



**MASTER SITE PLAN**



## PLAN COMMISSION REPORT

Proposal: Rezone & Conditional Use

Description: Review a request to rezone ±22.5 acres of a ±28.95-acre parcel located directly east of 5735 USH 41 from B-4, Planned Business District (Legacy District) and A-2, Agricultural District to B-3, Highway Business District with a conditional use to operate a commercial logistic business with outdoor storage of semi tractors and trailers.

Applicant(s): Pavle Dunder

Address(es): USH 41

### **Suggested Motions:**

#### **REZONE**

That the Plan Commission recommends to the Village Board that ±22.5 acres of a ±28.95-acre parcel located directly east of 5735 USH 41 be rezoned from B-4, Planned Business District (Legacy District) and A-2, Agricultural District to B-3, Highway Business District for the following reason:

1. The proposed rezoning is in accord with the 2035 Land Use Plan commercial land use designation for the subject property.

#### **CONDITIONAL USE**

That the Plan Commission recommends that the Village Board approves the conditional use allowing the operation of a truck logistic business with outdoor storage of semi tractors and trailers for the parcel located directly east of 5735 USH 41 with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. The proposed use is consistent with the 2035 Land Use Plan designating commercial use for the parcel.

---

Owner(s): John & Bridget Pettinger

Tax Key(s): 104-04-22-19-038-000

Lot Size(s): 28.95 acres

Current Zoning District(s): B-4, Planned Business District (Legacy District) & A-2, Agricultural District

Overlay District(s): N/A

Wetlands:             Yes     No                      Floodplain:             Yes     No

Comprehensive Plan:            Commercial, Medium Density Residential, & Isolated Natural Resources

**Background:** The applicant is requesting a rezoning of the property located directly east of 5735 USH 41 from B-4, Planned Business District (Legacy District) and A-2, Agricultural District to B-3, Highway Business District with a conditional use to operate a commercial logistic business with outdoor storage of semi tractors and trailers.

The applicant is not requesting the entire parcel be rezoned to B-3, as the far eastern portion of the parcel has a land use designation of medium density residential. As a result, the applicant is requesting the area of the parcel designated as commercial, per the Village Land Use Plan, be rezoned to business. The remaining six acres would remain agricultural and would not be able to be utilized for commercial purposes. Within the ±22.5 acres requested to be rezoned commercial are wetlands that cannot be developed upon. These wetland areas are also identified as isolated natural resource areas and would be prohibited from being developed. Wisconsin Smart Growth Law states that any rezoning of a parcel must be consistent with the municipality’s Comprehensive Plan. The Land Use Plan designates the 22 acres on the parcel as commercial, making the rezone request compliant with Smart Growth consistency requirements.

In addition to the rezone request, the applicant is seeking approval of a conditional use to allow for the operation of truck logistic business with outdoor storage of semi tractors and trailers. The applicant intends to build a ±50,000 square-foot logistic office with equipment repair facilities on the site, which is a conditional use in the B-3 Zoning District. Included with this report is Exhibit A which details the conditions and restrictions associated with the proposed use. If approved, the applicant will need to return to the Plan Commission for a building, site, and operation plan review prior to submitting building permits.

Included with this report are building renderings of what the applicant wishes to construct on the site if approved.

If the Plan Commission is comfortable with the proposed rezoning and conditional use, staff has drafted a suggested two motions for consideration. One approving the proposed rezone to B-3 and a second motion regarding the conditional use to operate a commercial logistics business with outdoor storage of semi tractors and trailers located on the parcel directly east of 5735 USH 41 with conditions outlined in Exhibit A.

Respectfully submitted:



Peter Wagner, AICP  
Development Director

# Exhibit A:

## Conditions and Restrictions

Applicant: Avala Express LLC  
Property Address(es): USH 41  
Parcel ID No.: 104-04-22-06-019-000

Approved by Plan Commission:  
Approved by Village Board:

### 1. LEGAL DESCRIPTION

Part of the fractional Northwest 1/4 of Section 19, Township 4 North, Range 22 East of the Fourth Principal Meridian, bounded and described as follows: Commence at the Northwest corner of said Section; thence S00°16'35"E, 1127.74 feet along the West line of said Northwest 1/4 Section; thence N89°20'07"E, 417.00 feet to the point of beginning of this description; continue thence N89°20'07"E, 948.30 feet; thence S00°16'35"E, 812.44 feet parallel with the West line of said Northwest 1/4 Section; thence S89°20'06"W, 1278.30 feet to the East line of the East Frontage Road; thence N00°16'35"W, 680.45 feet along said East line and parallel with the West line of said Northwest 1/4 Section; thence N89°20'07"E, 330.00 feet; thence N00°16'35"W, 132.00 feet parallel with the West line of said Northwest 1/4 Section to the point of beginning. Said land being in the Village of Caledonia, County of Racine, State of Wisconsin. Containing 22.841 Acres.

### 2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the Village of Caledonia Municipal Code are in effect and apply to this conditional unless modified as set forth herein.

B. The conditional use as set forth in the application, narrative, and concept site plans received October 27, 2023 are incorporated hereby by reference and shall be modified to comply with these conditions and restrictions. A precise detailed site plan for the area affected by the conditional use, shall be submitted to, and approved by, the Plan Commission and Village Board prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

#### 1) General Development Plan

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
- i) Location(s) and future expansion
- ii) Number & type(s) of dwellings
- iii) Number of garage & surface parking spaces
- iv) Dimensions
- v) Setbacks
- h) Location(s) of loading berth(s)
  - i) Location of sanitary sewer (existing & proposed)
  - j) Location of water (existing & proposed)
  - k) Location of storm sewer (existing & proposed)
  - l) Location(s) of wetlands (field verified)
  - m) Location(s) and details of sign(s)
  - n) Location(s) and details of proposed fences/gates

#### 2) Landscape Plan

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

#### 3) Building Plan

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) Materials of construction (including colors)

#### 4) Lighting Plan

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

#### 5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

#### 6) Fire Protection

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission and Village Board for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the Village's Public Services Director for approval, if required. The Caledonia Utility District approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of these properties.

### 3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed in the B-3, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code.
- B. Operation of a truck logistic business with outdoor storage of semi tractors are trailers is permitted.
  - i. Tractors and trailers shall be located in areas as approved through the building, site, and operation plan review process.
- C. Solid waste collection and recycling shall be the responsibility of the applicant.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the applicant. Snow shall not be stored in the public right-of-way.

### 4. PARKING AND ACCESS

- A. A Traffic Impact Analysis (TIA) shall be performed and submitted to the Village Engineer for review prior to the submission of applications for Plan Commission review of site, building, landscaping, lighting, and similar plans. Required roadway improvements and modifications identified in the TIA shall be the responsibility of the applicant and all such improvements shall be installed prior to issuance of any occupancy permits and in accordance with a schedule established by the Village Engineer.
- B. Parking areas shall be in accordance with Title 16, Chapter 12 of the Municipal Code.

### 5. LIGHTING

Plans for new outdoor lighting shall be submitted for review and approval by the Electrical Inspector and/or Development Director in accordance with Title 16, Chapter 10, Section 4 of the Municipal Code. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway. Lighting on the vacuum booms will be turned off when the business is not open for business.

6. SETBACKS

The external setbacks for the planned unit development setbacks shall be at least as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft	40 ft	10 ft
Accessory Structure	40 ft	40 ft	10 ft
Parking	20 ft	10 ft	10 ft

7. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the resolution authorizing this Conditional Use. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the resolution if a building permit has not been issued for this use and substantial work has not commenced. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable Village, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. STORMWATER

The applicant 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 Public Services Director before permits are issued.

10. FIRE DEPARTMENT APPROVAL

Applicant shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.

11. CALEDONIA SEWER AND WATER UTILITY DISTRICTS

Applicant must contact the Caledonia Sewer and Water Utility Districts regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Sewer and Water Utility Districts is required. The site is located outside the Caledonia Sewer and Water Service Area and sanitary sewer and watermain are not available at this time. Due to sanitary sewer and watermain not being available, a declaration of restrictive covenants document will need to be executed by the owner prior to any building permits being issued. All buildings shall connect to public sanitary sewer and water when available.

12. SIGNAGE

The Village's signage requirements are set forth in Title 16 of the Village's Code of Ordinances. Any proposed advertising sign at the site will require a separate sign permit prior to installation. Please

contact Village Zoning staff for advertising sign regulations and permit procedures. Banners, balloons, flashing or animated signs are prohibited.

13. 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.

14. 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. All drives shall be paved with asphalt. Parking areas shall be paved or have placed upon them compacted recycled asphalt. All drives and parking areas shall be maintained in a dust free condition.

15. PERFORMANCE STANDARDS

The applicant must comply with the provisions of Title 16, Chapter 10, Section 4 of the Municipal Code, as adopted by the Village of Caledonia and any conditions established by subsequent Conditional Use Approvals.

16. ACCESS

The applicant must allow any Village or Racine County 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 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.

18. REIMBURSE VILLAGE COSTS

Applicant shall reimburse the Village all costs incurred by the Village for review of this rezoning and PUD Planned Unit Development Overlay District approval 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 CONDITIONAL USE

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 Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.

20. BINDING EFFECT

These conditions bind and are applicable to the Applicant, property owner, successor and assigns, owner's association(s) and any other users of the Property with respect to the uses on the Property.



21. VIOLATIONS & PENALTIES

Any violations of the terms of this conditions and restrictions of this Conditional Use shall be subject to enforcement and the issuance of citations in accordance with Village Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the Village shall have the right to initiate revocation procedures for this Conditional Use, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the Village from commencing an action in Racine County Circuit Court to enforce the terms of this Conditional Use or to seek an injunction regarding any violation of this Conditional Use or any other Village ordinances.

22. REVOCAION

Should an applicant, its heirs, successors or assigns and any other users of the property fail to comply with the conditions and restrictions of the approval issued by the Village Board, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in the Municipal Code.

23. AGREEMENT

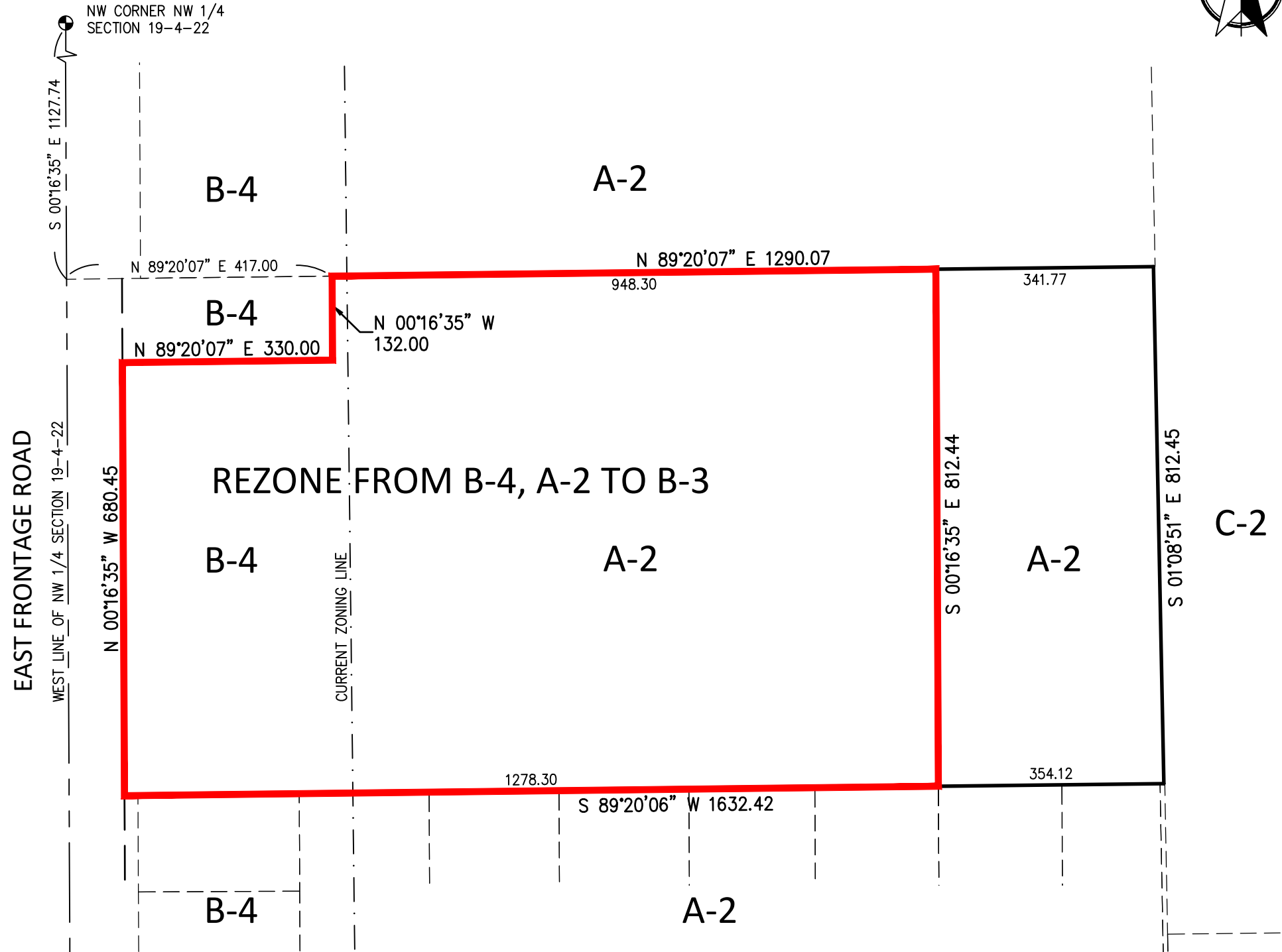
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the Village or terminated by mutual agreement of the Village and the owner, and their subsidiaries, related entities, successors and assigns. Therefore, Avala Express LLC; its heirs, successors, and assigns, including all users, future owners, occupants and owner's association(s), are responsible for full compliance with the above conditions.

24. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

**DESCRIPTION OF LANDS TO BE REZONED FROM B-4, A-2 TO B-3**

Part of the fractional Northwest 1/4 of Section 19, Township 4 North, Range 22 East of the Fourth Principal Meridian, bounded and described as follows: Commence at the Northwest corner of said Section; thence S00°16'35"E, 1127.74 feet along the West line of said Northwest 1/4 Section; thence N89°20'07"E, 417.00 feet to the point of beginning of this description; continue thence N89°20'07"E, 948.30 feet; thence S00°16'35"E, 812.44 feet parallel with the West line of said Northwest 1/4 Section; thence S89°20'06"W, 1278.30 feet to the East line of the East Frontage Road; thence N00°16'35"W, 680.45 feet along said East line and parallel with the West line of said Northwest 1/4 Section; thence N89°20'07"E, 330.00 feet; thence N00°16'35"W, 132.00 feet parallel with the West line of said Northwest 1/4 Section to the point of beginning. Said land being in the Village of Caledonia, County of Racine, State of Wisconsin. Containing 22.841 Acres.



7:53:24 AM

Friday, November 17, 2023

**Nielsen Madsen + Barber**  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 1458 Horizon Blvd. Suite 200, Racine, WI. 53406  
 Tele: (262)634-5588 Website: www.nmbosc.net

Scale: 1" = 200'  
 Drawn By: SCB  
 DATE: 11-17-2023  
 2023.0223.01  
 Rezoning Exhibit  
 Avala Express, LLC  
 Caledonia, Wisconsin









## PLAN COMMISSION REPORT

Proposal:	Land Acquisition & Transfer
Description:	Review a resolution approving the transfer of ownership of a parcel located at 13038 Golf Road from Racine County to the Village of Caledonia which will be then transferred to Hinz Real Estate Company LLC to accommodate for future industrial development in the area.
Applicant(s):	Village of Caledonia
Address(es):	13038 Golf Road
<b>Suggested Motion:</b>	That the Plan Commission adopts Resolution PC2023-03 approving the transfer of ownership of a parcel located at 13038 Golf Road from Racine County to the Village of Caledonia.

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**Background:** The Village has been working with the property owner of the South Hills Golf Course for over a year regarding future development of the area along the interstate. As part of the discussions with the property owner, we identified that the existing bio-solid storage building located on the golf course property would be an obstruction to future development of the land along the interstate. During this time, staff has worked with the property owner to identify parcels inside and outside the Village that could be suitable for the relocation of the bio-solid building. After much research, staff recommended a solution to relocate the building to the property located directly east of 13038 Golf Road. The owner analyzed the site and concluded that the relocation to the vacant parcel located east of 13038 Golf Road could work if the parcel at 13038 Golf Road was acquired for access purposes to the new location of the bio-solid building.

Racine County is the owner of the property at 13038 Golf Road. Staff reviewed the proposed relocation with the County and the County agreed that the transfer of land to the Village, and ultimately to Hinz Real Estate Company LLC, would be acceptable with the understanding that the transfer of land would economically benefit the Village and County.

Per Village Ordinance, any transfer or sale of land needs to be reviewed by the Plan Commission for consistency with Village plans and make a recommendation via action on a resolution that makes a finding of that such transfer is not inconsistent with Village plans and recommending a course of action on the transfer of the vacant parcel to the Village. The next step will be for the Village Board to review the proposed transfer of ownership of the parcel from Racine County at an upcoming meeting.

In my role as Development Director, it is also my opinion that the transfer is not inconsistent with the Village plans, including the Comprehensive Land Use Plan, because the land will be incorporated as part of larger parcel to the east which will be used for industrial purposes. Furthermore, the transfer of land will assist with the future industrial/business park uses in the area as the relocation of a bio-solids building to the south will be constructed on the property east of 13038 Golf Road. If ultimately approved by the Village Board, Staff will work with County Staff to ensure a smooth transfer of ownership.

If the Plan Commission agrees with the transfer of ownership of the parcel, the next step would be to make a motion to adopt Resolution PC2023-03 approving the ownership transfer from Racine County.

Respectfully submitted:



Peter Wagner, AICP  
Development Director

**RESOLUTION NO. PC 2023-03**

**RESOLUTION OF THE PLAN COMMISSION FOR THE VILLAGE OF CALEDONIA  
RECOMMENDING ACQUISITION OF A PARCEL OF LAND WITH PARCEL NO.  
104-04-22-31-021-00 LOCATED AT 13038 GOLF ROAD FROM RACINE COUNTY  
AND EVENTUAL TRANSFER OF THE PARCEL**

The Plan Commission for the Village of Caledonia, Racine County, Wisconsin resolves as follows:

**WHEREAS**, Racine County obtained title, by property tax foreclosure, to a parcel of land located at 13038 Golf Road with Parcel No. 104-04-22-31-021-000 that contains deteriorated structures, and which is located in the Village Tax Increment District No. 4 (the “Parcel”);

**WHEREAS**, staff from the Village and Racine County believe that the interests of the Village are best achieved by the Village owning the Parcel and utilizing the Parcel in a further development within Tax Incremental District No. 4;

**WHEREAS**, Sec. 2-5-3(f)(5) of the Village’s Code of Ordinances and Wis. Stat. Section 62.23(5) require that the proposed acquisition and transfer of land by the Village be referred to the Plan Commission for its consideration and report prior to acquisition or transfer; and

**WHEREAS**, the Village staff supports the acquisition of the Parcel from Racine County, as set forth generally in **Exhibit A**, as well as the eventual transfer of the Parcel to a future developer, because it is not inconsistent with Village plans as the parcel of land will be utilized for industrial uses which is consistent with the Village Comprehensive Land Use Plan;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Section 62.23(5) of the Wisconsin Statutes and Village ordinance, the Village of Caledonia Plan Commission hereby finds that the acquisition and subsequent transfer of the Parcel is not inconsistent with Village



plans and recommends to the Village Board the acquisition and subsequent transfer, as illustrated in **Exhibit A** upon terms and conditions established by the Village Board.

Adopted this \_\_\_\_\_ day of November, 2023.

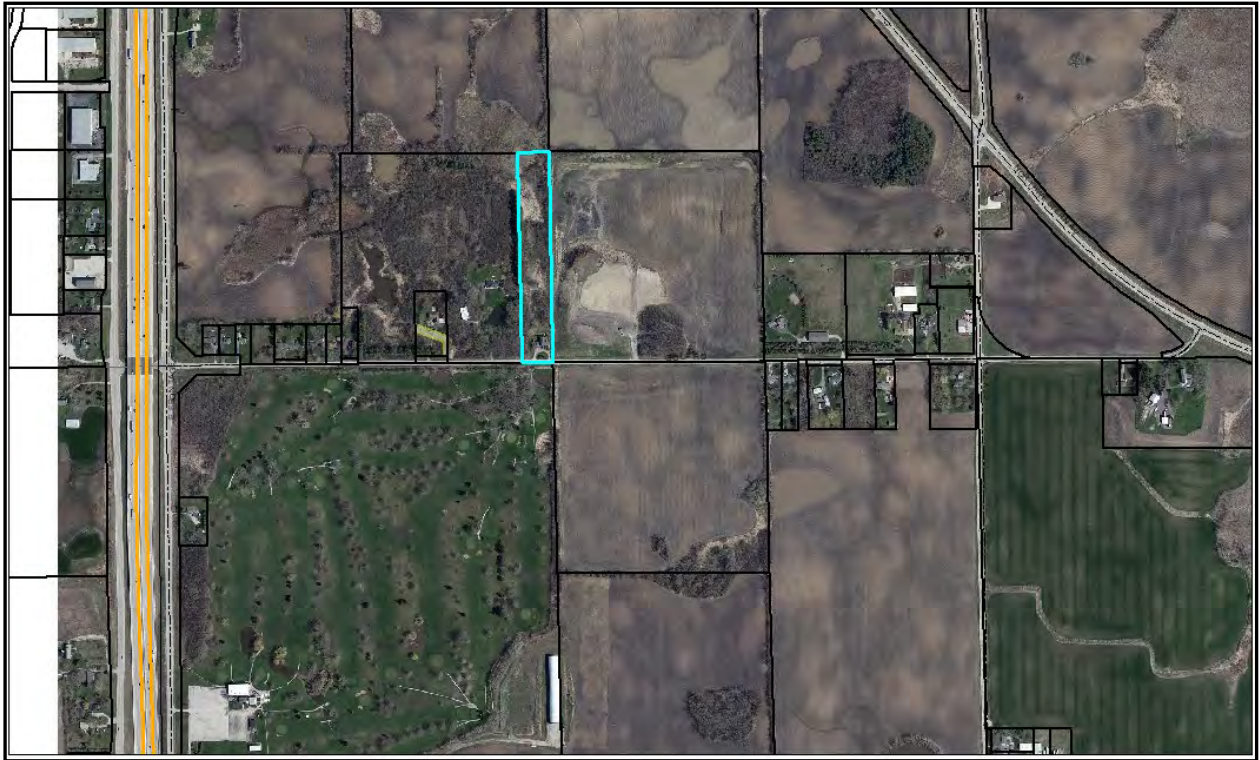
Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_

**VILLAGE OF CALEDONIA PLAN COMMISSION**

By: \_\_\_\_\_  
Thomas Weatherston, Commission President

Attest: \_\_\_\_\_  
Nancy Pierce,  
Acting Commission Vice President

EXHIBIT A  
Parcel ID No. 104-04-22-31-021-000





# 13038 GOLF ROAD

0 200 400 800 Feet





Meeting Date: November 27, 2023

Item No. **6b**

## PLAN COMMISSION REPORT

Proposal: Building, Site & Operations Plan Review

Description: Review a request to approve a building, site, and operations plan for a ±252 square-foot storage building located at 8334 CTH V.

Applicant(s): St. Nikola Free Serbian Orthodox Church

Address(es): 8334 CTH V

**Suggested Motion:** That the Plan Commission recommends to the Village Board that the building, site, and operational plan for the construction of a ±252 square-foot storage building located at 8334 CTH V be approved for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use is consistent with the existing use on the property.

---

Owner(s): St. Nikola's Association Inc.

Tax Key(s): 104-04-22-06-057-000

Lot Size(s): 35.12 acres

Current Zoning District(s): P-2, Parkland & Recreation District

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Recreation

**Background:** The applicant is requesting approval of a building, site, and operations plan for a ±252 square-foot storage building located at 12725 4 Mile Road. The purpose of the storage building is to provide a place to store equipment used to maintain property and equipment for the existing pavilion such as chairs and tables. All non-residential zoned parcels require site plan review and approval prior to submitting building permits.

The application of building design standards do not apply to accessory buildings, however, zoning regulations pertaining to height, size, and location do apply. The applicant is proposing to construct a 14'x18' metal shed that will be less than 17' in height at the peak of the building. Setbacks greatly exceed the minimum setbacks for the district which require a minimum of 50 feet. The proposed building will be located greater than 100 feet from a lot line. The exterior materials for the building will consist of ribbed metal siding and metal roofing.

The applicant stated that no additional waste materials are expected because of this building, therefore no outdoor dumpsters are being proposed. No ground or rooftop mechanicals are being proposed as this will be a storage building.

No lighting is being proposed on the building, however, if future lighting is installed, the applicant will be required to comply with exterior lighting regulations as stated in the Municipal Code.

As this building is located in the central portion of the parcel and cannot be seen from the roadway and is located within a parkland with existing vegetation, no landscaping is required.

The Fire Department indicated no concerns regarding the proposed site plan.

If the Plan Commission is comfortable with the proposed storage building, staff has drafted a suggested motion recommending approval of the storage building located at 8334 CTH V.

---

Respectfully submitted:



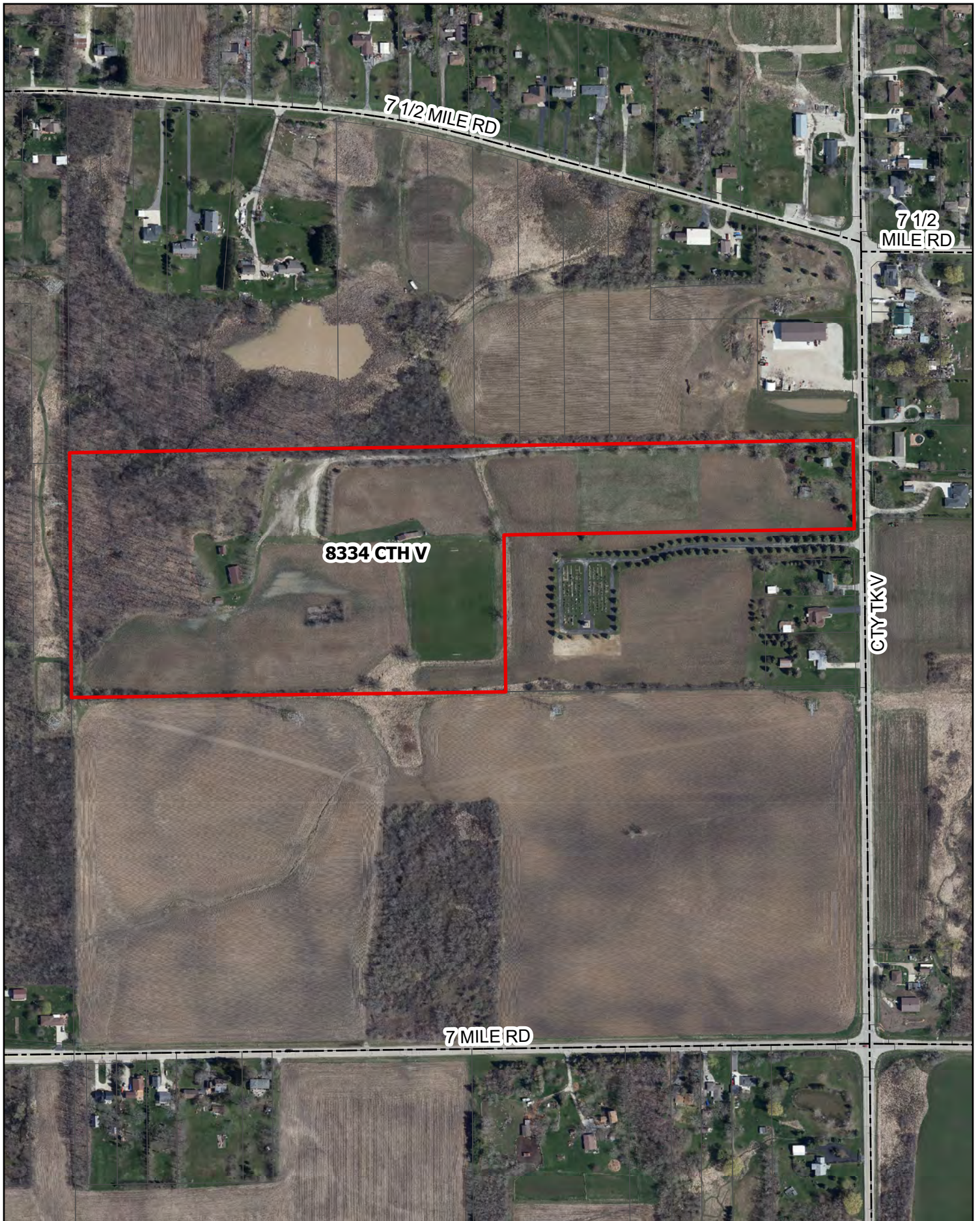
Peter Wagner, AICP  
Development Director



8334 CTH V

0 200 400 800 Feet

N



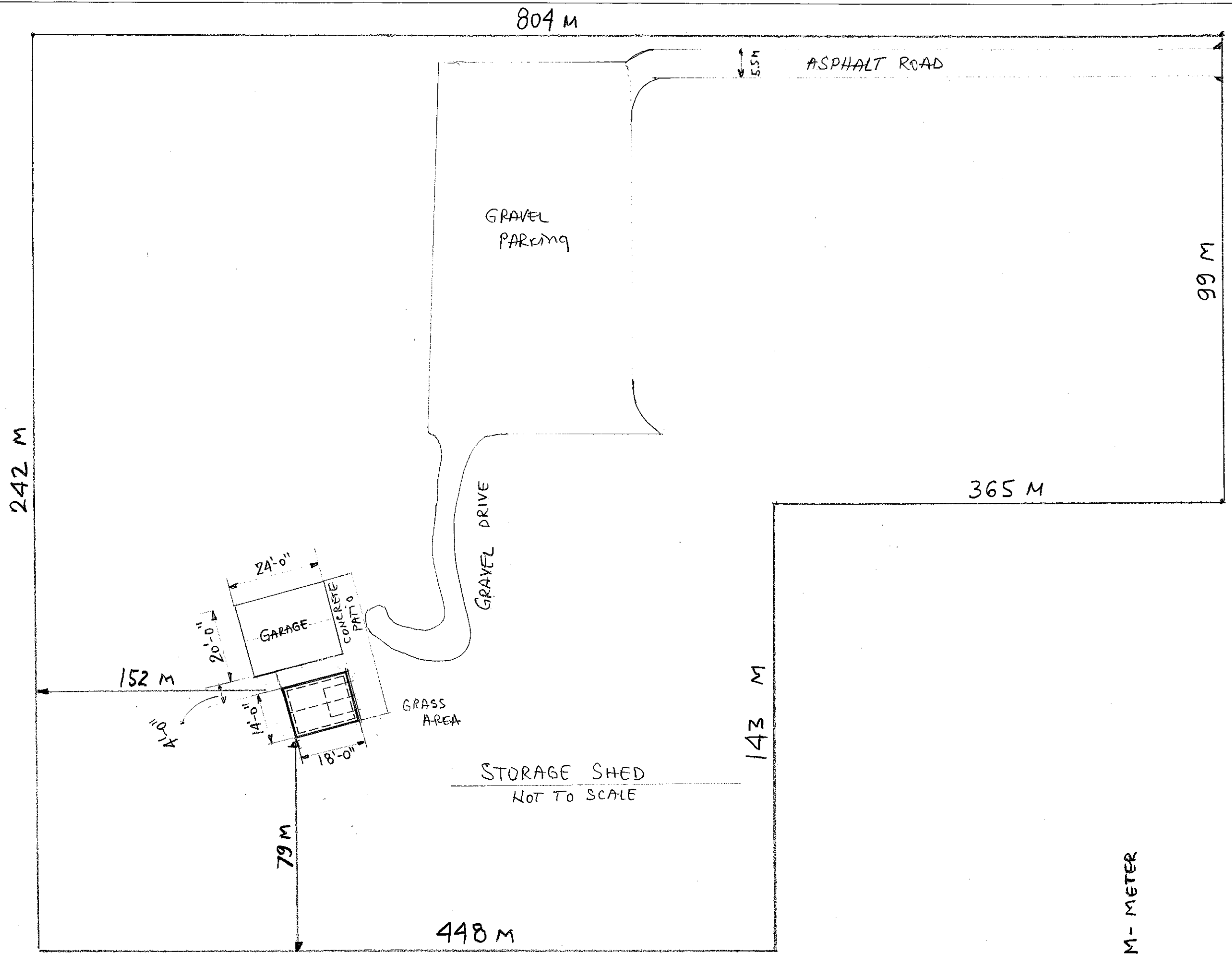
7 1/2 MILE RD

7 1/2 MILE RD

8334 CTH V

CTY TKV

7 MILE RD



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
Site Plan

PROJECT DESCRIPTION:  
PROJECT  
Storage Shed

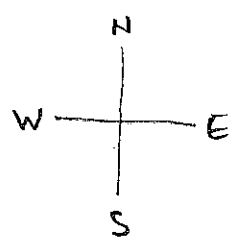
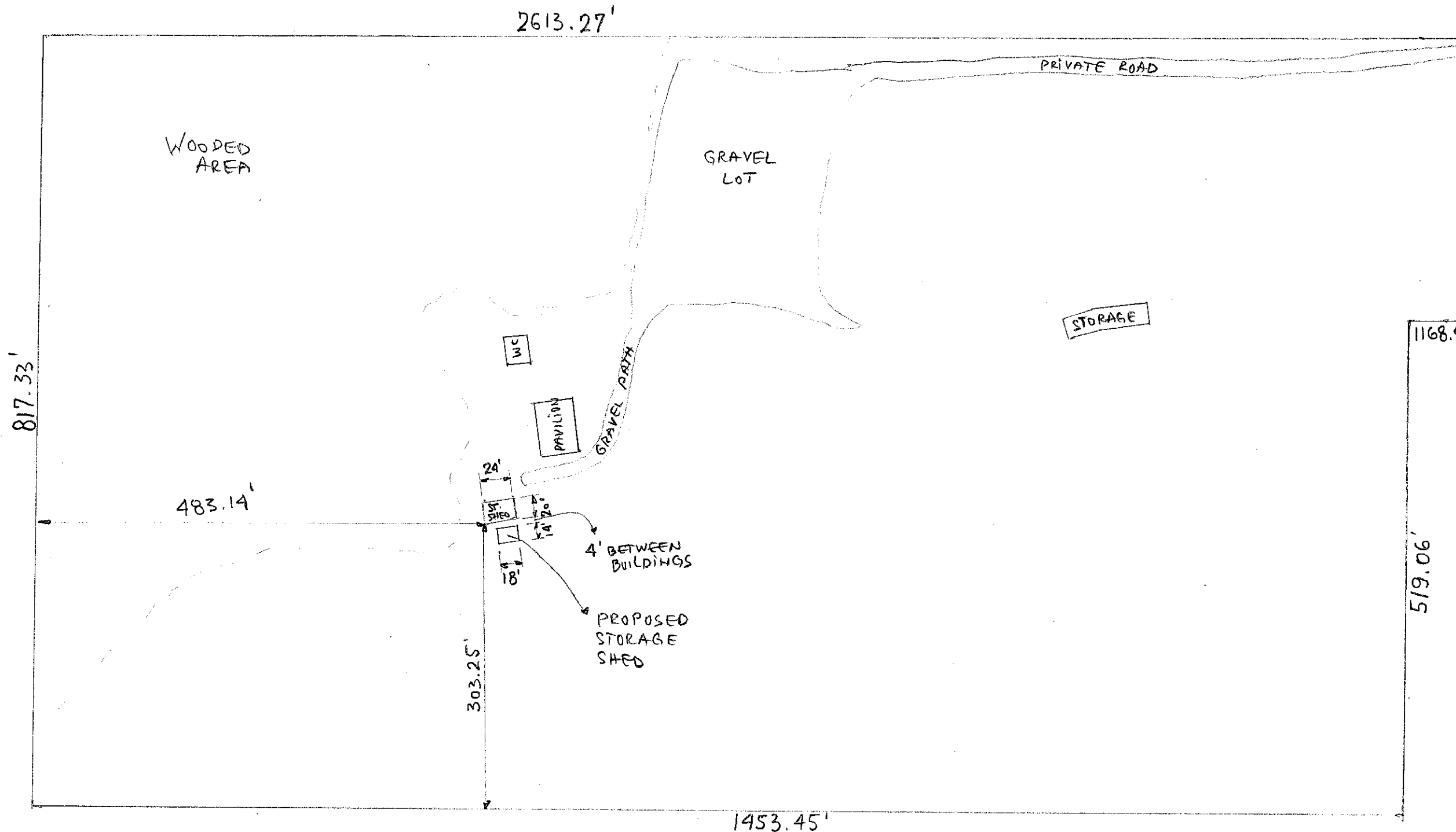
DRAWINGS PROVIDED BY:  
DESIGNER  
Zoran Atlija  
414-630-6100

11/1/23

SCALE:

SHEET:

S-1



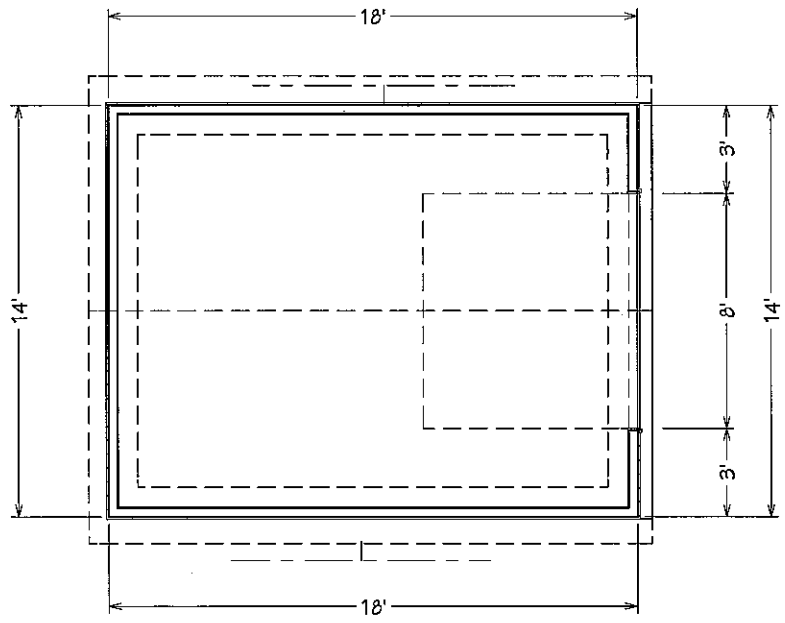
SITE PLAN

ST NIKOLAS ASSOC. INC  
 8334 CTH V  
 VILLAGE OF CALEDONIA

NOT TO SCALE

NO.		DESCRIPTION	BY	DATE
SHEET TITLE: SITE PLAN				
PROJECT DESCRIPTION: PROJECT Storage Shed				
DRAWINGS PROVIDED BY: DESIGNER Zoran Atlija				
11/1/23				
SCALE:				
SHEET:				
<b>A-1</b>				





--

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**SHEET TITLE**  
 Floor Plan

PROJECT DESCRIPTION:  
**PROJECT**  
 Storage Shed

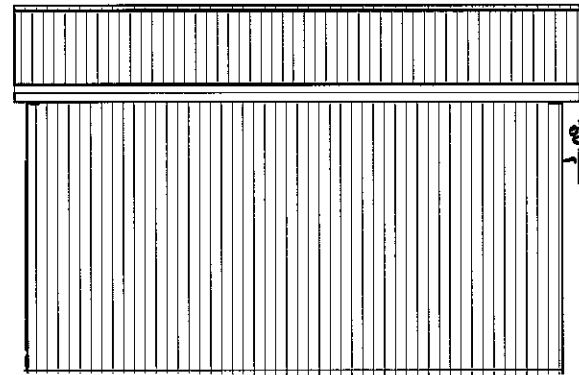
DRAWINGS PROVIDED BY:  
**DESIGNER**

11/1/23

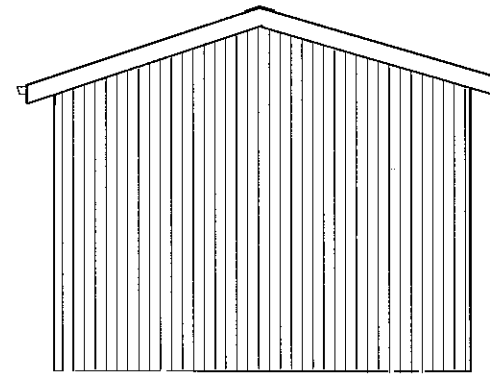
SCALE:

SHEET:

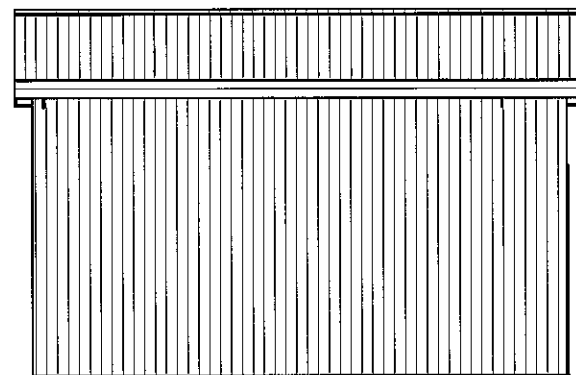
**A-1**



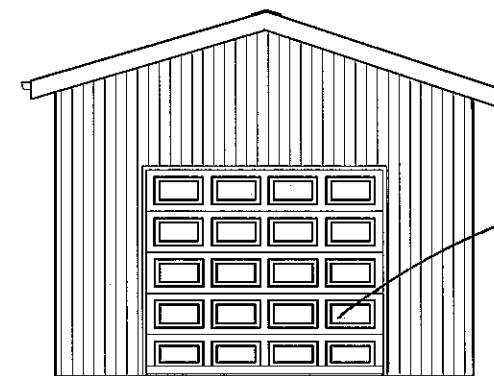
**NORTH**  
Elevation 2



**WEST**  
Elevation 1



**South**  
Elevation 4



**EAST**  
Elevation 3

8x7'  
GARAGE  
DOOR

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**SHEET TITLE**  
Building Elevations

PROJECT DESCRIPTION:  
**PROJECT**  
Storage Shed

DRAWINGS PROVIDED BY:  
**DESIGNER**

11/1/23

SCALE:

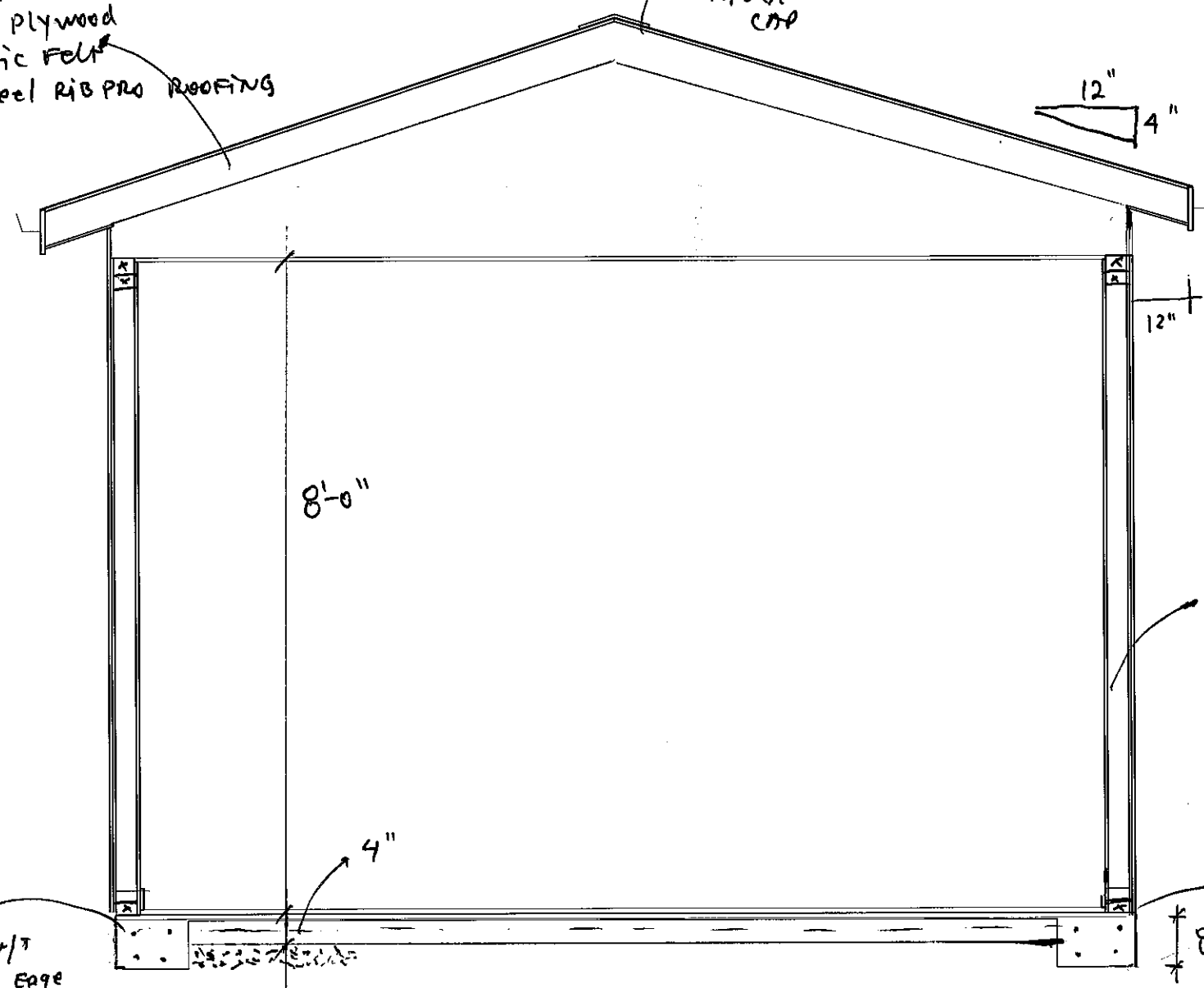
SHEET:

**A-1**

2x6 - HAND FRAMED RAFTERS  
 5/8" CDX PLYWOOD  
 SYNTHETIC FELT  
 .29G steel RIB PRO ROOFING

VENTED  
 RIDGE  
 CAP

12"  
 4"



2x4" WALL STUDS  
 1/2" PLYWOOD OSB  
 TYVEK VAPOR BARRIER  
 .29G steel RIB PRO SIDING

4" CONCRETE w/ 8" THICKENED EDGE  
 4 - #4 REBARS  
 6x6 - WIRE MESH  
 ON TOP OF 3/4" CRUSHED STONE

GREEN TREATED 2x4

BUILDING  
 Cross Section 1

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
 SHEET TITLE  
 Cross Elevation

PROJECT DESCRIPTION:  
 PROJECT  
 Storage Shed

DRAWINGS PROVIDED BY:  
 DESIGNER

11/1/23

SCALE:

SHEET:

A-1



### PLAN COMMISSION REPORT

Proposal: Building, Site & Operations Plan Review

Description: Review a request to approve a building, site, and operations plan for a ±647 square-foot addition to the existing commercial building located at 10616 Northwestern Avenue.

Applicant(s): Rajwinder Singh

Address(es): 10616 Northwestern Avenue

**Suggested Motion:** That the Plan Commission recommends to the Village Board that the building, site, and operational plan for the construction of a ±647 square-foot addition to the existing commercial building located at 10616 Northwestern Avenue be approved for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use is consistent with the existing use on the property.

Owner(s): Franksville Market LLC

Tax Key(s): 104-04-22-32-029-000

Lot Size(s): 2.275 acres

Current Zoning District(s): B-3, Highway Business District

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Industrial/Business Park

**Background:** The applicant is requesting approval of a building, site, and operations plan for a ±647 square-foot expansion of the existing commercial building located at 10616 Northwestern Avenue. The purpose of expansion is to create refrigeration space for storage and display of refrigerator and frozen products for retail sale.

The building expansion will be located on the north and east elevations of the building. Like other commercial buildings that have refrigeration as their main purpose, the addition will consist of insulated metal panels. The applicant is proposing to install a screening wall around the perimeter of the addition which will consist of an EFIS exterior material. This material will be painted to match the existing exterior of the building. The proposed addition meets the building design guidelines. There currently exists a residential unit on the second floor. To accommodate private access to the unit, the applicant is proposing to construct a stairway on the southern elevation of the building with a concrete walkway accessing the parking lot to the north.

The proposed addition complies with the requirements for the zoning district such as building height and setbacks. The applicant proposes only adding landscaping along the proposed walkway on the east side of the site. No landscaping is proposed on the northside as the addition will abut against the existing concrete parking stalls. The Plan Commission has the discretion to request additional landscaping around the addition or elsewhere on the site to compensate for the removal of green space on the north elevation of the site.

No lighting is being proposed on the building, however, if future lighting is installed, the applicant will be required to comply with exterior lighting regulations as stated in the Municipal Code.

The Fire Department indicated no concerns regarding the proposed site plan and will work with the applicant to comply with all fire ordinances requirements.

If the Plan Commission is comfortable with the proposed storage building, staff has drafted a suggested motion recommending approval of the proposed addition located at 10616 Northwestern Avenue.

---

Respectfully submitted:

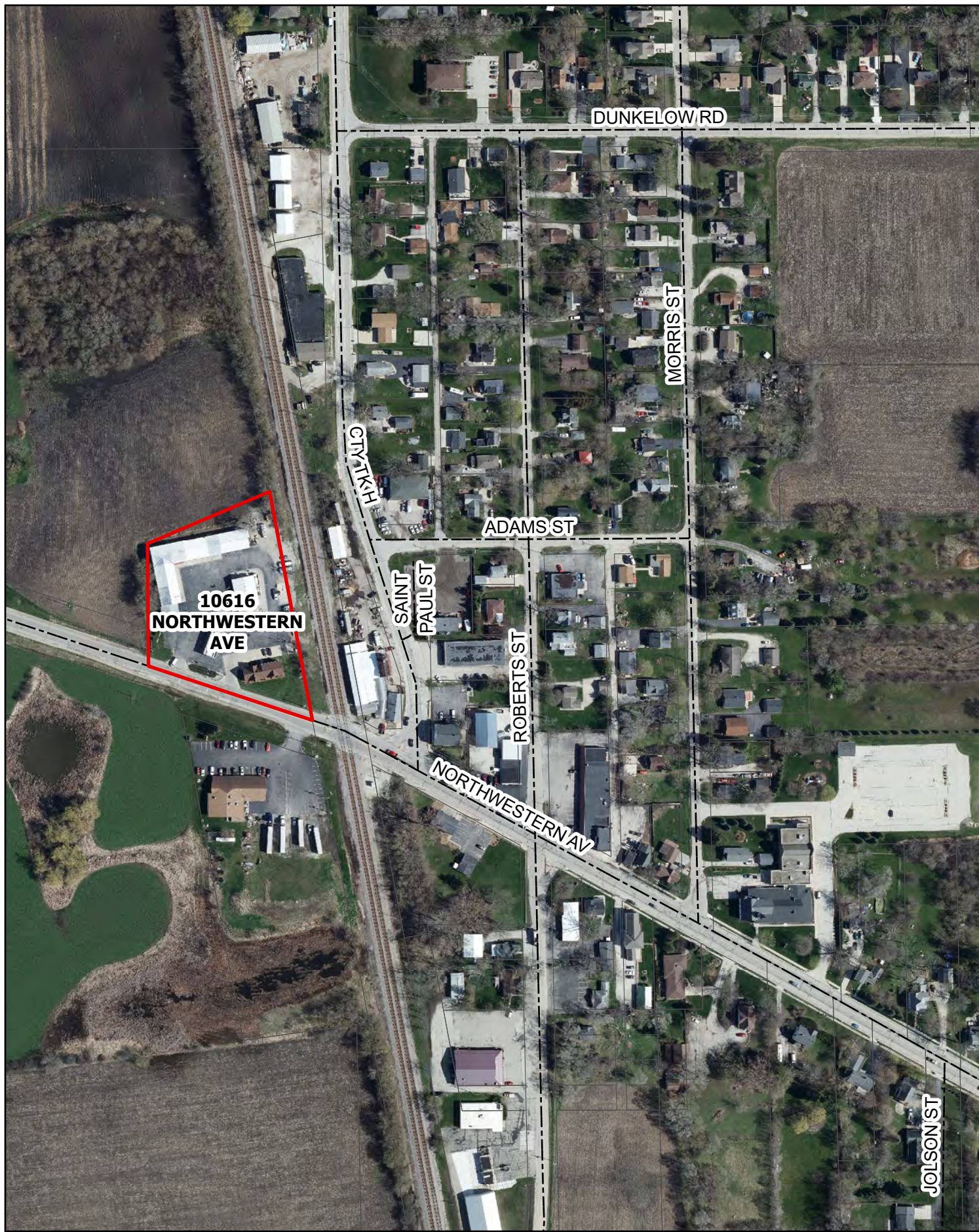


Peter Wagner, AICP  
Development Director



# 10616 Northwestern Avenue

0 100 200 400 Feet



**10616  
NORTHWESTERN  
AVE**

DUNKELow RD

MORRIS ST

ADAMS ST

CITY KH

SAINT PAUL ST

ROBERT ST

NORTHWESTERN AV

JOLSON ST



**Madison Regional Office**  
161 Horizon Drive, Suite 101  
Verona, WI 53593  
608.848.5060

November 13, 2023

Peter Wagner  
Development Director  
City of Caledonia, WI  
503 Chester Lane  
Racine, WI 53402

Subject     Franksville Market, Caledonia, WI  
                 Executive Summary: Franksville Market Remodel  
                 ***JSD Project No. P23-13304***

Dear Planning Commission Members,

The owner of the Franksville Market is submitting the attached plans for your consideration and approval of a minor addition to the existing market building. The project consists of the interior remodel of the existing market building for the retail sales of goods, food, and beverages. As part of the remodel, new walk-in coolers and freezers are being proposed at the east and northeast facades of the building. The coolers are approximately 7 feet, 10 inches tall and project outward from the building façade 10 feet.

The existing building façade consists of brick veneer (painted and unpainted), EIFS cladding, and asphalt shingles. The existing building materials will remain as-is with no change to color or finish. To hide the new coolers, an 8-foot tall screenwall with EIFS/Stucco finish matching the existing EIFS cladding on the building is proposed. The screenwall will be capped with a white, pre-finished metal cap that compliments the existing white banding on the building.

The interior interconnecting stairs to the second floor of the building are being removed as part of the remodel, and a new set of wood framed exterior stairs is being proposed to replace them. New landscaping consisting of evergreen shrubs is proposed at the east end of the building. The proposed shrubbery is Buxus X (Green Gem) Boxwood specimens with a 2-3 foot, tall mature height and 3 foot mature width. The proposed specimens complement the existing landscaping which contains yews, boxwoods, and similar low height shrubbery. The remainder of the site will remain as is.

If you have any questions regarding the proposed addition, please contact me at your earliest convenience to discuss. I will be supporting the Owners at Plan commission meetings, as needed, to answer any questions and to present to project for approval.





*JSD Professional Services, Inc.*

A handwritten signature in black ink, appearing to read "Patrick L. Eagan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patrick L. Eagan, SE, PE  
SR Structural Engineer



**EXISTING BUILDING IMAGERY**



**EXISTING SOUTH FAÇADE – NORTHWESTERN AVE.**

# FRANKSVILLE MARKET REMODEL

PLAN COMMISSION SUBMITTAL

NOVEMBER 13, 2023



CREATE THE VISION TELL THE STORY

jsdinc.com

MADISON REGIONAL OFFICE  
161 HORIZON RD, SUITE 101  
VERONA, WISCONSIN  
P. 608.848.5060

CLIENT:  
**FRANKSVILLE MARKET**

CLIENT ADDRESS:  
**10616 NORTHWESTERN AVE.  
CALEDONIA, WI 53126**

PROJECT:  
**FRANKSVILLE MARKET  
REMODEL**

PROJECT LOCATION:  
**10616 NORTHWESTERN AVE.  
CALEDONIA, WI 53126**

PLAN MODIFICATIONS:

#	Date:	Description:
1	8-24-23	REVISION 1
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Design/Drawn:

Approved:

Plan Created:

SHEET TITLE:

**COVER SHEET**

SHEET NUMBER:

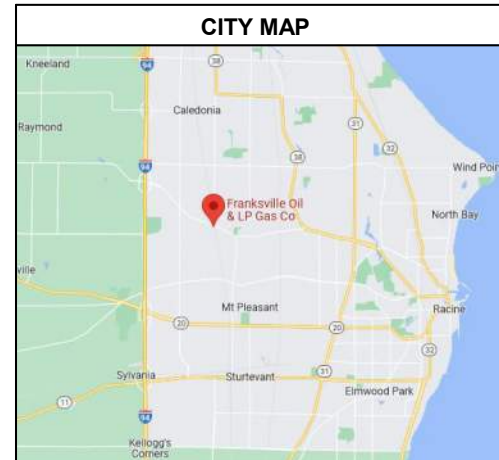
**T1.0**

JSD PROJECT NO: 23-13304



STATE MAP

CALEDONIA, WI



CITY MAP

**PROJECT SITE**  
10616 NORTHWESTERN AVE.  
CALEDONIA, WI 53126



PROJECT SITE

**PROJECT AREA**  
10616 NORTHWESTERN AVE.  
CALEDONIA, WI 53126

## CODE SUMMARY

**BUILDING CODE(S):**  
• SPS 360-365 WISCONSIN COMMERCIAL BUILDING CODE W/ 2015 ICC INTERNATIONAL BUILDING CODE ADOPTION  
• SPS 366 WISCONSIN EXISTING BUILDING CODE

**BUILDING DATA**

FLOOR LEVEL	FLOOR AREA
FIRST FLOOR, EXISTING	1,884 SF (LEVEL 3 ALTERATION)
FIRST FLOOR, NEW	679 SF
SECOND FLOOR:	1,884 SF (EXISTING TO REMAIN)
TOTAL WORK AREA, FIRST FLOOR:	2,563 SF
TOTAL BUILDING AREA :	4,447 SF
BUILDING STORIES:	2

**USE & OCCUPANCY CLASSIFICATION (CHAPTER 3):**  
1st FLOOR: MERCHANTILE (EXISTING TO REMAIN)  
2nd FLOOR: BUSINESS (PRIVATE OFFICE, EXISTING TO REMAIN)

**ALLOWABLE BUILDING AREA**

M, MERCHANTILE:	9,000 SF
B, BUSINESS:	9,000 SF

**ALLOWABLE STORIES:**

M, MERCHANTILE:	1 STORY ALLOWED (1 EXISTING)
B, BUSINESS:	2 STORIES ALLOWED (1 EXISTING)

SECTION 504.2 - MIXED OCCUPANCY: NO SINGLE OCCUPANCY SHALL EXCEED THE HEIGHT AND STORY LIMITS SPECIFIED IN SECTION 504.

**CONSTRUCTION TYPE:** TYPE VB - NON SPRINKLERED(NG)

**FIRE PROTECTION (CHAPTER 9):**  
FIRE PROTECTION SYSTEM: NO  
FIRE EXTINGUISHERS: (1) REQUIRED PER FLOOR  
TYPE - 2A REQ'D (LOW HAZARD)

**OCCUPANT LOAD (CHAPTER 10, TABLE 602):**

MERCHANTILE:	1 PER 50 SF GROSS
STOCKROOM/COOLERS:	1 PER 200 GROSS
KITCHEN:	1 PER 200 GROSS
TOTAL OCCUPANTS:	28 OCCUPANTS
FIRST FLOOR:	28 OCCUPANTS

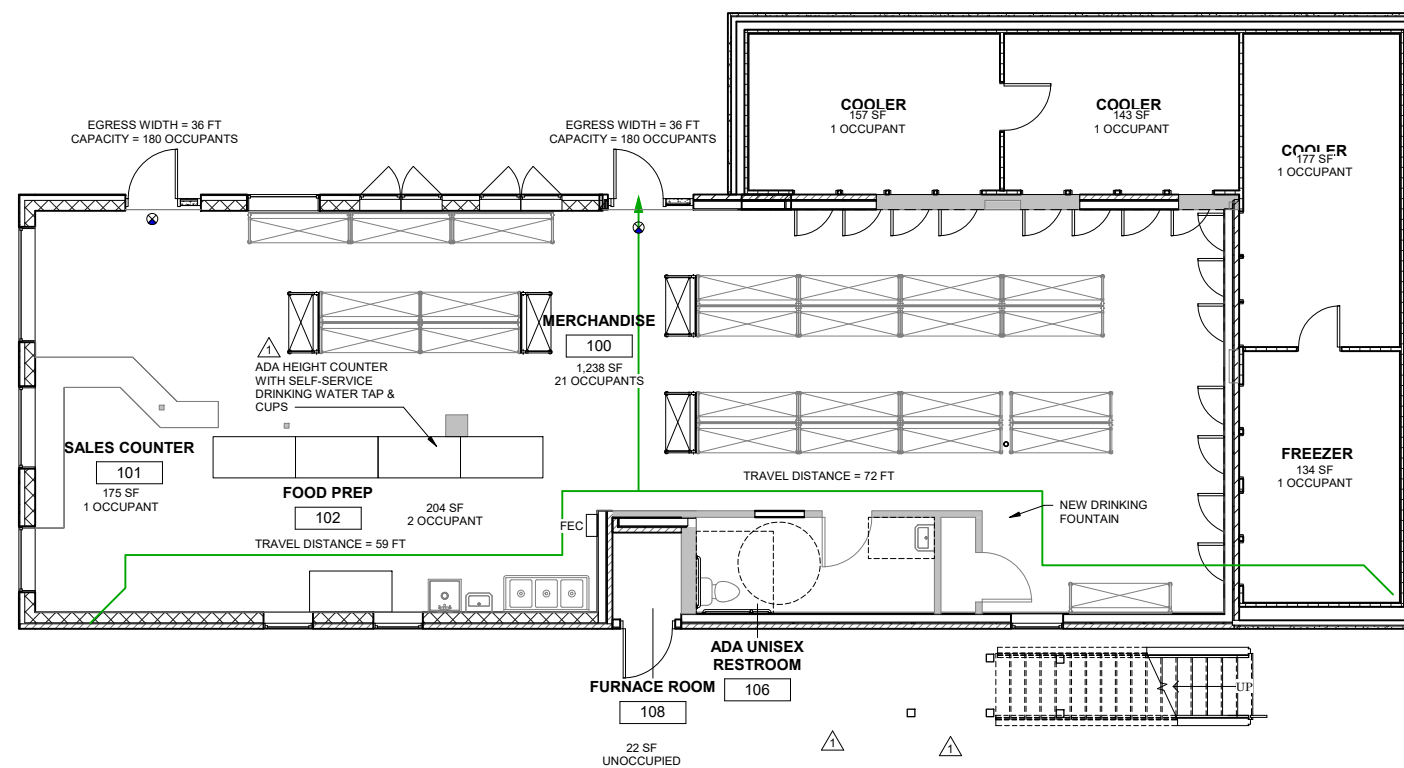
**EGRESS (CHAPTER 10):**  
**# EXITS REQUIRED (TABLE 1006.2.1)**  
FIRST FLOOR: 1 REQ'D, 2 PROVIDED  
< 75 FT TRAVEL DISTANCE

EXIT MINIMUM WIDTH: 0.2 INCHES PER OCCUPANT (1005.3.2)

**ACCESSIBILITY**  
ACCESSIBLE SPACES TO BE LOCATED ON 1ST FLOOR & TO COMPLY WITH ANSI 117.1

**PLUMBING FIXTURES REQUIRED (TABLE 2902.1)**

MERCHANTILE, M FIXTURES	REQUIREMENTS
WATER CLOSETS	1 PER 500, EACH
LAVATORIES	1 PER 750, EACH
DRINKING FOUNTAIN	1 PER 1000
SERVICE SINK	1 REQUIRED



**1 CODE PLAN**  
T1.0 3/16" = 1'-0"

## SHEET INDEX

SHEET NUMBER	SHEET TITLE
T1.0	COVER SHEET
X1.0	EXISTING PLAT SURVEY
L1.0	LANDSCAPING PLAN
A0.1	PROPOSED SITE PLAN
A0.2	GENERAL NOTES & DETAILS
A1.0	FLOOR PLANS - FIRST FLOOR
A1.1	SECOND FLOOR PLAN
A2.0	ROOF PLAN & STAIR SECTIONS
A3.0	BUILDING ELEVATIONS
A3.1	BUILDING ELEVATIONS - MATERIALS
A4.0	DETAILS

UPDATE 9/24/2023

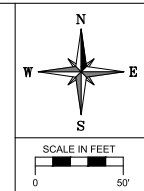


7/30/2023

# PLAT OF SURVEY

LEGAL DESCRIPTION PER TITLE COMMITMENT NUMBER 81533 WITH EFFECTIVE DATE OF MARCH 28, 2023 FROM FIRST AMERICAN TITLE INSURANCE COMPANY. THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 22 EAST, BOUNDED AS DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILWAY COMPANY, AND THE CENTERLINE OF COUNTY TRUNK HIGHWAY K; RUN THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY 424.77 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST 1/4, 264 FEET; THENCE SOUTHEASTERLY PARALLEL TO SAID WESTERLY RIGHT-OF-WAY, 243.31 FEET TO THE CENTER OF COUNTY TRUNK HIGHWAY K; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID HIGHWAY, 342.96 FEET TO THE PLACE OF BEGINNING. SAID LAND BEING IN THE VILLAGE OF CALEDONIA, COUNTY OF RACINE, STATE OF WISCONSIN.

REFERENCE BEARING: EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 32-4-22 WHICH BEARS NORTH 01° 15' 59" WEST.



**COPYRIGHT NOTICE**  
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**CALL DIGGERS HOTLINE**  
 811 OR 1-800-242-8511 TOLL FREE  
 WIS STATUTE 182.0175(1974) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE  
 MILW. AREA 1-414-259-1181

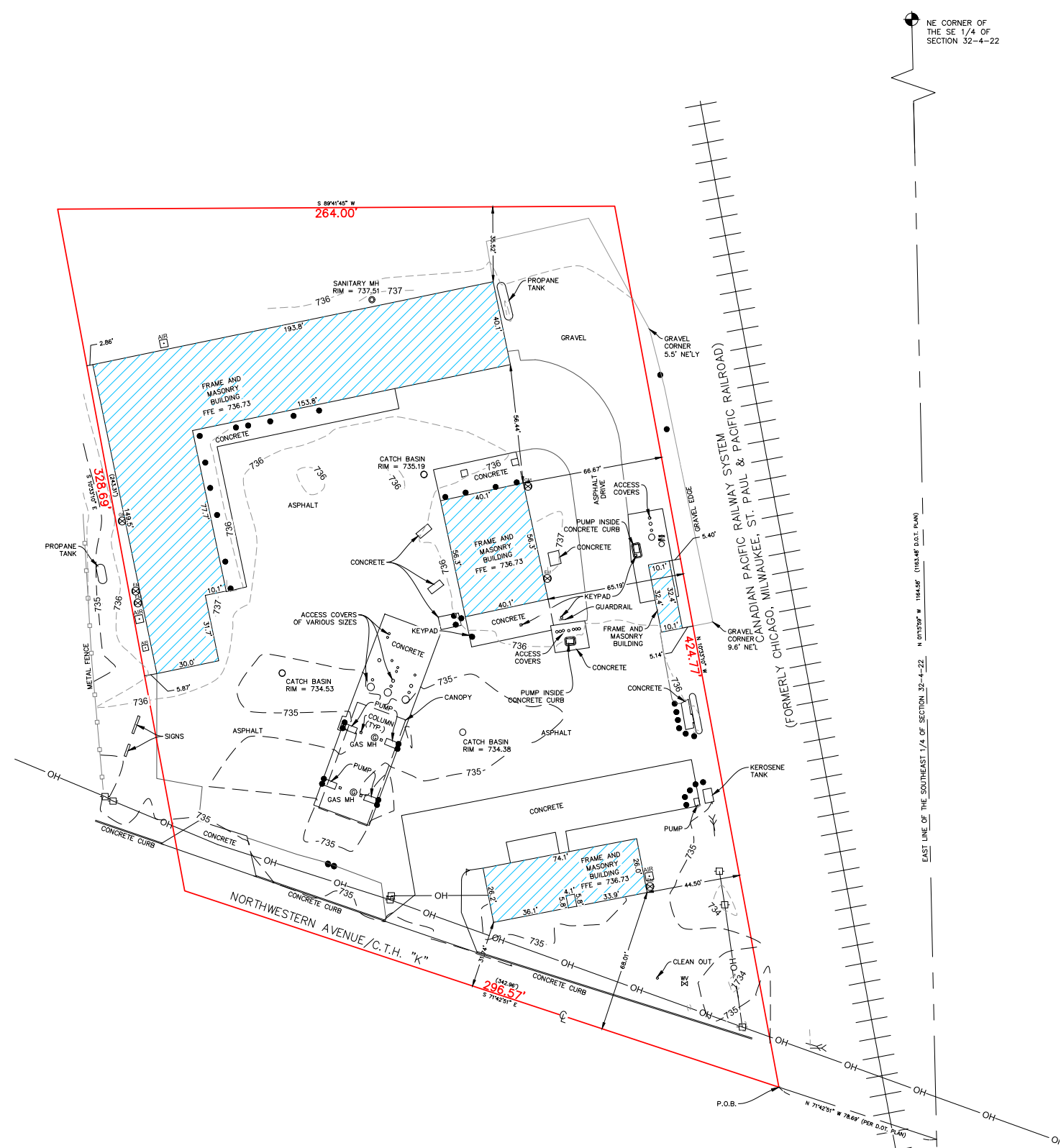
**NOTE:** The location and size of the underground structures and utilities shown hereon have been located to a reasonable degree of accuracy, but the Engineer and/or Surveyor does not guarantee their exact location or the location of others not shown. Contact Diggers Hotline, Inc., Etc.

REVISIONS	DESCRIPTION	DATE
BY: JRS	7/7/2023	7/7/2023

CHECKED BY: JRS  
 BOOK NO. N/A  
**CLIENT**  
 RAJWINDER SINGH  
 10616 NORTHWESTERN AVENUE  
 FRANKSVILLE, WISCONSIN 53126

**PROJECT**  
 ??????????????????  
 ??????????????????  
 ??????????????????

**JAHNKE & JAHNKE ASSOCIATES, LLC**  
 ENGINEERS • PLANNERS • SURVEYORS  
 CONNECT • EMPOWER • DESIGN  
 WWW.JAHNKEANDJAHNKE.COM  
 534 BULL VALLEY RD., FRANKSVILLE, WI 53126  
 PHONE: (262) 442-5787 EMAIL: SURVEY@JAHNKEANDJAHNKE.COM  
 FILE NAME: S:\projects\23-9837\23-9837 TOPO-IN PROGRESS - Copy.dwg

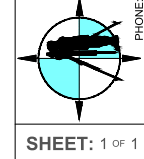
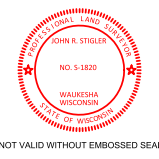


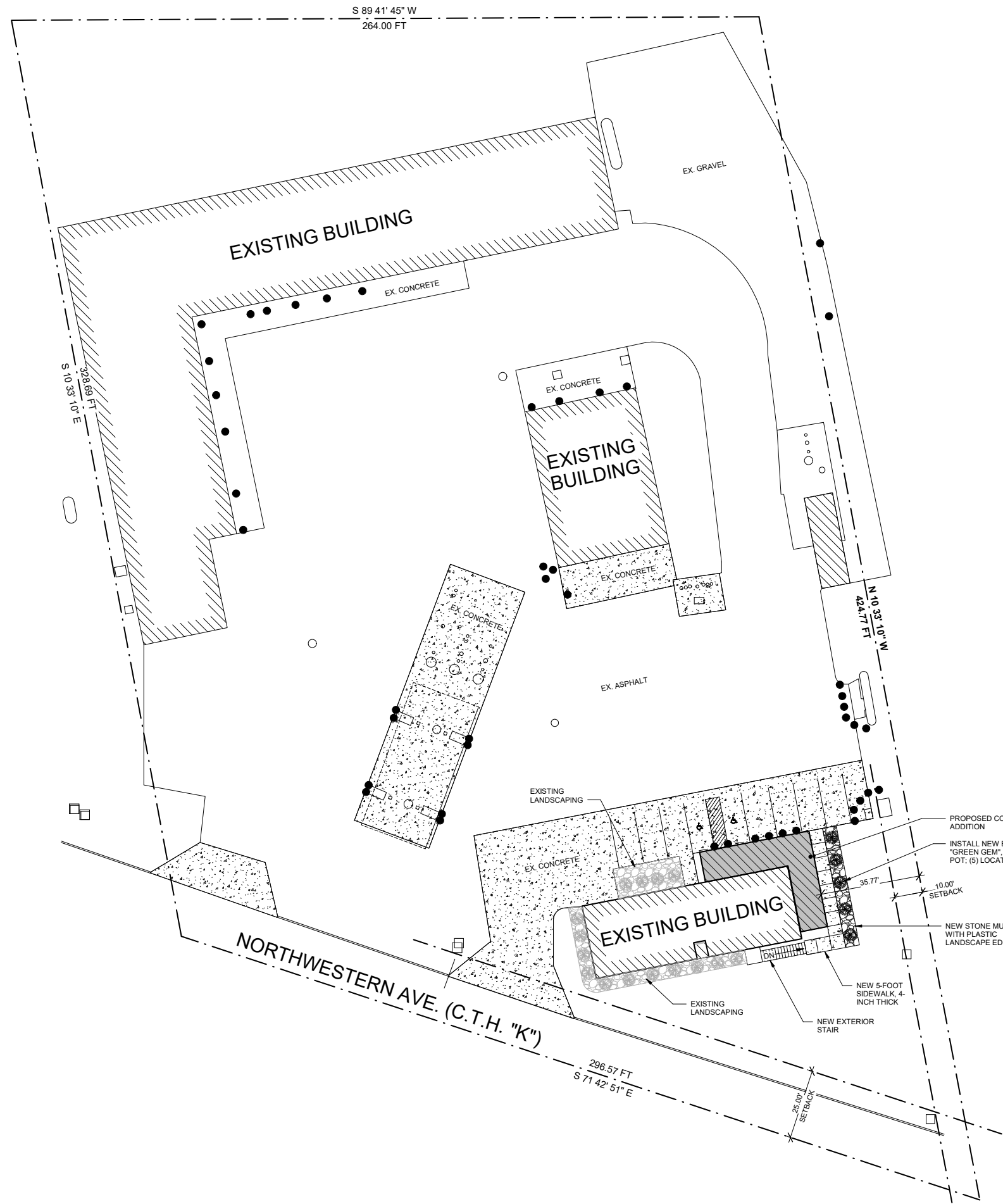
- ABBREVIATIONS:**  
 (12.23) = RECORDED DISTANCE  
 AC = ACRES  
 A = ARC OF CURVE  
 ASPH = ASPHALT  
 BM = BENCHMARK  
 CALC = CALCULATED DISTANCE  
 CH = CHORD LENGTH  
 COR = CORNER  
 CSM = CERTIFIED SURVEY MAP  
 C.T.H. = COUNTY TRUNK HIGHWAY  
 D = DELTA  
 DEG = DEGREE OF CURVE  
 E = EAST  
 EL = ELEVATION  
 EX = EXISTING  
 EXC = EXCEPTION  
 FFE = FINISH FLOOR ELEVATION  
 FND = FOUND  
 GFE = GARAGE FLOOR ELEVATION  
 GND = GROUND  
 INV. = INVERT  
 IP = IRON PIPE  
 IRD = IRON ROD  
 M = MEASURES/SURVEYED DISTANCE  
 NAD = NORTH AMERICAN DATUM  
 N = NORTH  
 NE = NORTHEAST  
 NW = NORTHWEST  
 NO. = NUMBER  
 NW = NORTHWEST  
 PG. = PAGE  
 QTR = QUARTER  
 REC = RECORDED  
 REM = RIM OR TOP POINT  
 RW = RIGHT OF WAY  
 S = SOUTH  
 SE = SOUTHEAST  
 S.T.H. = STATE TRUNK HIGHWAY  
 SW = SOUTHWEST  
 SUR = SURVEYED  
 U.S.H. = UNITED STATES HIGHWAY  
 U.S.G.S. = UNITED STATES GEOLOGICAL SURVEY  
 VAR = VARIES  
 VPI = VERTICAL POINT OF INTERSECTION  
 W = WEST

- LEGEND:**
- SECTION CORNER MONUMENT
  - EX. CHISELED CROSS FOUND
  - EX. IRON ROD FOUND
  - EX. IRON PIPE FOUND
  - EX. STORM MANHOLE
  - EX. CATCH BASIN SQUARE
  - EX. CATCH BASIN ROUND
  - EX. SIAMESE HYDRANT
  - EX. GAS VALVE
  - EX. AIR CONDITIONER
  - EX. ELECTRIC METER
  - EX. GAS METER
  - EX. ELECTRIC PEDESTAL
  - EX. TELEPHONE PEDESTAL
  - EX. CLEANOUT
  - EX. POWER POLE
  - EX. MAILBOX
  - EX. SANITARY MANHOLE
  - EX. UNKNOWN MANHOLE
  - EX. COMBINED SEWER MANHOLE
  - EX. ELECTRIC MANHOLE
  - EX. ELECTRIC TRANSFORMER
  - EX. TELEPHONE MANHOLE
  - EX. GUY WIRE
  - EX. LIGHT POLE
  - EX. SIGN
  - EX. BOLLARD (BOL)
  - EX. WATER VALVE
  - EX. OVERHEAD WIRES
  - EX. BUREAU OF ELECTRICAL SERVICES
  - EX. FENCE LINE
  - EX. COMMUNICATIONS
  - EX. TELEPHONE LINE
  - EX. GAS LINE
  - EX. FIBER OPTICS
  - EX. SANITARY SEWER (SAN)
  - EX. STORM SEWER (STO)
  - EX. WATER MAIN
  - EX. TREE LINE
  - UNDERGROUND COMBUSTIBLE GAS LINE

- SURVEY NOTES:**
- Date of the Survey field work: 07/06/2023
  - Building lines, easements and other restrictions not shown herein, should refer to deed, title policy and local zoning ordinances.
  - All dimensions shown are in decimal feet, US survey units.
  - Legal description was obtained from the client which may not be current, accurate or complete. Review legal description and record measurements on this plat and at once report any apparent difference to the surveyor.
  - Utilities have not been certified; therefore the location and size of the underground structures and utilities shown hereon have been located to a reasonable degree of accuracy, but Jahnke & Jahnke Associates LLC does not guarantee their exact location or the location of others not shown. Contact Diggers Hotline, Inc., Etc.
  - Reference bearing is assumed unless noted.
  - No measurements are to be assumed by scaling.
  - Any comments, modifications, alterations and revisions to this Survey must be brought to our attention within 30 days from date of completion on this sheet.
  - To insure legibility of this Plat of Survey, it must carry the Embossed Corporate Seal of Jahnke & Jahnke Associates LLC.
  - The scope of this survey, not all improvements are shown.
  - This plat is subject to future revisions.

STATE OF WISCONSIN } ss.  
 COUNTY OF WAUKESHA }  
 I CERTIFY, THAT THIS SURVEY WAS PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, PLAT HEREON DRAWN IS A REPRESENTATION OF SAME.  
 DATED AT WAUKESHA, WISCONSIN THIS 14th DAY OF JULY, 2023.  
 BY: *John R. Stigler*  
 JOHN R. STIGLER - WISCONSIN PROFESSIONAL LAND SURVEYOR NO. S-1820





PLAN MODIFICATIONS:

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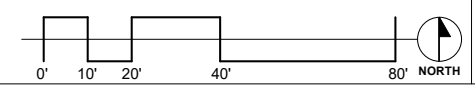
Design/Drawn:  
 Approved:  
 Plan Created:

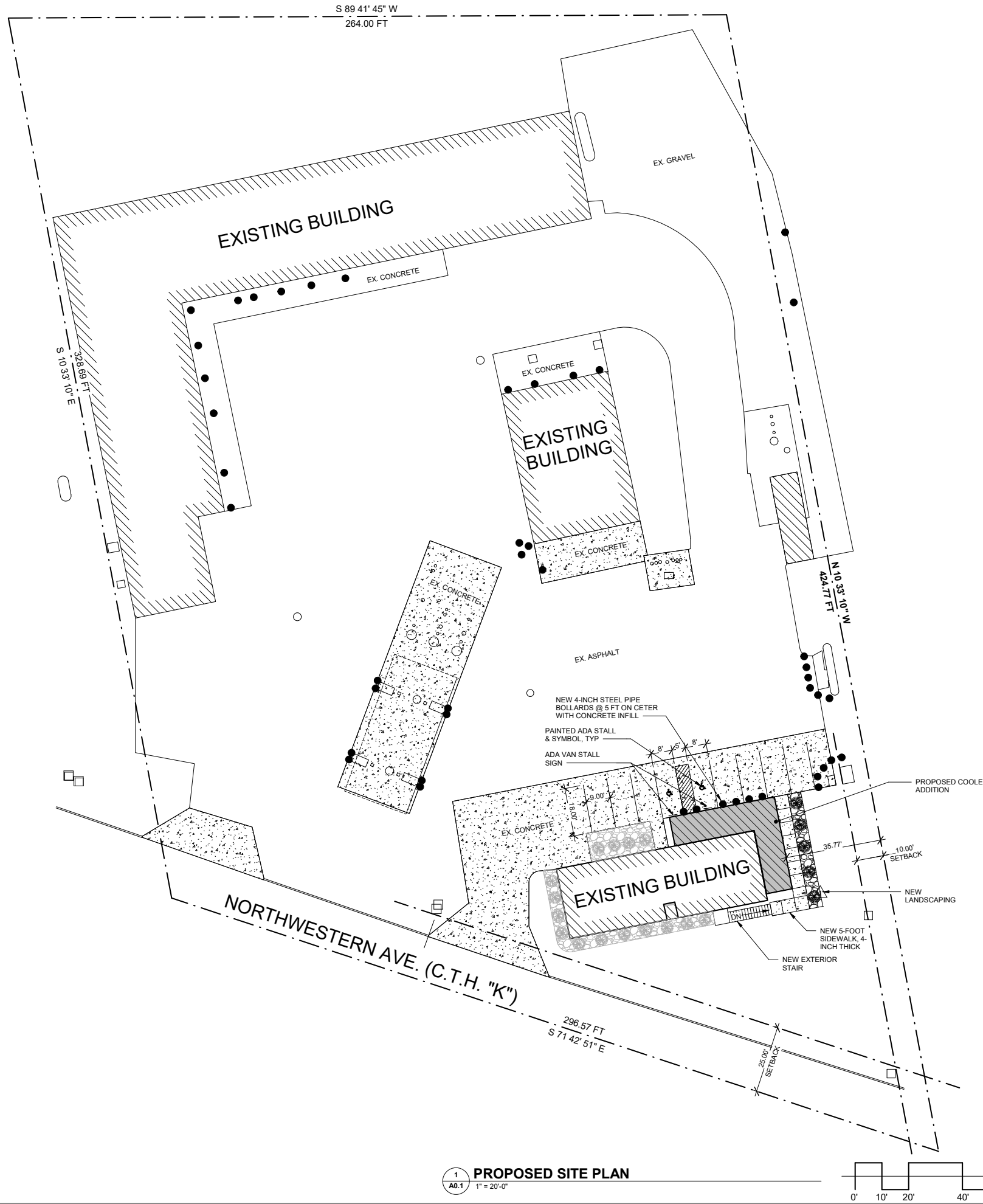
SHEET TITLE:  
**LANDSCAPING PLAN**

SHEET NUMBER:

**L1.0**

**LANDSCAPING PLAN**  
 1" = 20'-0"





CREATE THE VISION TELL THE STORY

jsdinc.com

MADISON REGIONAL OFFICE  
161 HORIZON RD, SUITE 101  
VERONA, WISCONSIN  
P. 608.848.5060

CLIENT:  
**FRANKSVILLE MARKET**

CLIENT ADDRESS:  
**10616 NORTHWESTERN AVE.  
CALEDONIA, WI 53126**

PROJECT:  
**FRANKSVILLE MARKET  
REMODEL**

PROJECT LOCATION:  
**10616 NORTHWEST AVE.  
CALEDONIA, WI 53126**

**PLAN MODIFICATIONS:**

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1	8-24-23	REVISION 1
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Design/Drawn:

Approved:

Plan Created:

SHEET TITLE:

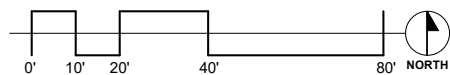
**PROPOSED SITE  
PLAN**

SHEET NUMBER:

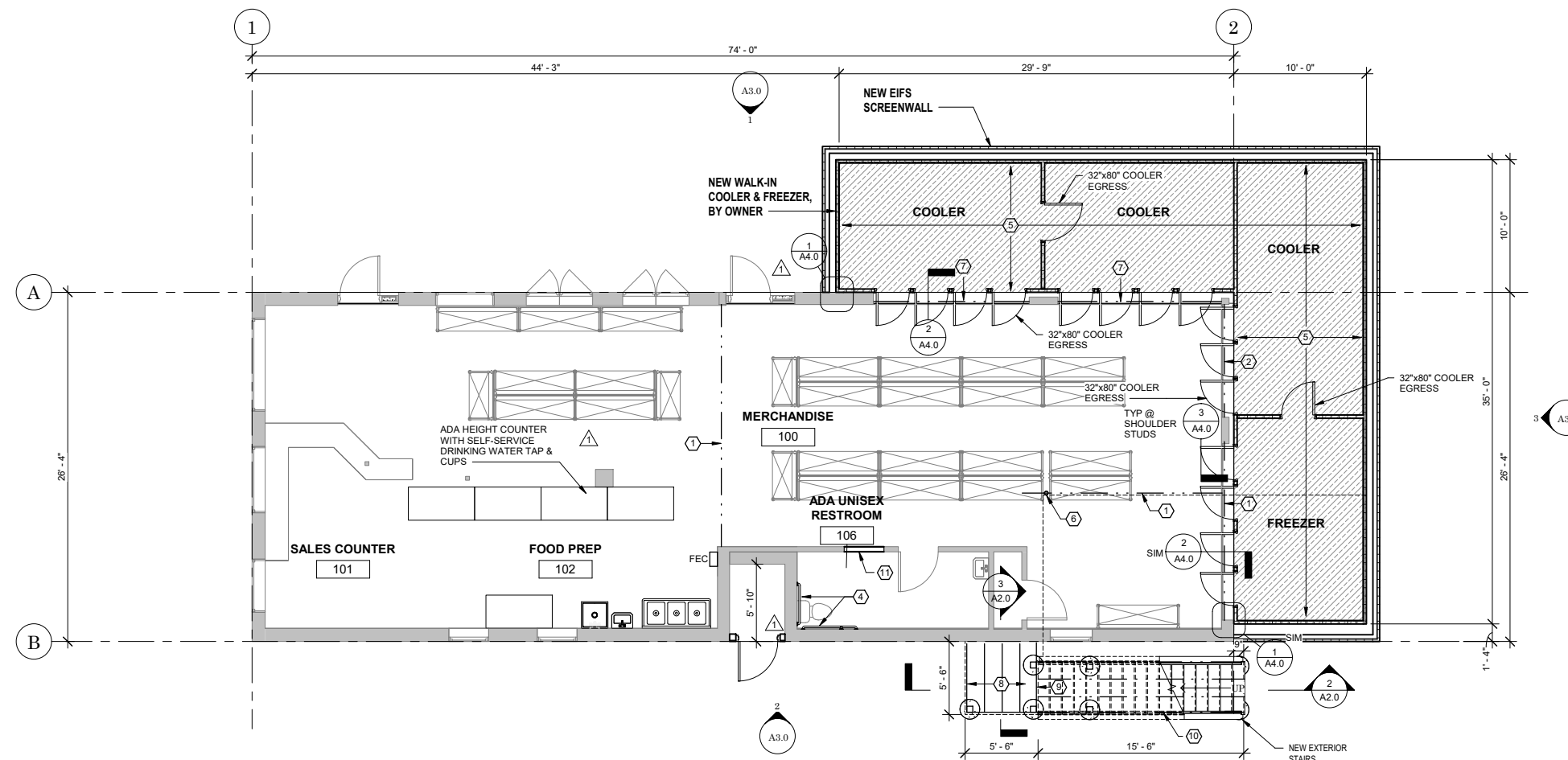
**A0.1**

JSD PROJECT NO: 23-13304

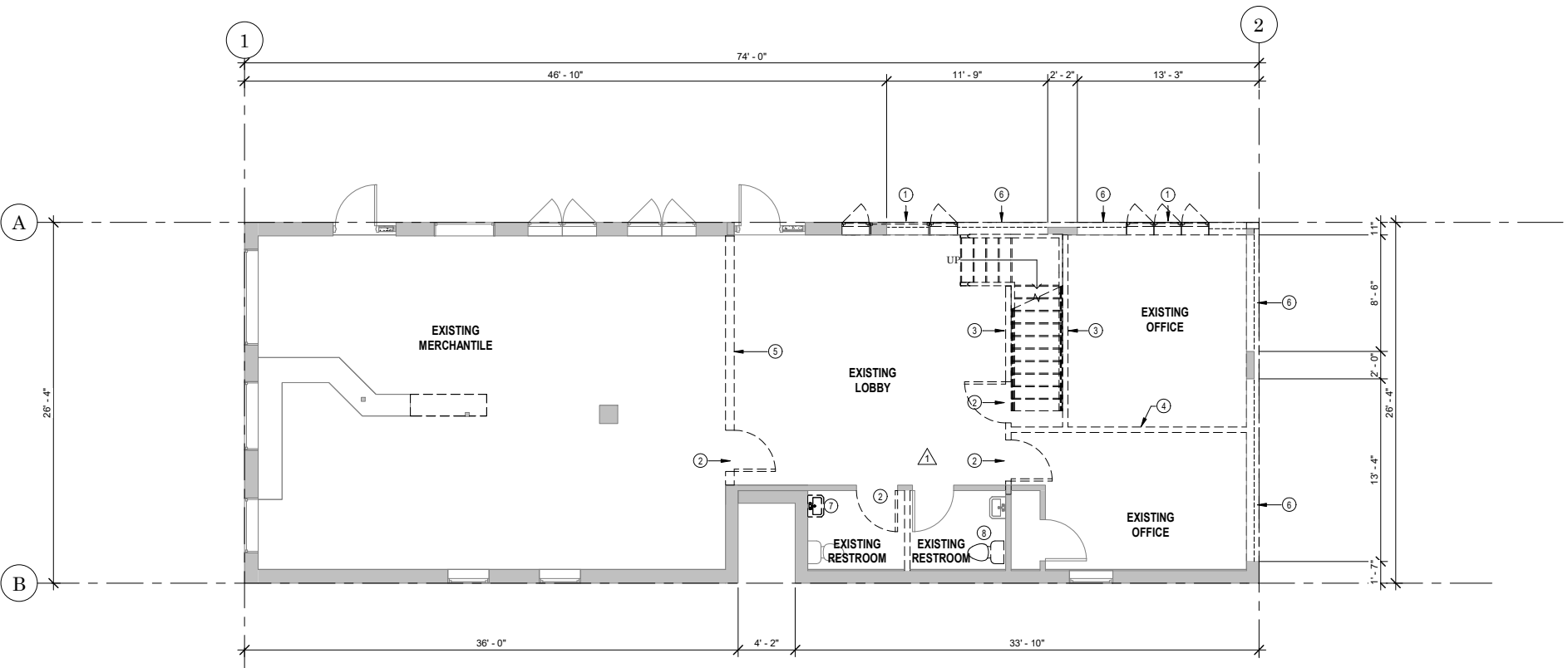
**1 PROPOSED SITE PLAN**  
A0.1 1" = 20'-0"



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**2 FIRST FLOOR**  
A1.0 3/16" = 1'-0"



**1 FIRST FLOOR - DEMOLITION**  
A1.0 3/16" = 1'-0"

- NEW CONSTRUCTION KEYNOTES**
- 1 NEW 3 1/2" x 14" LVL W/ (2) 2x6 SHOULDER STUDS.
  - 2 NEW (2) 2x12 W/ (2) 2x6 SHOULDER STUDS.
  - 3 NEW 2x6 WALL W/ 1/2" APA EXPOSURE RATED SHEATHING, WATER RESISTIVE BARRIER & EXTERIOR SIDING
  - 4 NEW ADA GRAB BARS
  - 5 NEW 4-INCH CONCRETE SLAB ON 2-INCHES EXTRUDED POLYSTYRENE INSULATION, 10-MIL VAPOR RETARDER AND 6 INCHES COMPACTED DENSE STONE BASE.
  - 6 NEW 3 1/2" DIA STEEL POST
  - 7 NEW 3 1/2" x 16" LVL W/ (2) 2x6 SHOULDER STUDS.
  - 8 2x8 PRESERVATIVE TREATED JOISTS @ 16" OC
  - 9 STACKED 2x8 PRESERVATIVE TREATED BEAM
  - 10 PRESERVATIVE TREATED 2x12 STRINGER
  - 11 NEW 2x4 STUDS W/ 5/8" GYPBOARD SHEATHING EACH FACE

- DEMOLITION KEYNOTES**
- 1 EXISTING WINDOWS TO BE REMOVED.
  - 2 INTERIOR DOOR AND FRAME TO BE REMOVED.
  - 3 INTERIOR NON-LOADBEARING WALL TO BE REMOVED
  - 4 INTERIOR 2x4 LOADBEARING WALL TO BE REMOVED.
  - 5 EXISTING 8" MASONRY WALL TO BE REMOVED
  - 6 REMOVE EXTERIOR WALL FRAMING AND BRICK VENEER FOR NEW FRAMED COOLER DOOR OPENINGS
  - 7 EXISTING LAVATORY TO BE REMOVED
  - 8 EXISTING WATER CLOSET TO BE REMOVED



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PROJECT:  
**FRANKSVILLE MARKET  
REMODEL**

PROJECT LOCATION:  
**10616 NORTHWEST AVE.  
CALEDONIA, WI 53126**

**PLAN MODIFICATIONS:**

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Design/Drawn:  
Approved:  
Plan Created:

SHEET TITLE:  
**FLOOR PLANS - FIRST FLOOR**

SHEET NUMBER:

**A1.0**

JSD PROJECT NO: 23-13304



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PLAN MODIFICATIONS:

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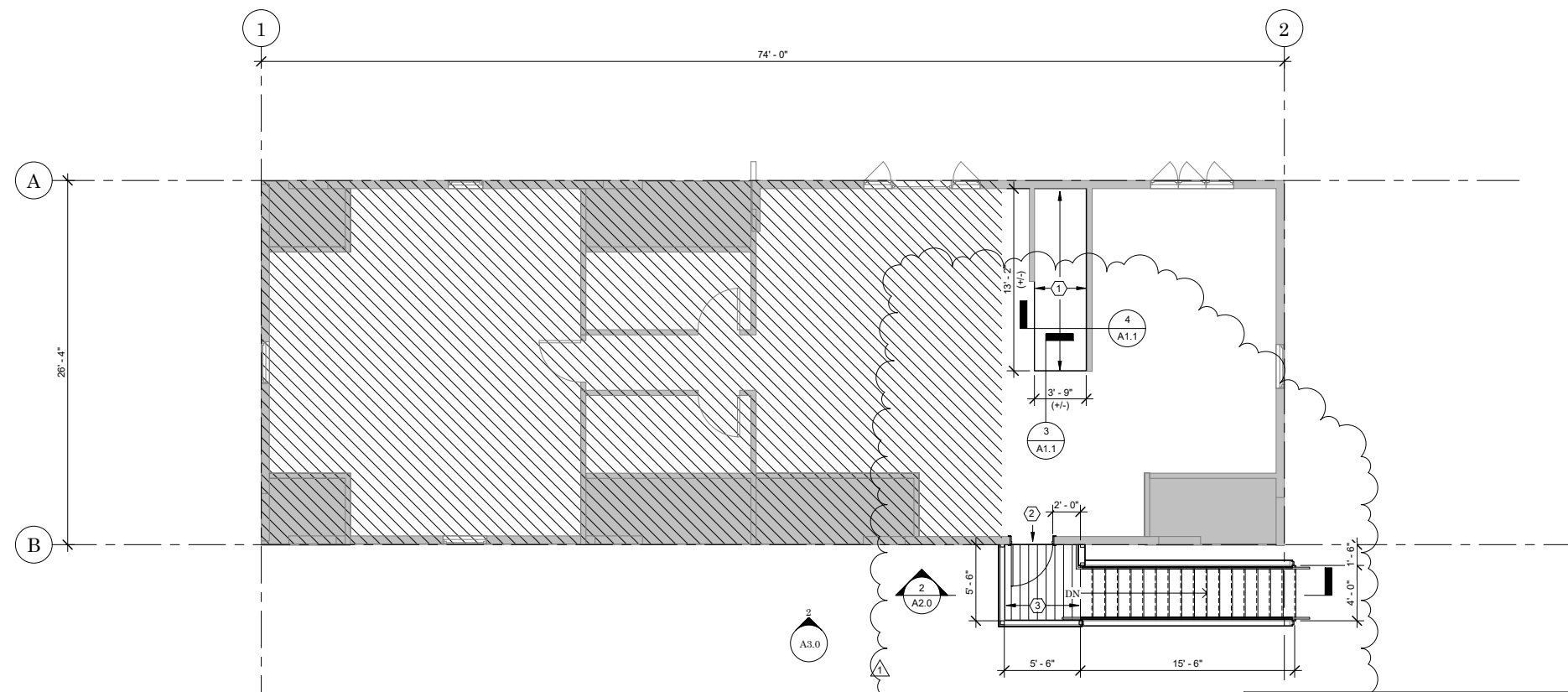
Plan Created:

SHEET TITLE:

**SECOND FLOOR  
PLAN**

SHEET NUMBER:

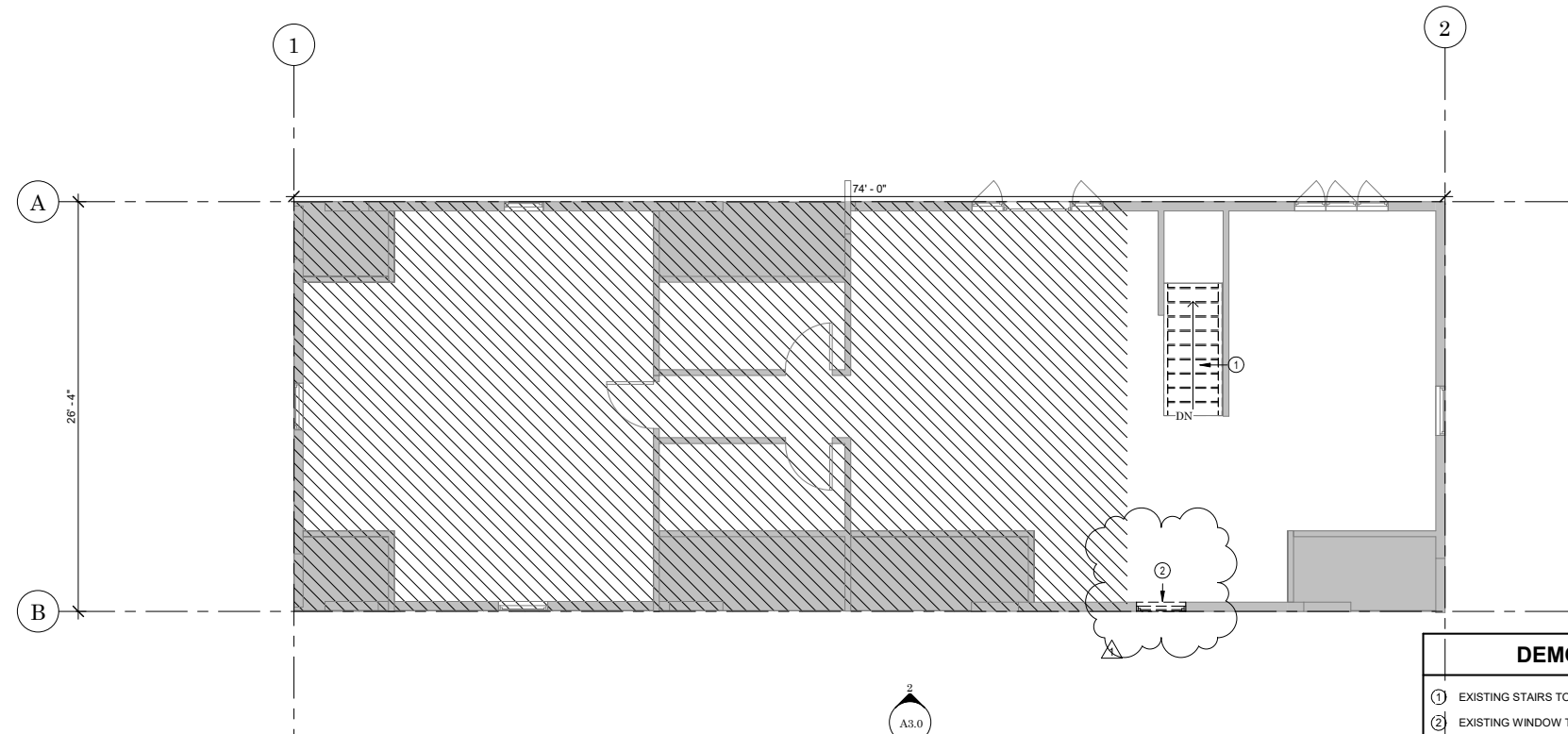
**A1.1**



**2 SECOND FLOOR PLAN**  
A1.1 3/16" = 1'-0"

**NEW CONSTRUCTION KEYNOTES**

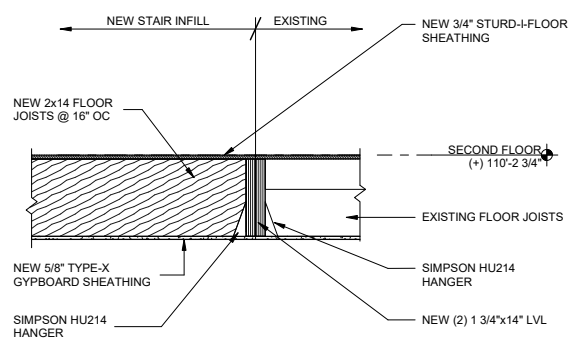
- ① 2x14, SPF #2 OR BETTER FLOOR JOISTS @ 16" OC W/ 3/4" T&G SUBFLOORING.
- ② NEW 36"X80" INSULATED STEEL ENTRY DOOR.
- ③ 5/4x6" PRESERVATIVE TREATED WOOD DECKING



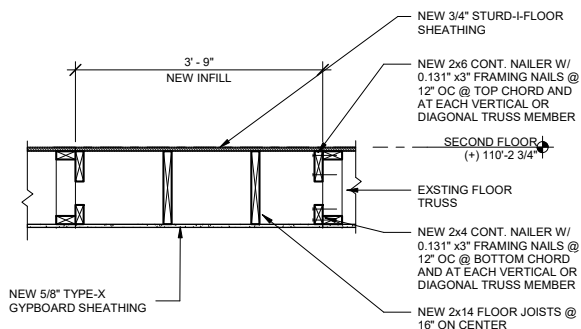
**1 SECOND FLOOR PLAN - DEMOLITION**  
A1.1 3/16" = 1'-0"

**DEMOLITION KEYNOTES**

- ① EXISTING STAIRS TO BE REMOVED
- ② EXISTING WINDOW TO BE REMOVED.



**3 WOOD STAIR INFILL FRAMING**  
A1.1 3/4" = 1'-0"



**4 WOOD STAIR INFILL FRAMING**  
A1.1 3/4" = 1'-0"



PLAN MODIFICATIONS:

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1	8-24-23	REVISION 1
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Design/Drawn:

Approved:

Plan Created:

SHEET TITLE:

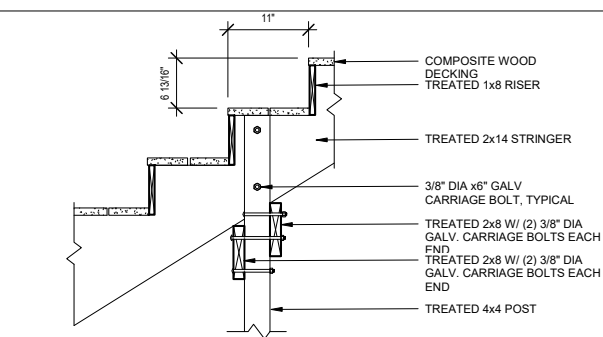
**ROOF PLAN & STAIR SECTIONS**

SHEET NUMBER:

**A2.0**

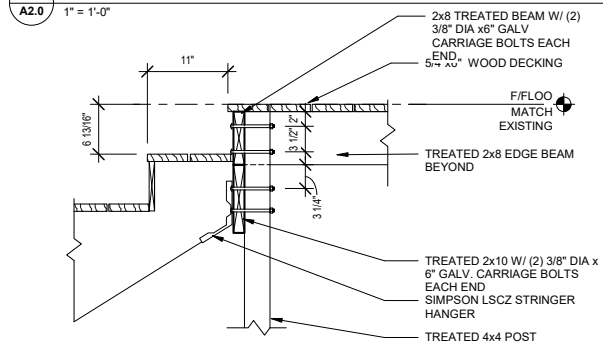
JSD PROJECT NO:

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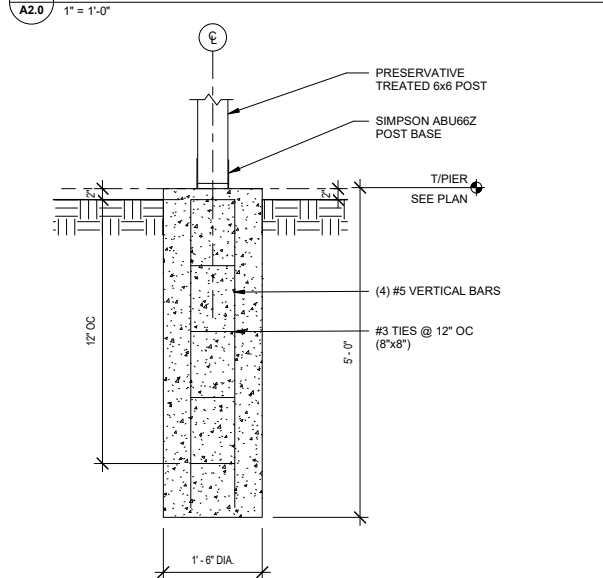
**7 STRINGER SUPPORT BEAM**

A2.0 1" = 1'-0"



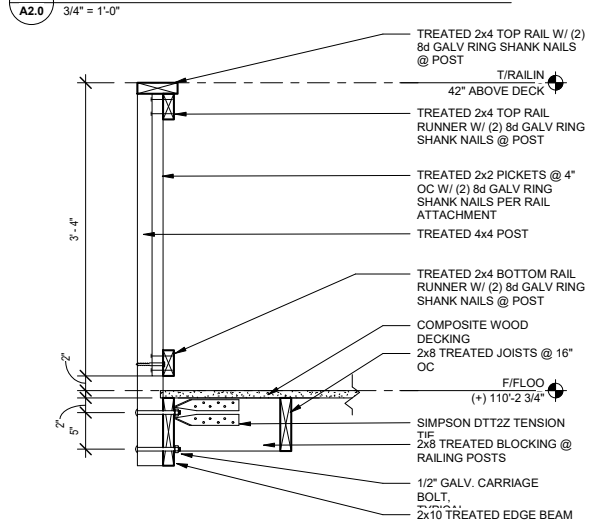
**6 STAIR STRINGER SUPPORT BEAM**

A2.0 1" = 1'-0"



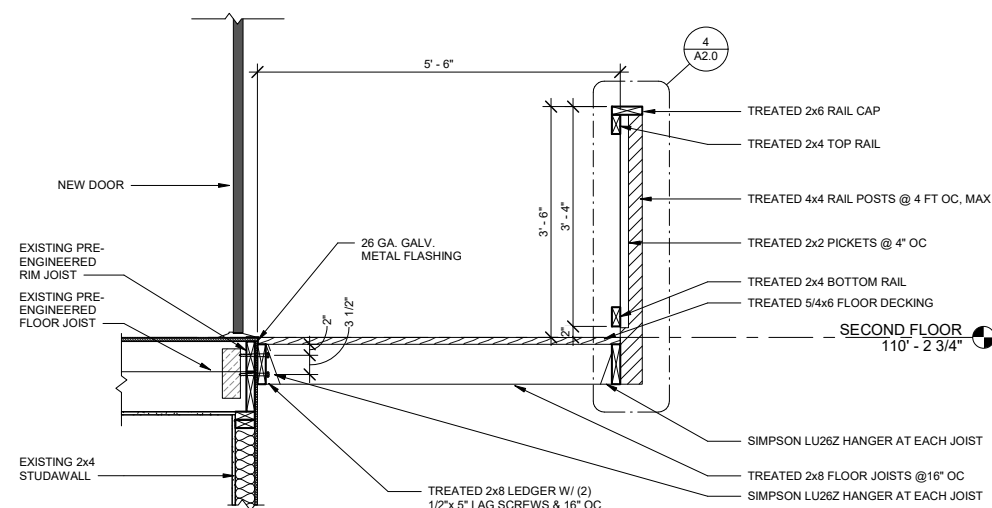
**5 STAIR PIER FOUNDATION**

A2.0 3/4" = 1'-0"



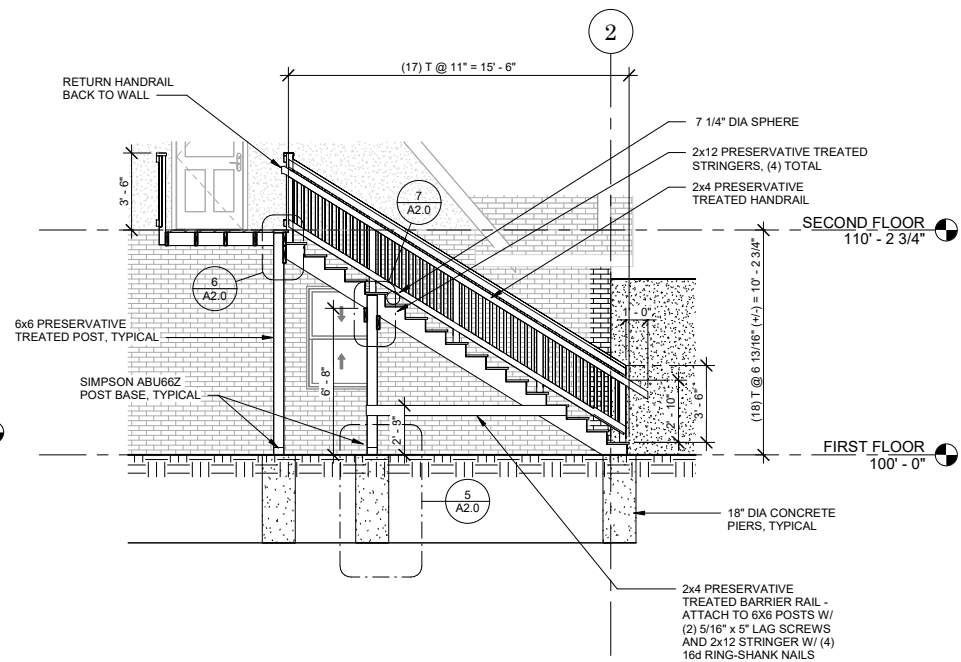
**4 STAIR RAILING DETAIL**

A2.0 1" = 1'-0"



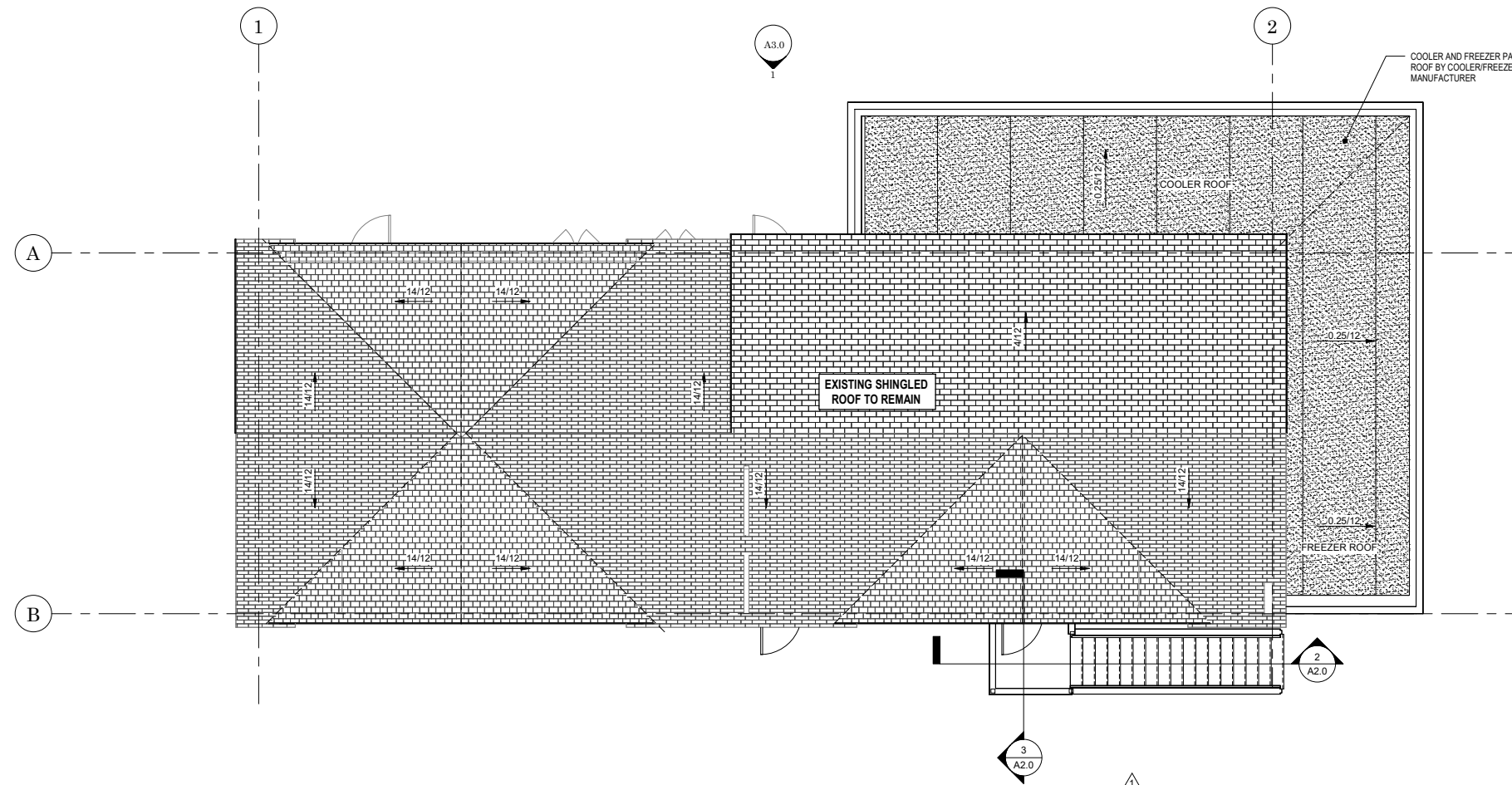
**3 STAIR LANDING SECTION**

A2.0 3/4" = 1'-0"



**2 STAIR RUN SECTION**

A2.0 1/4" = 1'-0"



**1 ROOF PLAN**

A2.0 3/16" = 1'-0"



NORTH



PLAN MODIFICATIONS:

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Approved:

Plan Created:

SHEET TITLE:

**BUILDING  
ELEVATIONS -  
MATERIALS**

SHEET NUMBER:

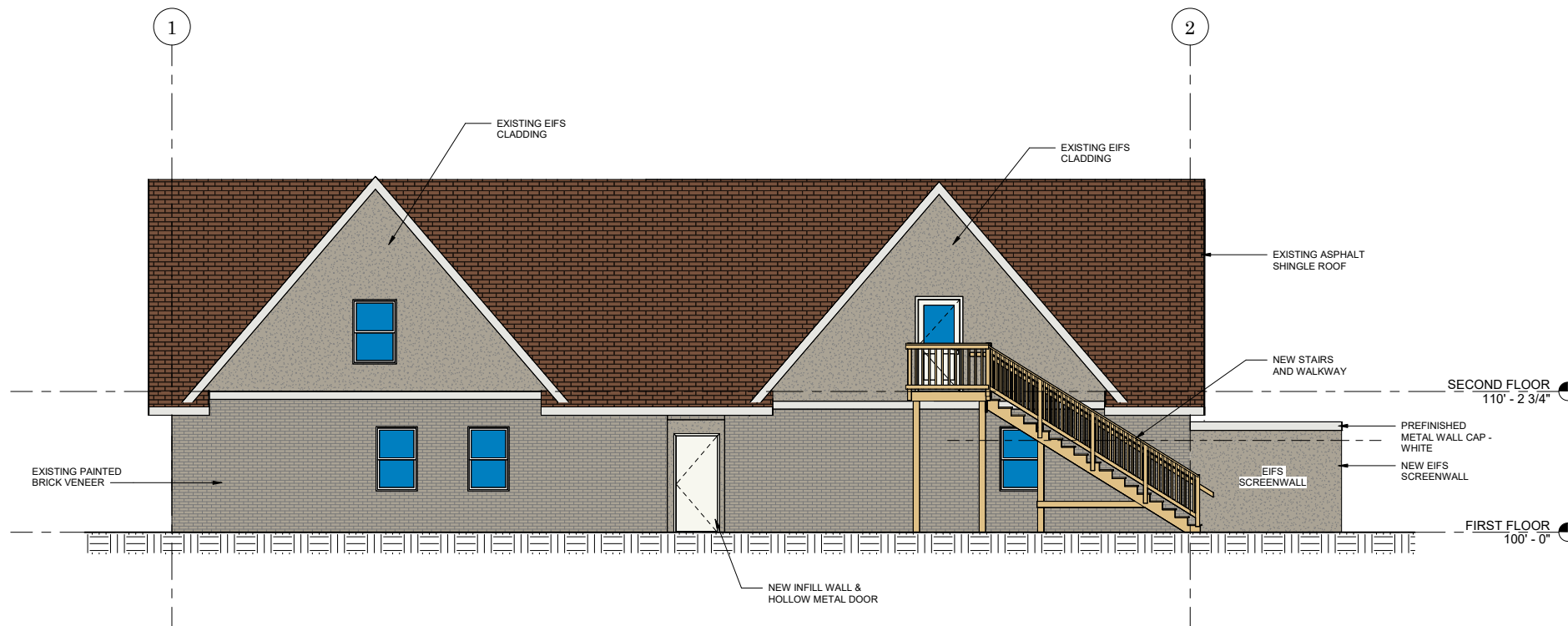
**A3.1**

JSD PROJECT NO:

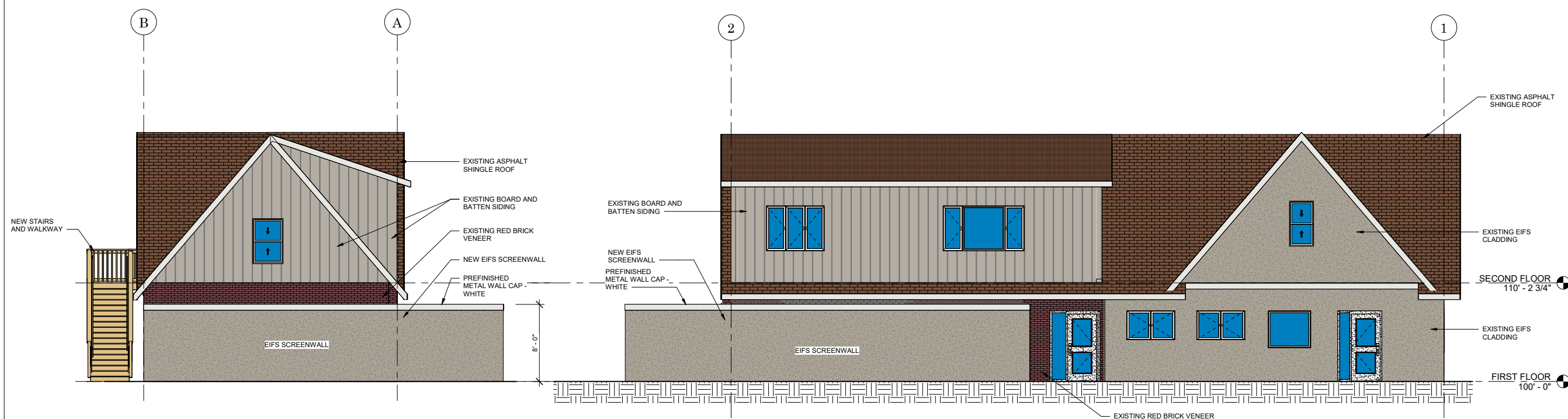
23-13304



EIFS CLADDING  
MATCH EXISTING COLOR



**3 SOUTH ELEVATION - MATERIALS**  
A3.1 3/16" = 1'-0"



**2 EAST ELEVATION - MATERIALS**  
A3.1 3/16" = 1'-0"

**1 NORTH ELEVATION - MATERIALS**  
A3.1 3/16" = 1'-0"