

PLAN COMMISSION

Monday, October 21, 2019

7:00 PM

McFarland Municipal Center
Community Room

AGENDA

1. CALL TO ORDER
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Discussion and action regarding the minutes of the meeting held on September 16, 2019
4. PUBLIC HEARING
 - a. Review and possible recommendation to the Village Board on a request by Seth Allen regarding Ordinance No. 2019-18. An ordinance rezoning 5513 Bremer Road, described as Outlot 26 of the Assessor's Plat of the Village of McFarland, recorded as Document No. 824385 of Dane County Records in Volume 14 of Plats on Pages 16 through 27, being located in Government Lot 1 of Section 3, Township 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, from R-1 Single Family Residence to R-E Elderly Residence.
 - b. Review and possible action regarding amendment, including potential revocation, to a Temporary Conditional Use Permit (CUP), issued to Don Goben, for use by a utility contractor for temporary outside storage of utility construction materials and equipment at 4313 Triangle Street, McFarland property zoned M-IC Manufactured Intensive Commercial.
5. BUSINESS.
 - a. Discussion and action to make a recommendation to the Village Board on a request by Seth Allen regarding Ordinance No. 2019-18. An ordinance rezoning 5513 Bremer Road from R-1 Single Family Residence to R-E Elderly Residence.
 - b. Review and possible action regarding amendment, including potential revocation, to a Temporary Conditional Use Permit (CUP), issued to Don Goben, for use by a utility contractor for temporary outside storage of utility construction materials and equipment at 4313 Triangle Street, McFarland property zoned M-IC Manufactured Intensive Commercial.
 - c. Discussion and action to make a recommendation to the Village Board regarding temporary zoning designations for lands included in the Elvehjem Acres LLC petition for annexation, parcels 0610-013-9160-1 and 0610-013-9700-7.
 - d. Discussion regarding preapplication conceptual review of a proposed 53 unit multi-family development by MSP Real Estate, Inc. for 4845 Taylor Road and 4900 Larson Beach Road.
 - e. Discussion regarding amendments to the Village of McFarland Sign code.
6. STAFF REPORTS

- a. Property Maintenance Report
 - b. Directors Report
7. SCHEDULE NEXT MEETING DATE.
- a. Monday, November 18, 2019 at 7:00 pm.
8. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

Working Draft - Minutes

Plan Commission

Meeting

September 16, 2019

Members Present: Dan Kolk, Brad Czebotar, Peter Bloechl-Anderson, Scott Peters

Members Absent: Tom Rogers, Bruce Fischer, Eric Green

Staff Present: Andrew Bremer, Karen Knoll

1. CALL TO ORDER

Czebotar called the meeting to order at 7:00 p.m.

2. PUBLIC APPEARANCES - None

3. APPROVAL OF MINUTES

- a. Motion to approve the minutes of the August 19, 2019 Plan Commission meeting.

Czebotar called the minutes from the August 19, 2019 meeting approved by unanimous consent.

4. PUBLIC HEARING:

- a. On a Conditional Use Permit, request by Ginger Bread House Preschool, allowing for use of a temporary parking lot at 4845 Taylor Road.

Czebotar opened the public hearing at 7:01 p.m.

Matt Kuehl owner of Gingerbread House Preschool. They currently have a temporary gravel parking lot based on a CUP that expired on June 1, 2019. They did not move to renew at that time as they thought the lot was sold. At this time, they would like to request a CUP for the temporary parking lot to be allowed until June 1, 2021 allowing them time to either move forward with the sale of the property or request a more permanent parking lot.

Czebotar closed the public hearing at 7:04 p.m.

- b. On Ordinance No. 2019-17, request by Damian Kraemer, to rezone part of Lot 4, Block 4, Edwards Park (part of Parcel 071034331040), 4519 & 4521 Field Avenue, from C-G Commercial General to R-2 Single and Two Family Residence. Czebotar opened the public hearing at 7:05 p.m.

Ron Combs of Combs and Associates representing Mr. Kraemer on this proposal. They are looking to rezone the property from commercial to residential as there is currently a home on the site, with a CSM they will be adding a small parcel of land to clean up the lot lines so the business is all on one site and the residence is on its own site.

Czebotar closed the public hearing at 7:06 p.m.

- c. On a Certified Survey Map, request by Damian Kraemer, in order to combine parcels located at 5100 Erling Avenue.

Czebotar opened the public hearing at 7:06 p.m., with no one wishing to speak. Czebotar closed the public hearing at 7:06 p.m.

- d. On a Certified Survey Map, request by John Fontain Inc., to create four residential parcels located at 5406 Siggelkow Road.

Czebotar opened the public hearing at 7:07 p.m.

Brandon Cook, current owner of the property summarized previously there was a CSM approved which the previous owner did not record. Cook would like to divide this parcel into four separate lots at this time.

David Alsmo – on behalf of his mother, who owns the neighboring property, addressed concerns over the layout, and number of driveways accessing Siggelkow Road.

Cook replied he is removing the barn and the building at the rear of the property. The house potentially will be moved onto lot one, and the garage would be relocated to be closer to the road. He is looking to have the homes sit closer to Siggelkow Road so they have larger backyards. He had looked at circle type driveways, but was advised that would not work. He is now looking at four separate driveways, as he is not sure that homeowners would want to share driveways.

Rick Knoche - 5407 Calico Court – has concerns over the additional impervious surface and homes, how will the water issues be handled. They currently have water issues with the current layout, with additional homes it will only increase. The area around them rarely dries out.

Cook responded he feels it would actually be reducing the amount of permeable land with the removal of the barn and shed.

Armintie Hammonds - 5403 Calico Court – is concerned over the quality of the homes, which would be built on the site. They do not want to see something, which would lower the value of their home. She also voiced concerns over the water issues in the area; they currently have problems with water and flooding in the area and feel additional homes will only add to that. Hammonds wanted to know the actual size of the lots.

Cook responded if he moves the current home, he intends to build three homes in the \$350,000 - \$400,000 range. He originally was going to work with the Fire Department to do training on the existing house; however, he feels it has good potential and is looking to move it. The current home would have a new foundation and upgrades. There will be four equal sized lots.

Czebotar closed the public hearing at 7:18 p.m.

5. BUSINESS

- a. Discussion and action regarding a Conditional Use Permit, by Ginger Bread House Preschool, allowing for construction and use of a temporary parking lot at 4845 Taylor Road.

Czebotar summarized this is a CUP which was granted on January 1, 2018 and expired on June 1, 2019. There are no changes to the conditions approved in 2018; it will continue to be a gravel parking lot for their staff. Kuehl advised he is asking for approval until June 1, of 2021 due to his potential buyers having timelines taking until fall of 2020. He would like until the following spring, as his parking lot is part of the process of the potential sale.

Czebotar moved to approve a request for a Conditional Use Permit, for Ginger Bread House Preschool, allowing for construction and use of a temporary parking lot at 4845 Taylor Road, with an expiration date of June 1, 2021. Kolk seconded the motion. Motion carried 4-0.

- b. Discussion and action to make a recommendation to the Village Board on Ordinance No. 2019-17, request by Damian Kraemer, to rezone part of Lot 4, Block 4, Edwards Park (part of Parcel 071034331040), 4519 & 4521 Field Avenue, from C-G Commercial General to R-2 Single and Two Family Residence.

Czebotar inquired if the parties residing in the home are open to having the additional land added to their property. Combs replied Mr. Kraemer owns both parcels and will be looking to sell the residence. He is looking to clear up the property lines with the rezoning and CSM.

Czebotar moved to recommend approval to the Village Board on Ordinance No. 2019-17, request by Damian Kraemer, to rezone part of Lot 4, Block 4, Edwards Park (part of Parcel 071034331040), 4519 & 4521 Field Avenue, from C-G Commercial General to R-2 Single and Two Family Residence. Kolk seconded the motion. Motion carried 4-0.

- c. Discussion and action to make a recommendation to the Village Board on a Certified Survey Map, request by Damian Kraemer, in order to combine parcels located at 5100 Erling Avenue.

Czebotar moved to recommend approval to the Village Board a Certified Survey Map, request by Damian Kraemer, in order to combine parcels located at 5100 Erling Avenue. Peters seconded the motion. Motion carried 4-0.

- d. Discussion and action to make a recommendation to the Village Board on a Certified Survey Map, request by John Fontain Inc., to create four residential parcels located at 5406 Siggelkow Road.

Bremer made a point of clarification, as the lots are currently zoned R-1, the four lots will continue to be R-1 zoning. In order to build on the lots Cook will need to apply for building permits, including erosion control; however those types of reviews would be at a staff level and would not go back to the Plan Commission or Village Board. Czebotar inquired how the concerns raised tonight are addressed. Bremer replied he will notify the Building Inspector and Village Engineer of the concerns raised tonight. Czebotar directed concerned parties they could leave their name with the clerk so they could be contacted as the project proceeds. Staff can also provide contact information for the Public Works Director regarding concerns over the water issues.

Bremer stated as this is an infill lot he is recommending the Plan Commission recommend fee's in lieu rather than parkland dedication for this project. There are also some deferred assessments and MMSD fees for this property. Kolk felt as the plans move forward reviewing the driveway layout is important as access to Siggelkow Road is going to be challenging.

Czebotar moved to recommend approval to the Village Board a Certified Survey Map, request by John Fontain Inc., to create four residential parcels located at 5406 Siggelkow Road, recommending fees in lieu to be paid in place of land dedication. Peters seconded the motion. Motion carried 4-0.

- e. Discussion and action to schedule a public hearing to revoke the Conditional Use Permit for 4313 Triangle Street for temporary outdoor storage.

Bremer summarized on October 15, 2018 the Plan Commission approved a temporary Conditional Use Permit for outside utility staging storage at 4313 Triangle Street. This related to TDS work in the Village. As part of the approval, there was a requirement for the fence to have tan slats, and around the front and side of the fence was to be landscaping. To date the slats and the landscaping have not been installed. Per the ordinance, the Plan Commission has to meet to decide if they want to consider holding a public hearing regarding the CUP. At that time, there are various options, which would be considered. Bremer would like to see the Commission move forward with the public hearing and at least set a time limit on the CUP as when it was issued there was not one. You also have the option of not holding a public hearing and waiting to see if the owner meets the conditions.

Commissioners discussed options, potential end dates for the project and the need for outdoor storage at the site. Kolk questioned what a public hearing would add. When this was approved the Plan Commissions requirements were very clear, the owner was clear he understood what was expected, and, that his deadline for completion of the fence and landscaping was June 1, 2019. While it is clear this is an issue between the property owner and his tenant, Kolk saw no reason not to move forward. Czebotar inquired of Bremer if the property owner was aware this was going to be on tonight's agenda. Bremer responded yes the owner was aware this would be on tonight's agenda.

Czebotar moved to schedule a public hearing to determine whether to revoke the Conditional Use Permit for 4313 Triangle Street for temporary outdoor storage to be held October 21, 2019. Bloechl-Anderson seconded the motion. Motion carried 4-0.

6. STAFF REPORTS

- a. Property Maintenance – no comments
- b. Director Report – no comments

7. SCHEDULE NEXT MEETING DATE

- a. Next meeting October 21, 2019

8. ADJOURNMENT

Motion to adjourn by Kolk, Czebotar called the meeting adjourned by unanimous consent. Meeting adjourned at 7:46 p.m.

Please publish in the
McFarland Thistle on
October 3rd and October 10, 2019

**VILLAGE OF MCFARLAND
NOTICE OF PUBLIC HEARING
BEFORE THE PLAN COMMISSION**

NOTICE IS HEREBY GIVEN that there will be a public hearing before the Plan Commission on Monday, October 21, 2019 at 7:00 p.m. in the Community Room of the Municipal Center, 5915 Milwaukee St., McFarland, Wisconsin, at which time interested parties and citizens shall have an opportunity to be heard concerning the following:

Review and possible recommendation to the Village Board on a request by Seth Allen regarding Ordinance No. 2019-18. An ordinance rezoning 5513 Bremer Road, described as Outlot 26 of the Assessor's Plat of the Village of McFarland, recorded as Document No. 824385 of Dane County Records in Volume 14 of Plats on Pages 16 through 27, being located in Section 3, Township 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, from R-1 Single Family Residence to R-E Elderly Residence.

Information and maps regarding this zoning request are available for viewing at the Village of McFarland Community Development office, 5915 Milwaukee Street, McFarland, WI 53558 (Monday-Friday, 8:00 a.m. to 4:00 p.m.) and at the E.D. Locke Public Library, 5920 Milwaukee Street, McFarland, WI 53558 (Monday-Thursday 9:30 a.m. to 8:00 p.m.; Friday-Saturday 9:30 a.m. to 5:30 p.m.; and Sunday 12:30 p.m. to 3:00 p.m.).

If you cannot attend the meeting, please submit your written or email comments to the Plan Commission before October 21, 2019. The mailing address is:

Village of McFarland
Community Development Department
PO Box 110
McFarland, WI 53558-0110
community.development@mcfarland.wi.us

Respectfully submitted by,
Andrew Bremer
Community and Economic Development Director

Please publish in the
McFarland Thistle on

October 3rd and October 10, _____, 2019

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Review and possible action regarding amendment, including potential revocation, to revoking a Temporary Conditional Use Permit (CUP), issued to Don Gobin, for use by a utility contractor for temporary outside storage of utility construction materials and equipment at 4313 Triangle Street, McFarland property zoned M-IC Manufactured Intensive Commercial.

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Respectfully submitted by,
Andrew Bremer
Community and Economic Development Director



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, October 21, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board on a request by Seth Allen regarding Ordinance No. 2019-18. An ordinance rezoning 5513 Bremer Road from R-1 Single Family Residence to R-E Elderly Residence.

PREVIOUS ACTION:

None

ISSUE SUMMARY:

Seth Allen is requesting rezoning 5513 Bremer Road (parcel 0610-032-2306-6) from R-1 Single Family Residence to R-E Elderly Residence in order to construct a 40-unit memory care facility (Community Based Residential Facility). The first 20-unit building would be constructed in 2020 with a second 20-unit building in 2023-2025 depending on market conditions. Staffing for phase 1 would consist of 3-5 employees on-site at one time. The applicant has an option to purchase the property and has completed a plat of survey which shows the parcel is 2.087 acres and includes 34.62' of frontage on Bremer Road with additional access to the cul-de-sac on Terminal Drive.

Community Based Residential Facilities (CBRF) up to 8 people are a permitted use in R-1 district. The R-E district allows Elderly occupied dwellings up to 21 units per acre and CBRF facilities over 8 people as conditional uses. The R-E district also allows elderly occupied dwellings up to 10 units per acre, two-family dwellings, and zero lot line dwellings as permitted uses. These uses are not allowed in the R-1 district and from that standpoint the R-E district is more compatible with the Village's Comprehensive Plan than the existing R-1 district (see below). The applicant is seeking to construct a CBRF up to 40 people, which will require a conditional use permit from the Village. This would occur in conjunction with approval of a site design plan, sometime in 2020 after determination on the rezone request. The applicant has submitted two conceptual site plans along with the rezoning application. The applicant is not seeking approval of a site plan or building design at this time and this information is provided only for informational purposes. The Plan Commission may provide the applicant non-binding feedback regarding these concept plans; however, the action at this time is limited to the rezoning request.

Consistency with the Village's Comprehensive Plan:

The parcel is identified as Two Family and Townhouse Residential on the Future Land Use Map of the Village's Comprehensive Plan. This map and a description of this future land use category (Figure 4.1) are included in the packet. Per Figure 4.1, duplexes and two-flats, townhouses, single family residences, small-scale institutional and recreational uses served by public sanitary sewer and water systems are the land uses



generally allowed within this future land use category. Typical implementing zoning districts include R-2, **R-E**, PD, and PD-I. Given the information in Figure 4.1, a rezone from R-1 to R-E is deemed in Village Staff's opinion to be consistent with the Future Land Use plan. In addition, page 64 of the Comprehensive Plan includes as a housing initiative, supporting housing and services for older residents including memory care facilities and CBRF. The applicant has noted no existing memory care facilities exist in McFarland and has submitted to Village Staff the following research regarding facilities in surrounding municipalities:

Cottage Grove ~ Population 7,000: 44 Memory Care Units. Full

Stoughton ~ Population 13,000: 100+ Memory Care Units.

Monona ~ Population 8,000: 63 Memory Care. Limited Availability.

Verona ~ Population 10,600: 44 Memory Care. Full with 20+ person waiting list.

Oregon ~ Population 10,300: 40 Memory Care. Full. Adding 20 this Winter.

Site and neighborhood compatibility:

The property is currently undeveloped, consisting mostly of woodlands and shrubs with elevations ranging from 885 to 855 feet. Public water and sewer utilities are adjacent to the property on Bremer Road but not on Terminal Drive. The closest fire hydrant (and water main on Terminal Drive is about 650 feet north of the cul de sac; therefore, depending on the final location of buildings on the site the developer may need to extend water service on Terminal Drive.

The project site is within a neighborhood the includes a mix of land-uses including:

West, across Bremer Road, single family residential

North, planned duplexes (Bouffiou) and undeveloped

East, Terminal Drive and USH 51

South, mixture of single family, duplex, institutional (lift station), multi-family (Waubesa Shores), and commercial development

The applicant has stated a desire to maintain much of the woodlands for the benefit of the future residents/neighborhood and to develop the building with a pitched roof to be consistent with the residential feel of the neighborhood.

The project site lies within 800 feet of USH 51. Proposed traffic impacts to the neighborhood should be minimal as the proposed phase 1 development would include 3-5 employees on-site at one-time. Residents would not drive so additional traffic would be limited to visitations and deliveries.

The future conditional use and site plan review process will provide the Village with the opportunity to address concerns related to site and building design to enhance site and neighborhood compatibility.

FINANCIAL/BUDGET IMPACT:



VILLAGE PLAN REFERENCE:

The property is identified as Two Family and Townhouse Residential in the Village's Comprehensive Plan.

ORDINANCE REFERENCE:

Section 62-64 Parkland dedication for lots existing prior to 1966 or new dwelling units not involving a land division

Section 62-68(k) R-E Elderly Residence District

Section 62-69 Permitted Uses - Residential Districts

Section 62-70 Bulk Standards - Residential Districts

Division 4 - Changes and Amendments to the Zoning Code

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Presented for recommendation to the Village Board, including recommendation to require fees in lieu of parkland dedication.

ATTACHMENTS:

1. 10.21.19 - PC - Allen - rezone - 5513 Bremer Rd
2. Concept Alt 1-September 30, 2019
3. Concept Alt 2-September 30, 2019
4. 5513 Bremer Road Aerial
5. McFarland_Comprehensive_Plan_-_Future_Land_Use_Map
6. Figure 4.1
7. 2019-18 Rezoning 5513 Bremer Road

**Village of McFarland
Community Development Department**

RECEIVED

SEP 10 2019

VILLAGE OF MCFARLAND

Plan Commission Application – 2019

~Please complete application in full~

Applicant - Owner	Seth Allen (under Accepted Offer to Purchase)	Applicant's Agent	Quam Engineering, LLC
	Xianjing Shan - Owner	Name	Matthew E. Hoglund, P.L.S.
Applicant Address	2416 Stone Crest Court Stoughton, WI 53589	Address	4604 Siggelkow Rd - Suite A McFarland, WI 53558
Email	seth1allen@gmail.com	Email	mhoglund@quamengineering.com
Phone #	(218) 591-7624 Cell	Phone #	608-838-7750
Fax #		Fax #	608-838-7752

Type of Proposal – Please check boxes below that apply - Parcel No(s). 154/0710-343-5525-7

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$275+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☒ Rezoning (map)	\$175+	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+F	☐ Zoning Amendment (text)	\$250+F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ Variance-Board of Zoning Appeals	\$250+F	☐ Final Plat (reapplication)	\$400 +DF
				☐ Site/Design Review	\$400 + F
Escrow Deposits (covers costs for outside consultants; e.g., engineers, attorneys, etc.)					
				☐ R-E, R-3 & PD (up to 50 acres)	\$5,000
				☐ R-E, R-3 & PD (greater than 50 acres)	\$10,000
				☐ Commercial Site/Design Review (5,000 sq. ft. or more)	\$2,000
				☐ All Plats including condominiums	\$5,000

+ = Plus publication and notification charges

A = Plus \$50.00 per lot

B = Any preliminary plat which has previously been reviewed/revised within the last 36 months

C = Plus \$50.00 for each lot within the final plat

D = Any final plat which has been previously reviewed or/ revised within the last 36 months

E = Plus \$40.00 for each unit shown

F = Plus actual legal, engineering and financial consulting costs incurred by the Village

G = Plus \$25.00 per lot for two or more lots.

Nature of the development proposal: Must provide address of proposed development, legal description and description of proposal. (Attach additional paper if needed)

Rezone property at 5513 Bremer Road from R1 to RE, legal description and map attached, and description of proposal is attached.

What action is the applicant requesting of the Plan Commission?

Rezoning Approval

Has this specific proposal been previously discussed or acted upon by the Plan Commission?

☐ YES ☒ NO (If "yes" state the nature and the date(s) of the previous application.)

PLEASE READ AND SIGN ON THE REVERSE SIDE - AT THE BOTTOM

Schedule: The Village of McFarland Plan Commission conducts meetings on the third Monday of each month at 7:00 p.m. at the McFarland Municipal Center in the Community Room. To ensure adequate time for staff review, and publication of legal notices, all potential agenda item materials are required to be submitted, per the schedule listed below. * **Twelve (12) Copies** of all materials, **one copy must be 8 ½ x 11, - 11 copies to be 11 x 17** (*only one copy of application, completed in full, is necessary*) shall be submitted to the Community Development Department (608-838-3154), with fees paid **by NOON of the deadline day**, according to the following schedule:

Village of McFarland Plan Commission 2019 Schedule

***Submittal Deadline Noon on:**

For Scheduled 2019 Meeting date of:

December 12 (2018) -----January Tuesday Jan. 22

January 8-----February 18

February 12-----March 18

March 12-----April 15

April 9-----May 20

May 14-----June 17

June 11 -----July 15

July 9 -----August 19

August 13-----September 16

September 10 -----October 21

October 8 -----November 18

November 5 -----December 16 (Pending)

December 10----- (Pending) Tuesday, Jan. 21, 2020

*** Submittal deadline: No exceptions can be given for above deadlines**

- **Materials submitted for review after the submittal deadline date (or incomplete submittals) will be held over until the next scheduled meeting.**
- **I understand failure to provide required materials/information/fees by the submittal deadline can result in this application being withdrawn for consideration by the Plan Commission. In addition any fees not paid for (i.e. legal notices, mailings, etc.) will require any permits to be withheld until all payments are made in full.**

X Sarah N. Allen

Signature of Applicant/Agent

9-10-19

Date

Attachment to Plan Commission Application

Project Description 5513 Bremer Road Project

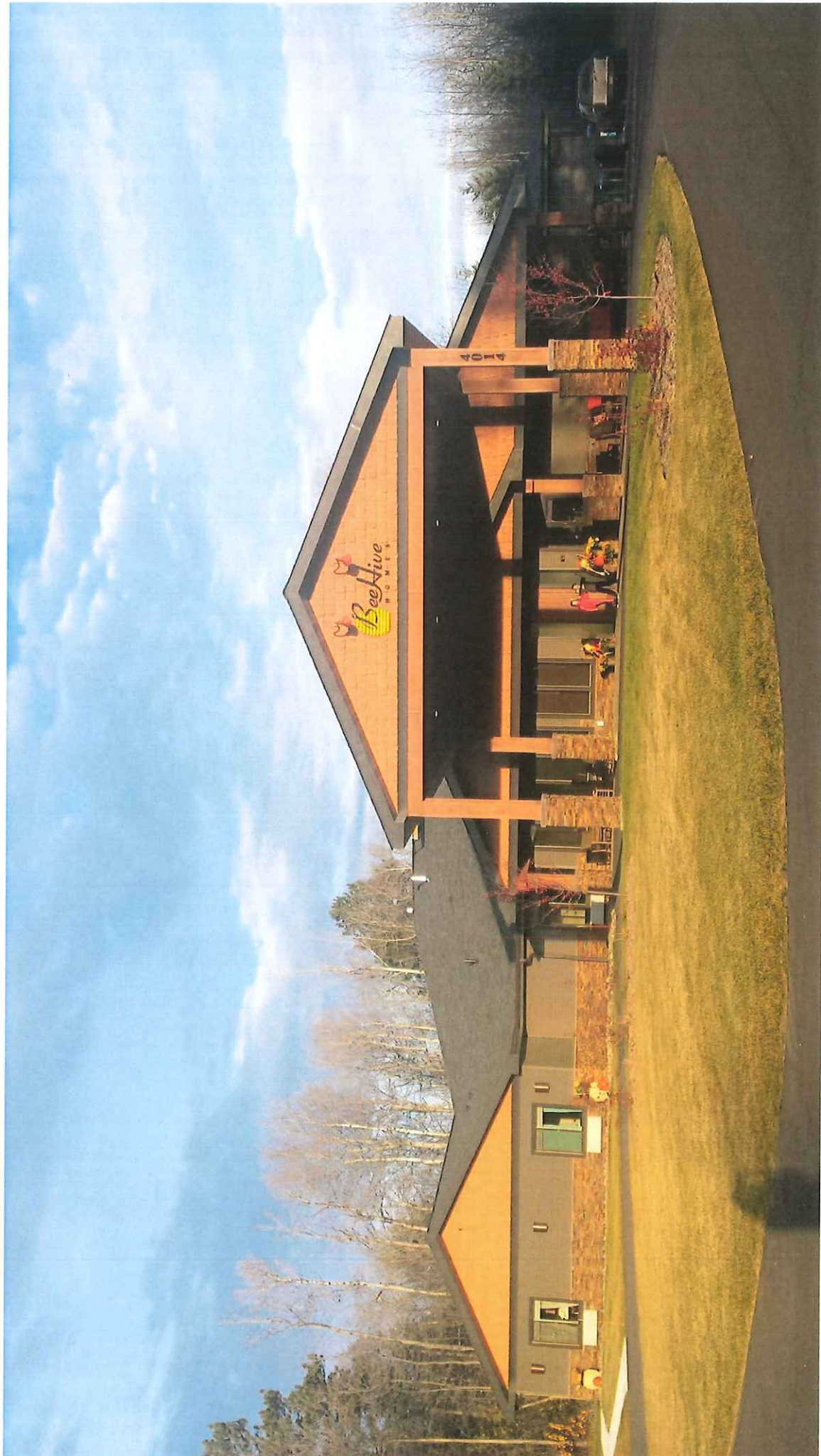
I am requesting a rezone of the property located at 5513 Bremer Road from R1 to RE. I will be proposing a Concept for up to 40 beds in an assisted living memory care facility on the property. The proposed building will be a single story and will offer 24-hour care for the residents living at the facility. The proposed memory care residence will be family owned and operated. The primary focus will be on memory care in a family-style living environment with design, security, and care specifically designed to suit the care needs for residents with dementia and Alzheimer's. Licensing will be through the Division of Quality Assurance in the Wisconsin Department of Health Services as a Community Based Residential Facility. Initial licensing and inspection will occur prior to opening, with license renewal every two years. It is my understanding that McFarland does not currently have any assisted living facilities that offer memory care services.

The first phase of the project is for the first building which will have up to 20 beds and as well as the full site grading, parking lot, and the landscaping shown in the first phase. The first building will be approximately 12,000 square feet. We prefer to keep as many mature trees as possible on the site in order to keep a home/park feel to the property. Staffing will be 3-5 employees on site depending on the time of day with 8-hour shifts. Traffic should be minimal as residents do not drive. The second phase of the project will have up to 20 additional beds in the second building (the buildings will possibly be connected by a short hallway or attached through a shared kitchen) as well as the landscaping in this portion of the site. The building(s) will have a pitched roof with a residential feel. Ideally, we would break ground in April 2020, with hopes of opening phase 1 in the fall of 2020. If phase 2 were to move forward we would target 2023-2025.

RECEIVED

SEP 10 2019

VILLAGE OF MCFARLAND



RECEIVED

SEP 10 2019

VILLAGE OF McFARLAND



RECEIVED

SEP 10 2019

VILLAGE OF MCFARLAND

RECEIVED

Legal Description

Outlot 26 of the Assessor's Plat of the Village of McFarland, recorded as Document No. 824385 of Dane County Records in Volume 14 of Plats on Pages 16 through 27, being located in Government Lot 1 of Section 3, Township 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, being more particularly described as follows:

COMMENCING at a found aluminum monument at the Meander Corner of Lake Waubesa lying on the North line of said Section 3;

thence, along the North line of the Northwest one-quarter of said Section 3, North 88°47'20" East, 208.24 feet to a found 3/4" rebar at the Northwest corner of said Outlot 26 and the **POINT OF BEGINNING**;

thence, continuing along said North Line and the North line of said Outlot 26, North 88°47'20" East, 654.40 feet to the Northeast corner of said Outlot 26, lying North 88°47'20" East, 22.14 feet from a set 3/4" by 24" iron rebar lying on the Westerly right-of-way line of Terminal Drive (formerly U.S. Highway 51);

thence, along the Easterly line of Outlot 26, South 07°43'21" East, 43.93 feet to the beginning of a tangent curve, being concave Westerly, having a radius of 1113.28 and a chord which bears South 05°06'14" East, 101.73 feet;

thence Southerly, 101.76 along the arc of said curve through a central angle of 05°14'15" to the Southeast corner of said Outlot 26, lying South 89°56'51" East, 22.02 feet from a set 3/4" by 24" iron rebar lying on said Westerly right-of-way line;

thence, along the South line of said Outlot 26, North 89°56'51" West, 469.74 feet to a found 1/2" rebar at an angle point in the Northerly line of Lot 1 of Certified Survey Map No. 4751;

thence, along the Southerly line of said Outlot 26 and said Northerly line and its Westerly extension, South 84°32'33" West, 169.00 feet to a set 3/4" by 24" iron rebar at the Southwest corner of said Outlot 26;

thence, along the Westerly line of said Outlot 26, North 12°01'11" West, 149.96 feet to the **POINT OF BEGINNING**, containing 90,891 square feet or 2.087 acres, more or less.

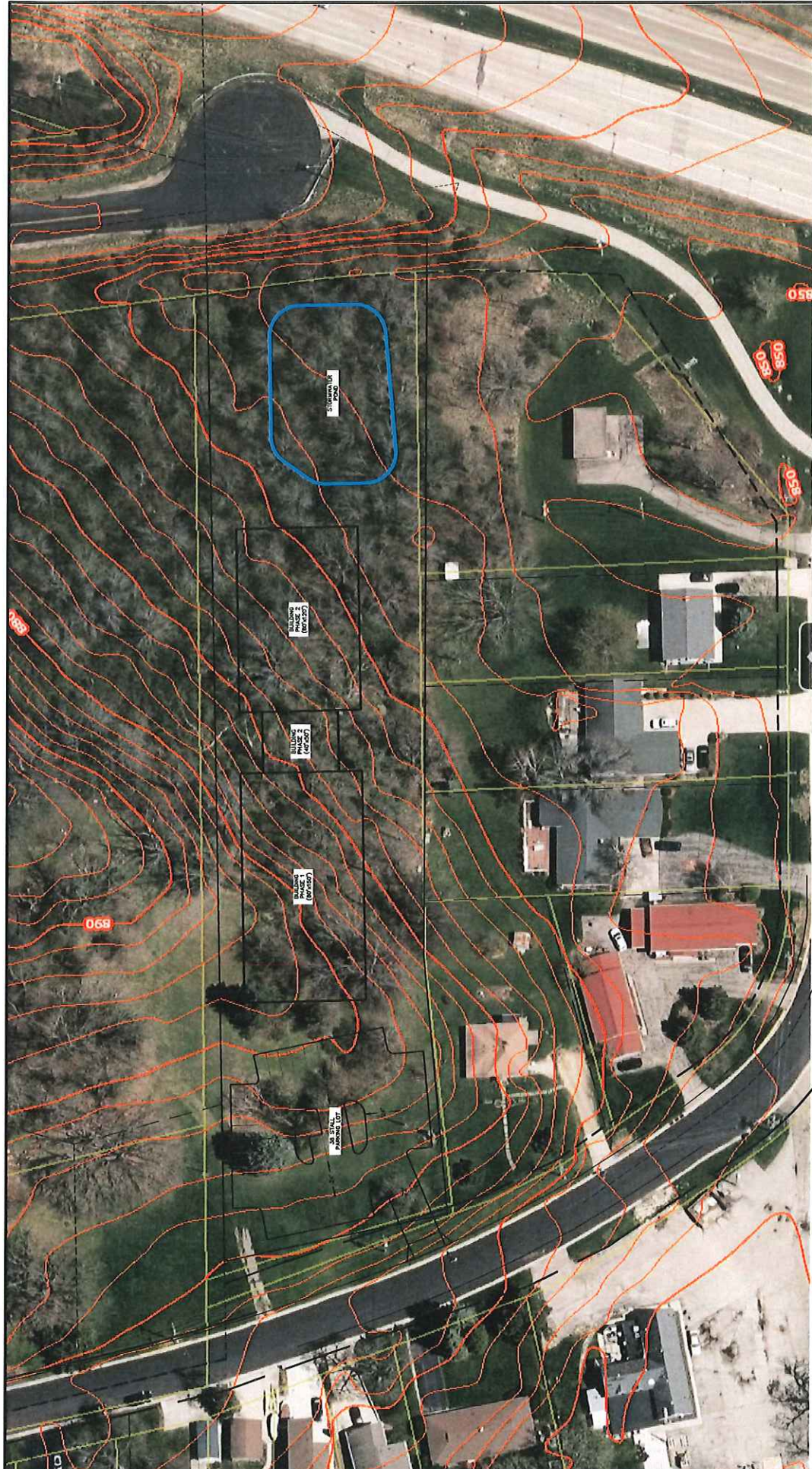
BEING SUBJECT TO an easement for public street purposes over the Easterly 22 feet thereof for Terminal Drive and an easement for public street purposes for Bremer Road as shown on the Plat of Survey by Quam Engineering, LLC dated September 10, 2019. **ALSO BEING SUBJECT TO** all other easements and agreements, if any, of record and/or fact.

The above described parcel is shown on the Plat of Survey by Quam Engineering, LLC dated September 10, 2019 for Project No. SA-37-19 and by this reference made a part hereof.

RECEIVED

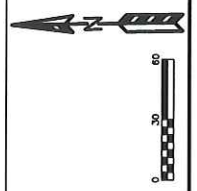
SEP 10 2019

VILLAGE OF McFARLAND



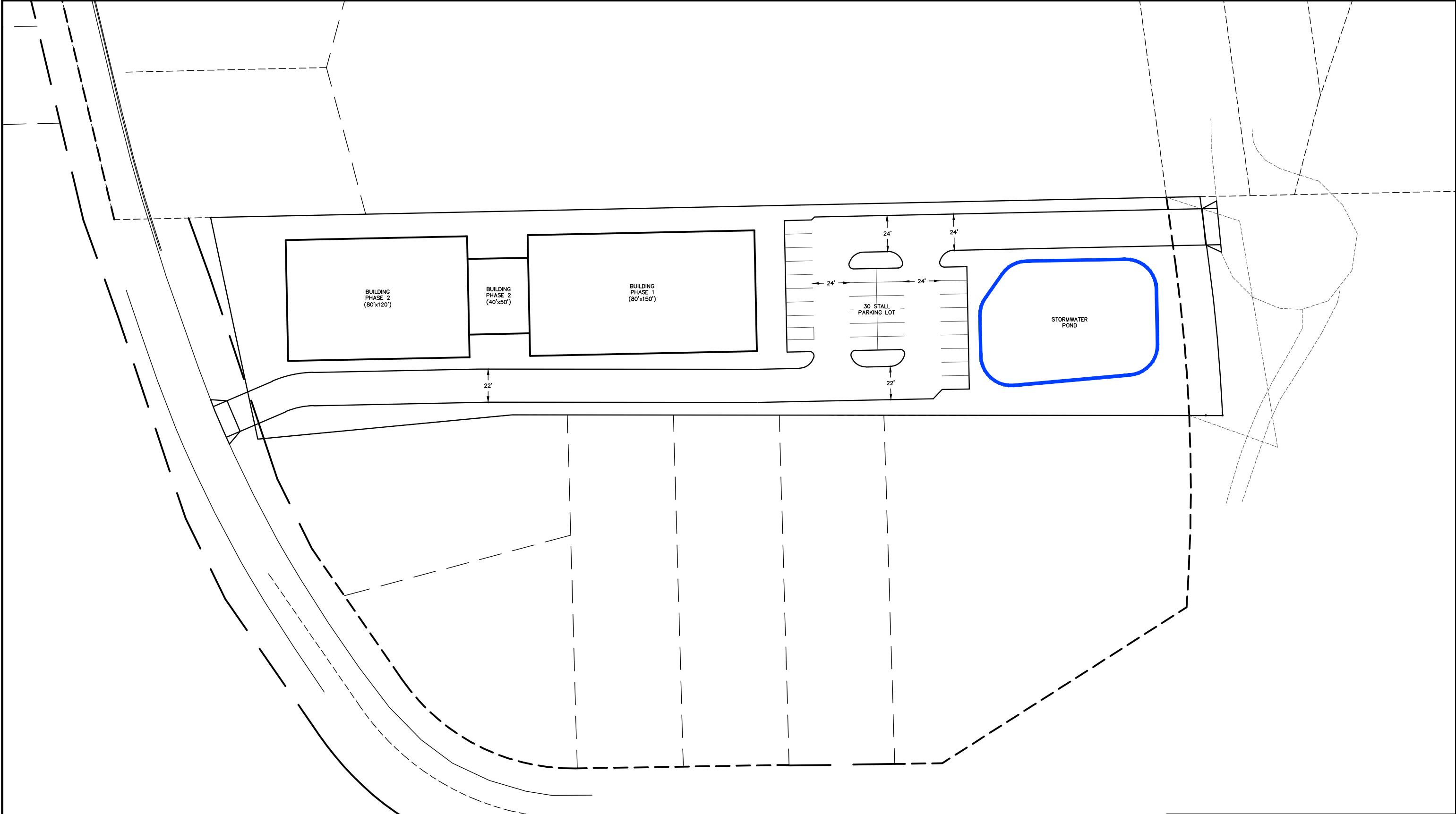
5513 BREMER ROAD
 CONCEPT PLAN - MEMORY CARE FACILITY
 PAGE 1 OF 1
 DATED: SEPTEMBER 10, 2019

QUAM ENGINEERING, LLC
 Residential and Commercial Site Design Consultants
 www.quamengineering.com
 4604 Siggeikow Road, Suite A - McFarland, Wisconsin 53558
 Phone (608) 838-7750; Fax (608) 838-7752

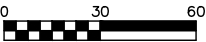


RECEIVED
 SEP 10 2019

VILLAGE OF MCFARLAND



Alternative 1, Preliminary Concept Plan for Discussion Only

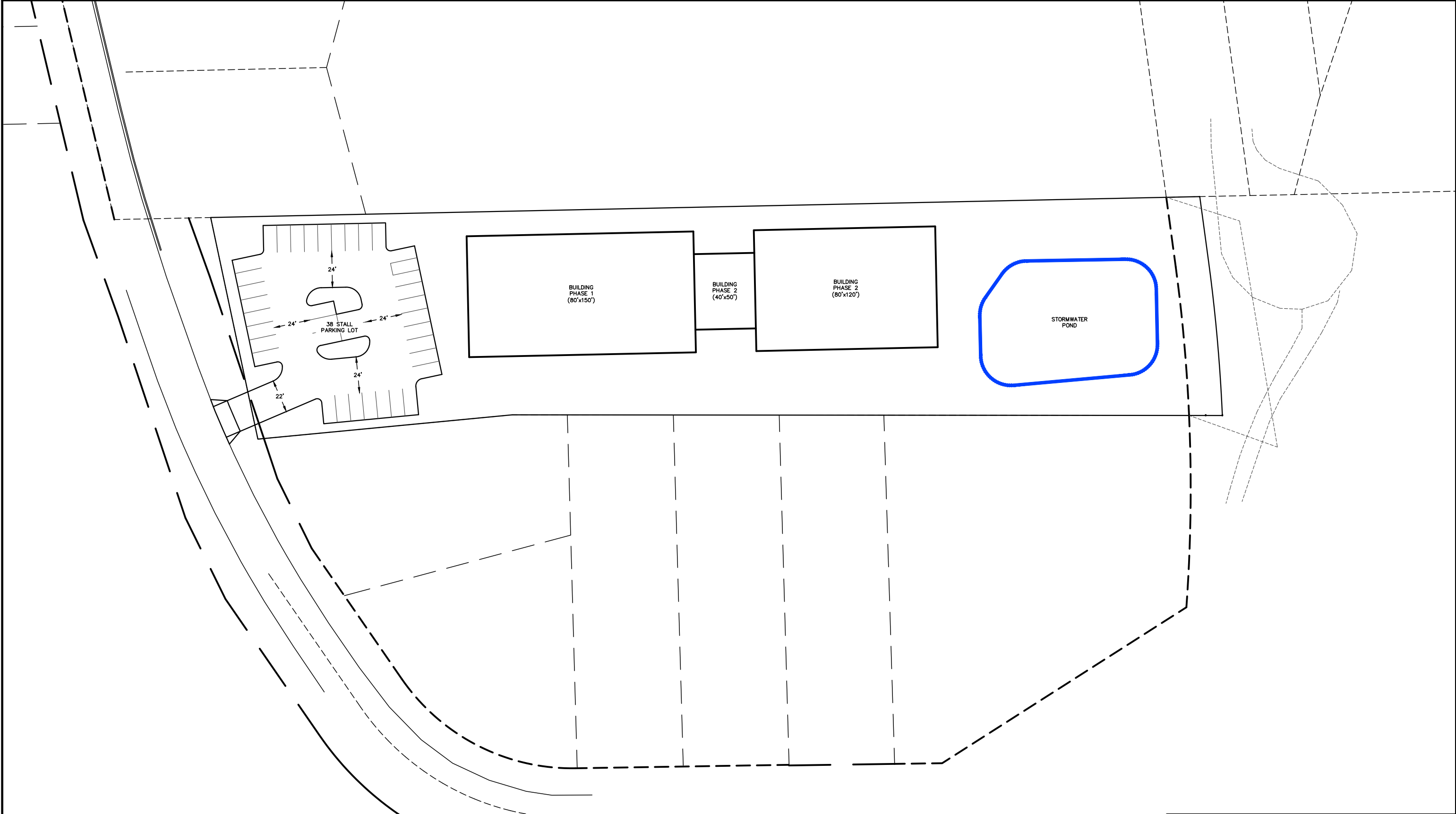


5513 BREMER ROAD
CONCEPT PLAN - MEMORY CARE FACILITY

PAGE 1 OF 1
DATED: SEPTEMBER 30, 2019



www.quamengineering.com
4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752



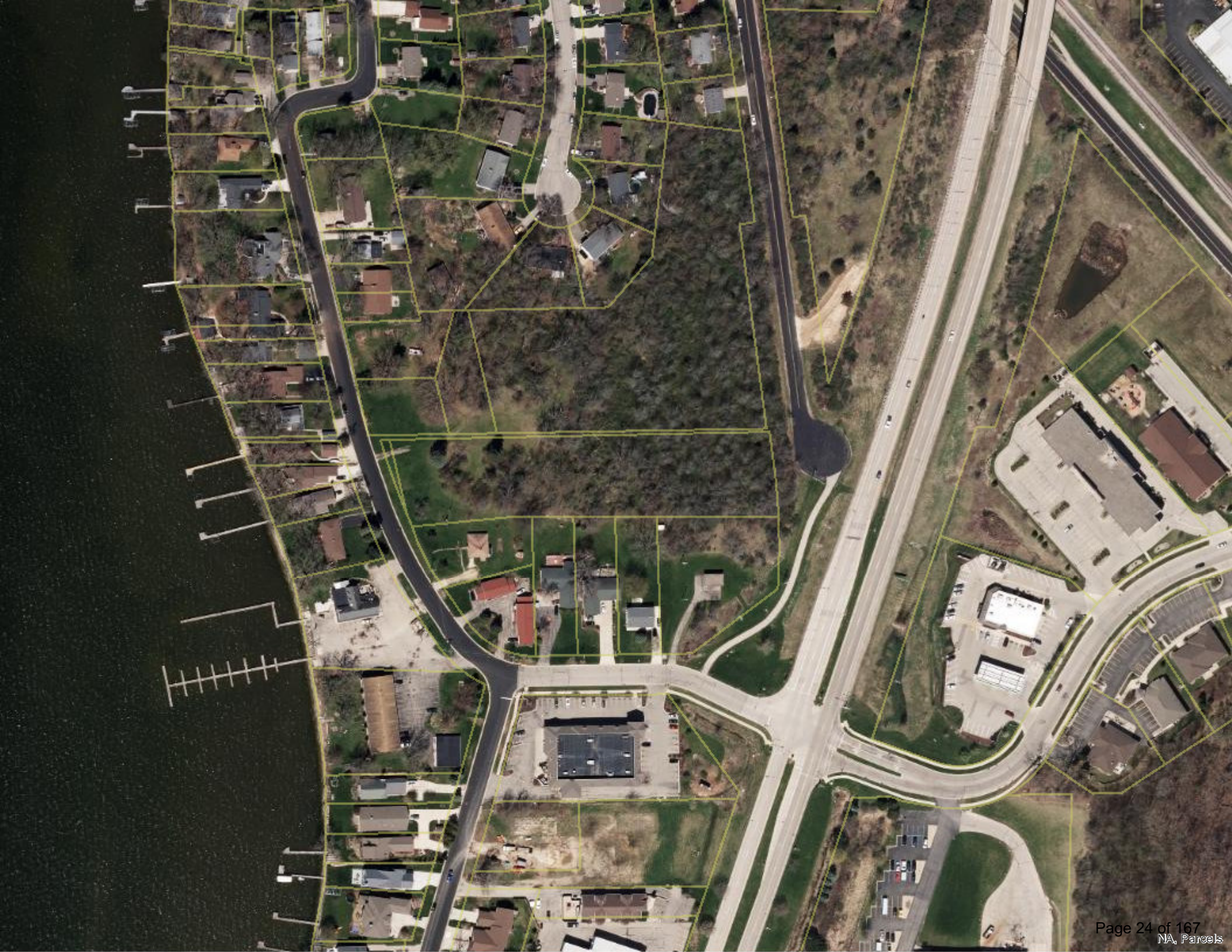
Alternative 2, Preliminary Concept Plan for Discussion Only



5513 BREMER ROAD
CONCEPT PLAN - MEMORY CARE FACILITY

PAGE 1 OF 1
DATED: SEPTEMBER 30, 2019

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
www.quamengineering.com
4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752





MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

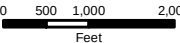
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- DNR Wetlands and Potential Wetland Indicators over Undeveloped Lands
- Agricultural Preservation
- Urban Reserve
- Water
- Rights-of-Way

--- Village of McFarland Extraterritorial Jurisdiction Boundary

▣ Village of McFarland Limits (8/18)

▣ Other Municipal Limits (2018)

Shapes on this map represent the Village's vision for future land use within the Village and its extraterritorial jurisdiction. For such lands, this map is not intended to represent existing land use or zoning, or to compel property owners to change the use of their land. For example, owners of agricultural or other rural land may maintain their current land use. Actual boundaries between different future use categories and implementing zoning districts may vary somewhat from representations on this map. This map also identifies the City's Marsh Road Neighborhood Plan west of the Interstate and north of Siggelkow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.



Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC



Figure 4-1: Future Land Use Categories and Policies

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Single Family Residential	Predominantly single family detached homes, generally in “subdivision” settings. May include limited two family residences where compatible with a predominantly single family environment. Within the Village, all such areas will be served by public sanitary sewer and water systems.	Within Village, R-1, R-1A, and R-1B Residence Districts and R-2 Single- and Two-Family Residence (more limited) CO Conservancy (for parks, stormwater, and other open areas)	1. Prepare or require a neighborhood plan/concept development plan in advance of each subdivision proposal. 2. Promote interconnection in road and trail networks; minimize long cul-de-sacs and dead-end streets. 3. Require submittal of stormwater management and erosion control plans for new developments. 4. Encourage conservation neighborhood design, including allowing smaller lots and preservation of large open space corridors, in areas with soil limitations and natural resource amenities. 5. Where smaller lots are permitted, pay careful attention to home quality, variety, design, setbacks, and garage placement through zoning, covenants, and development agreements. 6. Pursue residential infill opportunities where feasible, applying standards and approaches in Figure 4-2.
Two Family and Townhouse Residential	Duplexes and two-flats, townhouses, single family residences, home occupations, and small-scale institutional and recreational uses, all served by public sanitary sewer and water systems.	R-2 Single- and Two-Family Residence R-E Elderly Residence PD, PD-I Planned Development	1. Disperse two family and townhouse residential uses through the Village, rather than repeating blocks of this type of future land use in just a few areas. 2. Encourage design of two family houses and townhouses to relate to public streets and integrate with the fabric of the surrounding neighborhood, rather than being designed as isolated enclaves or with garage-door dominance. 3. Hold new two family houses and townhomes to similar standards for quality and livability expected of single family housing. These standards include high-quality building materials, architectural variation and interest, durable and lasting finish materials (inside and out), and garage parking. 4. Work with County, State, and local lenders to assist with rehabilitation of older duplexes in the Village. 5. Pursue residential infill opportunities where feasible, applying standards and approaches in Figure 4-2.
Multiple Family Residential	A range of housing types, including multiple family residences (e.g., condominiums, apartments, multiplexes), including independent elderly housing. May also include single family residences. Served by public sanitary sewer and water systems.	R-3 General Residence R-E Elderly Residence PD, PD-I Planned Development	1. Disperse higher-density residential uses through the Village, rather than high concentrations in a few areas. 2. Encourage design of multiple family developments to relate to public streets and integrate with the fabric of the surrounding neighborhood, rather than being designed as isolated enclaves or with large parking lot dominance. 3. Hold new multiple family housing to similar standards for quality and livability expected of single family housing. These standards include high-quality building materials, architectural variation and interest, durable and lasting finish materials (inside and out), garage or underbuilding parking, and responsible management. 4. Monitor areas of aging multiple family housing so that they are community assets. Work with owners and property managers to address problems, and direct them to County and State programs and local lenders. 5. Pursue residential infill opportunities where feasible, applying standards and approaches in Figure 4-2.

ORDINANCE 2019-18

AN ORDINANCE TO REZONE LANDS ON BREMER ROAD FROM THE R-1 SINGLE FAMILY RESIDENCE DISTRICT, TO THE R-E ELDERLY RESIDENCE DISTRICT.

Purpose: To rezone certain lands on Bremer Road to the R-E Zone to accommodate the development of a memory care Community Based Residential Facility exceeding eight people.

Sponsor: Community & Economic Development Director Bremer

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

WHEREAS, the owner of lands located at 5513 Bremer Road, in the Village of McFarland, has applied for approval of rezoning of the same property from the R-1 District to the R-E District; and,

WHEREAS, the owner has submitted a Plat of Survey and Legal Description for rezoning purposes, a copy which is attached hereto as Exhibit A; and

WHEREAS, the owner has submitted documents fulfilling the requirements for approval of the rezoning; and

WHEREAS, the proposed rezoning is consistent with the Village of McFarland Comprehensive Plan, which designates the subject land as Two Family and Townhouse Residential Use; and

WHEREAS, the Village Board is willing to grant approval of the request to rezone and the Village Board finds approval thereof is in the public interest;

NOW, THEREFORE, the Village Board of the Village of McFarland, does ordain as follows:

1. Section 62-62(a) of the McFarland Municipal Code and the Official Zoning Map are hereby amended so that the following described real estate is hereby rezoned from the R-1 Single Family Residence District, to the R-E Elderly Residence District:

Outlot 26 of the Assessor's Plat of the Village of McFarland, recorded as Document No. 824385 of Dane County Records in Volume 14 of Plats on Pages 16 through 27, being located in Government Lot 1 of Section 3, Township 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, being more particularly described as follows:

COMMENCING at a found aluminum monument at the Meander Corner of Lake Waubesa lying on the North line of said Section 3;

thence, along the North line of the Northwest one-quarter of said Section 3, North 88°47'20" East, 208.24 feet to a found 3/4" rebar at the Northwest corner of said Outlot 26 and the **POINT OF BEGINNING**;

thence, continuing along said North Line and the North line of said Outlot 26, North 88°47'20" East, 654.40 feet to the Northeast corner of said Outlot 26, lying North 88°47'20" East, 22.14 feet from a set 3/4" by 24" iron rebar lying on the Westerly right-of-way line of Terminal Drive (formerly U.S. Highway 51);

thence, along the Easterly line of Outlot 26, South 07°43'21" East, 43.93 feet to the beginning of a tangent curve, being concave Westerly, having a radius of 1113.28 and a chord which bears South 05°06'14" East, 101.73 feet;

thence Southerly, 101.76 along the arc of said curve through a central angle of 05°14'15" to the Southeast corner of said Outlot 26, lying South 89°56'51" East, 22.02 feet from a set 3/4" by 24" iron rebar lying on said Westerly right-of-way line;

thence, along the South line of said Outlot 26, North 89°56'51" West, 469.74 feet to a found 1/2" rebar at an angle point in the Northerly line of Lot 1 of Certified Survey Map No. 4751;

thence, along the Southerly line of said Outlot 26 and said Northerly line and its Westerly extension, South 84°32'33" West, 169.00 feet to a set 3/4" by 24" iron rebar at the Southwest corner of said Outlot 26;

thence, along the Westerly line of said Outlot 26, North 12°01'11" West, 149.96 feet to the **POINT OF BEGINNING**, containing 90,891 square feet or 2.087 acres, more or less.

BEING SUBJECT TO an easement for public street purposes over the Easterly 22 feet thereof for Terminal Drive and an easement for public street purposes for Bremer Road as shown on the Plat of Survey by Quam Engineering, LLC dated September 10, 2019. **ALSO BEING SUBJECT TO** all other easements and agreements, if any, of record and/or fact.

2. The Zoning Administrator is hereby directed to label these changes on the Official Zoning Map, once the rezoning is effective.

3. This ordinance does not constitute approval of any earthwork or building construction within any of the property described in the ordinance. No construction of any kind, including earthwork or building construction, is permitted on the parcel described in Section 1 of this ordinance until applicable conditional use permits, site plan permits, erosion control and building permits are approved by the Village. If the property owner fails to obtain development permits with the Village within one (1) year after adoption of this ordinance, then Section 1 of this ordinance shall become null and void, and the zoning of the afore stated lands shall continue to be the existing R-1 District.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 28th day of October 2019.

APPROVED:

Brad Czebotar, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-
Treasurer

ORDINANCE 2019 –18	
MOTION	SECOND
ACTION	DATE
Adopted	10/28/2019
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Adrian –	Kryzenske -
Brassington –	Lytle –
Czebotar –	Utter –
Kolk –	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, October 21, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Review and possible action regarding amendment, including potential revocation, to a Temporary Conditional Use Permit (CUP), issued to Don Goben, for use by a utility contractor for temporary outside storage of utility construction materials and equipment at 4313 Triangle Street, McFarland property zoned M-IC Manufactured Intensive Commercial.

PREVIOUS ACTION:

October 18, 2018, Approval of a temporary CUP.

September 16, 2019, Scheduling of Public Hearing to amend or revoke CUP

ISSUE SUMMARY:

On October 15, 2018 the Plan Commission approved a temporary Conditional Use Permit to allow for outside utility/staging/storage at 4313 Triangle Street. The approval was for a third party (TDS) to use the site for staging/storage while completing utility work in the Village. The approval was conditioned on installation of a fence, with tan slats, and landscaping along the front and side yard of the fence. Refer to attached minutes and packet from the meeting. A year has passed since the original approval and to date the tan slats and landscaping have not been installed. Village staff have communicated this to the property owner on several occasions. The property owner has provided, and been granted by Village staff, numerous extensions to finish the project per the conditions of approval. Refer to attached documents. In September 2019, the property owner indicated that he intends to finish the landscaping this fall; however, he is having problems getting the representatives of the third party to pay the additional cost to install concrete footings for the fence posts. According to the property owner, the fence contractor has indicated that without the concrete footings, if the slats are installed there is a higher probability that the slats will cause the fence to fall over during high wind or snow weather events. The property owner wishes to avoid this from occurring. The property owner has indicated his frustration with the third party for their failure to work with him to complete the project as approved. Regardless, the obligations to complete the project per the permit conditions is the obligation of the property owner and not the tenant of the outdoor space even though it is for the tenant. A time limit on the temporary CUP was not provided in the original approval. While eventually the tenant, for which the CUP was originally granted, should no longer have a need for the site, there is no exact termination date for this temporary use. Therefore it is conceivable that the use could continue beyond the original stated purpose with a non-compliant fence. In addition, the barb wire installed on the fence is in violation of Sec. 8-369(a)(2) which requires the bared wire to project toward the fenced property and away from any public area (refer to attached images showing the barb wire facing outward).



Section 62-116 provides procedures by which the Plan Commission may impose a forfeiture, as set forth in Section 1-16, and further authorize the Zoning Administrator to order the removal or discontinuance of an approved conditional use permit. The Plan Commission may also modify the original conditions of the CUP.

Those procedures require the Plan Commission to first determine whether to schedule a public hearing for said purpose after making an initial determination that the conditional use is in violation of the original conditions of approval. At the September 16, 2019 meeting the Plan Commission directed the scheduling of a public hearing for the October 21, 2019 meeting after determining that the conditional use is in violation of the original conditions of approval.

Village Staff recommends establishing a date of October 31, 2019 by which to bring the fence into conformity with the original conditions of approval and Village ordinances. If the property owner fails to comply, Village Staff recommends the Plan Commission direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use including forfeitures as set forth in Sec. 62.116 and Sec. 1-16.

In addition, presuming the fence is brought into compliance by the date specified by the Plan Commission, Village Staff also recommends that the Plan Commission amend the existing conditional use permit to place a termination date on the use of the property for outside utility/staging/storage as one was never provided in the original approval other than to stipulate the CUP was temporary. Village Staff's concern is that TDS could continue to use the site beyond the completion of the project in the Village for which the original request was made. Any continuation of the use after the specified date would require the property owner to obtain an amended CUP.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

The property is identified for Industrial uses in the Village's Comprehensive Plan and zoned M-IC Manufactured Intensive.

ORDINANCE REFERENCE:

Section 62-116

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Presented to the Plan Commission for action regarding amendment, including potential revocation, to a Temporary Conditional Use Permit (CUP), issued to Don Goben, for use by a utility contractor for temporary outside storage of utility construction materials and equipment at 4313 Triangle Street, McFarland property zoned M-IC Manufactured Intensive Commercial.

ATTACHMENTS:

1. 4313 Triangle Photos 9-5-19
2. 4313 Triangle Street - Goben
3. 10.15.18 PC minutes
4. 10.15.2018 PC Packet



5. Sec. 62-116
6. Sec. 1-16

4313 Triangle (Photo date 9-5-19)





October 18, 2018

Mr. Don Goben
2501 East Springs Drive
Madison, WI 53704

Dear Mr. Goben:

At its October 15, 2018 Plan Commission meeting your temporary Conditional Use Permit application to allow for outside utility/staging/storage at 4313 Triangle Street, McFarland was approved with the following conditions:

- 10' high chain link fence with barb wiring on all but the front side to be installed within 30 days.
- Landscaping along the perimeter of the front and south side fence with arbor techny trees six foot in height spaced 10' apart. installed by June 1, 2019

If you have any questions regarding this matter, please do not hesitate to contact me at the Community Development Department.

Sincerely,

Pauline Boness
Community Development Director

cc: Marty Pilger, Building Inspector



Conditional Use Permit

Permit No.: 277

Fee Paid: \$ 275.00

Issued To: Don Goben
2501 East Springs Road
Madison, WI 53704

Issued By: Plan Commission
Village of McFarland
5915 Milwaukee Street, PO Box 110
McFarland, WI 53558-0110
(608) 838-3154

Date Issued: October 15, 2018 **Temporary:** Yes ☒ No ☐

Issued For: Outdoor storage/staging area for TDS

Address: 4313 Triangle Street **Parcel No.** 0710-273-9941-1

10' high chain link fence with barb wiring on all but the front side to be installed within 30 days.

Conditions: Landscaping along the perimeter of the front and south side fence with arbor techny trees six foot in height spaced 10' apart. installed by June 1, 2019

Authorized Signature:

Title:

Community Development Director

This permit shall become null and void within twelve (12) months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit (if required) under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently pursued. Extensions of up to one (1) year may be granted by the Plan Commission for just cause if application is made to the Village at least thirty (30) days before expiration of said permit.

Goben CARS

2501 East Springs Drive
Madison, WI 53704

Phone: 608-216-0500
Fax: 608-216-0400

June 5, 2019

VILLAGE OF McFARLAND

5915 Milwaukee Street

McFarland, Wisconsin 53558

Attention: Marty Pilger, Building Inspector

Subject: 4313 Triangle Street (outside/inside storage warehouse)

Ladies & Gentlemen:

Thank you for your reminder letter concerning the subject property. The weather
Has not cooperated with us on planting the arbor techny trees however we have
Contracted to have them planted very soon. The fence is also due to be completed
By the end of the month.

We apologize for taking longer than planned.

Very truly yours



Don Goben

blg



July 3, 2019

Mr. Don Goben
2501 East Springs Road
Madison, WI 53407

RE: CUP No. 277
4313 Triangle Street

COPY

Dear Mr. Goben:

On October 15, 2018, the Plan Commission approved to allow outdoor utility/staging/storage at 4313 Triangle Street conditioned upon landscaping and slats to be installed in the fencing.

You had until June 1, 2019 to complete the conditions attached to your CUP approval. A recent field inspection indicates landscaping is not complete and the slats have not been installed in the chain link fencing, causing you to be in violation of your conditional use permit.

You are hereby notified you have 30 days from the date of this letter to complete landscaping and install the slats in the fencing in order to bring the site into compliance and avoid any further action by the Village of McFarland.

Thank you in advance for your cooperation in this matter.

Sincerely,

Pauline Boness
Community Development Director

Enc.

Cc: John Griffith, Code Enforcement Officer
Matt Schuenke, Administrator
Jim Trebian, Building Inspector
Dan Evans, Village Attorney

Goben CARS

2501 East Springs Drive
Madison, WI 53704

Phone: 608-216-0500
Fax: 608-216-0400

July 11, 2019

Village of McFarland

P. O. Box 110

5915 Milwaukee Street

McFarland, Wisconsin 53558

Subject: CUP No. 277 – 4313 Triangle Street

Attention: Pauline Boness

Community Development Director

Enclosed please find a quote to JGP for a fence they are going to install at 4313 Triangle Street. They are going to tear down the existing fence

That does not meet the specifications we require.

We apologize for this delay as the JGP company did not follow through on what they agreed to do originally.

We will keep you posted on how fast they can get this done as it is well over due at this point. We are very frustrated with JGP.

Thank you for your patience regarding this matter.

Sincerely yours



Don Goben

DG:blb

Enclosure: Lemke Fence of Jefferson Inc. quote



LEMKE FENCE OF JEFFERSON, INC.

N3809 BUSINESS 26 JEFFERSON, WI 53549

(920) 674-6211 (920) 674-3101 FAX

dave@lemkefence.com

www.lemkefence.com

lemkefence@yahoo.com



Established in 1956

JGP
4313 Triangle St.
McFarland, WI 53558

June 25, 2019

We are pleased to quote you for the fence work as follows:

Remove & re-erect 657' - #523, 2 x 9 x 11' high overall
Fabric - 2" mesh, 9 gauge, 10' high chain link, galvanized.

New Line Posts - 3" O.D., galvanized pipe, Sch. 40 .203 wall, set 5' or less apart.

Top Rail - 1 5/8" O.D., galvanized pipe, .085 wall.

Bottom Tension Wire - 7 gauge, steel, galvanized, crimped.

Barb Wire - 12 1/2 gauge, 4 point, mounted on 45 degree arms above fabric.

Terminal Posts - 4" O.D., galvanized pipe, Sch. 40 .226 wall.

Gate Posts - 4" O.D., galvanized pipe, Sch. 40 .230 wall.

1 Gate - 35' wide, single cantilever.

Gate Frame - 2 1/2" O.D., braced with 1 5/8" O.D., galvanized pipe, welded construction, filled with fabric and barb wire to match fence above.

Complete fence filled with Tan PDS strips.

Erection - all posts set in 36" deep concrete footings.

The above fence complete and erected for\$41,434.00

Alternate #2: Gate operator: Specs:

1. 1 - GSLG (115v, 1hp)
2. 1 - Photo eye
3. 1 - Contact sensing edges.

Access options:

1. 1 - Transmitter and receiver for access (30 transmitters)
2. 1 - Free exit loop.
3. 1 - Simple key pad.
4. 1 - Complex key pad system with off site tracking.

The above operator complete and installed for.....\$10,317.00

Terms: **Return signed** acceptance copy, balance due upon completion.

- * Owner responsible for Permit & Fees where applicable.
- * Owner responsible for locating private utility lines.
- * Fence lines may have to be adjusted due to buried utility lines.
- * Owner to provide survey stakes or fence location.
- * Existing fence removed by Lemke
- * Power to operator provided by other.
- * Conduits under driveway provided by other.

Very truly yours,
LEMKE FENCE OF JEFFERSON, INC.

Steve Lawson

Accepted by:

Signature

Date

Signature

Date

Steve Lawson 6/25/19

QUOTE GOOD FOR 30 DAYS

Minutes

Plan Commission

Meeting

October 15, 2018

Members Present: Bruce Fischer, Peter Bloechl-Anderson, Brad Czebotar, Dan Kolk, Cathy Kirby, Jeff Sorenson, Tom Rogers
Members Absent: None
Staff Present: Pauline Boness

1. CALL TO ORDER

Czebotar called the meeting to order at 7:00 p.m.

2. PUBLIC APPEARANCES

None

3. APPROVAL OF MINUTES

- a. Review and approval of draft Minutes from the September 17, 2018 Plan Commission meeting.

Czebotar called the minutes approved by unanimous consent.

4. BUSINESS:

- a. **Public Hearing Review and possible action regarding a Temporary Conditional Use Permit (CUP), requested by Don Goblen, to allow a utility contractor to temporarily occupy 4313 Triangle Street, McFarland as a staging/storage area for materials and equipment. Property zoned MIC Manufactured Intensive Commercial.**

Czebotar opened the public hearing at 7:01 p.m.

Don Goblen explained TDS Corporation is using his site at 4313 Triangle Street as a staging/storage area for their materials while working in McFarland, rather than storing it on the streets. Goblen made an agreement with TDS to let them use the site and rather than pay rent, install a fence around the property to help protect the site. The fence will be a 10' chain link with privacy slates. There will be barbwire only along the rear and side of the fence. Landscaping of arborvitaes will be placed every ten feet on the outside of the fence along the front and sides. Goblen currently uses the site for inside storage of his vehicles. He does not intend to store anything outside on the property. He understands if he did, it would be necessary to come

before the Plan Commission with an application. He is trying to do what is best for at this location. He does plan to do some repairs to the building in the future, and possibly change the color of the building; which is why, he would like the ability to select the fence and slat color himself.

Czebotar closed the public hearing at 7:05 p.m.

Kirby would like to know what type of arborvitae would be used. Boness inquired of Rogers what type he would recommend. Rogers replied techny arborvitae comes to mind, as they grow wider. Commissioners discussed various types of plantings, as to size, shape and growth, concurring on using techny arborvitae. Kolk questioned the height of the fence per the ordinance- eight feet vs ten feet for screening and fence equal to the height of the items stored. Commissioners discussed the various options for requirements for the height of the landscaping. Kirby felt with the privacy slates and trees will give it some privacy along with softening of the area. Czebotar inquired of Goblen if he had any idea on fence colors. Goblen stated there are various options from blue to red, to tan. He is not in favor of using grey as he feels it gives too municipal of a look. Commissioners felt tan would be a good option, and were not concerned about the appearance against the gravel parking lot. Goblen would like approval to plant the trees in the spring as he feels we are past the timeframe for planting this season. Commissioners discussed options of planting in the spring, weather issues, and allowing a reasonable amount of time to establish plantings. Commissioners agreed on a June 1, 2019. Goblen felt the fencing and plantings would help the appearance of the property. Bloechl-Anderson inquired on the timeline for fence installation. Goblen replied the company is ready to move on it, they needed to get through the proper approval process first.

Kirby moved to grant a temporary conditional use permit requested by Don Goblen, to allow a utility contractor to temporarily occupy 4313 Triangle Street, McFarland as a staging/storage area for materials and equipment. Property zoned MIC Manufactured Intensive Commercial. With a deadline of June 1, 2019 for installation, completion of landscaping; and, the fence to be as outlined in the background material submitted by Mr. Goblen and approved by staff. Fischer seconded the motion. Sorenson inquired if we needed a deadline for installation of the fence. Commissioners felt it would likely be installed in a few weeks. Kirby amended the motion to read "as a staging storage area for materials and equipment with the understanding that a 10' fence will be erected to screen those items within the next 30 days with a deadline of June 1, 2019 for installation of landscaping" Fischer agreed to the amendment. Motion carried 7-0.

5. STAFF REPORTS

- a. Highlights and updates – Boness mentioned at the next meeting she would like to have the Village attorney come and speak on the changes to Conditional Uses under the statutes.
- b. Property Maintenance – No comments

6. ADJOURNMENT

Kirby moved to adjourn, Kolk seconded the motion, motion carried. Meeting adjourned at 7:27 p.m.

Approved



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, October 15, 2018

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Public Hearing - Review and possible action regarding a Temporary Conditional Use Permit (CUP), requested by Don Goben, to allow a utility contractor to temporarily occupy 4313 Triangle Street, McFarland as a staging/storage area for materials and equipment. Property zoned M-IC Manufactured Intensive Commercial.

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Agenda Item 4(a) 4313 Triangle Street – temporary CUP for temporary staging/storage area for TDS.

TDS is a new cable provider entering the McFarland market. They are in need of space in which to stage equipment and materials as they install the necessary fiber network throughout the Village. Don Goben who owns commercial property at 4313 Triangle Street has been contacted by TDS for use of his property as a temporary outdoor staging area in which TDS would like to store equipment and material as they work throughout the Village over the next 3 – 6 months. I have let TDS place some equipment and material there now; as, we have had some complaints from residents about materials and equipment placed in our parks for long periods, posing safety issues for park users. (As a commentary, the Village as we enter into these types of contracts should be working with contractors on staging issues earlier rather than this haphazard after the fact approach).



As part of their staging process, TDS would like to have a site with fencing for security reasons. Mr. Goblen is open to TDS utilizing his site with TDS responsible for installing a chain-link 10' high fence with barbwire and power gate.

I consider TDS a utility for the purposes of applying our zoning code. Utility uses are allowed with the approval of a conditional use permit.

The landscaping standards in our Municipal Code are applicable for screening. The fence will be installed in conjunction with the utility use of the property. Applicable as well, are the design guidelines for TID #3 included in the 2005 Village of McFarland Terminal and Triangle District Plan. Both documents (in your packets) discuss landscaping as a means to screen any outside storage of material from public right-of-ways.

Mr. Goblen has submitted a plan identifying - property boundaries, landscaping using 6' tall trees planted every 10 feet along the front and side of the proposed fence, barbwire that is to be used only on the rear and side portions of the fencing. It appears the fence will protrude no closer to the public right-of way than the existing building. Our fence ordinance sec. 8-369 will control minimum fence placement from property lines and orientation of the barbwire. Slates of an undetermined color will be utilized to provide extra screening.

Questions:

- Will slates be used in all fenced areas.
- Determine the species of arbor trees. I believe Mr. Goblen is open to suggestions on this. (perhaps our Commissioner expert – Tom Rogers would like to weigh in on this) In your packets are pictures provided by Mr. Goblen of a similar installation.

As information, our zoning code distinguishes between outdoor storage, which is accessory to a primary use, and outdoor storage, which is the primary use. Our zoning code does not accommodate outdoor storage as a primary use. However, indoor storage as a primary use is allowed in most commercial and manufacturing districts as a permitted or conditional use. Outside accessory storage (example Stetson Builders whose primary use or business is as a supplier of building materials some of which are stored outdoors prior to sale) is generally allowed as a permitted or conditional use depending upon the zoning district.

As a commercial property owner, Mr. Goblen could by code, install a fence for security reasons with only a fence permit obtained from the Building Inspector. What makes this a reviewable project is the temporary utility use of the property, which is only allowable by the issuance of a temporary conditional use permit.

The CDA weighed in on this project and with a 4-1 vote, recommended approval based on landscaping proposed as screening from Hwy. 51. Landscaping is a design guideline identified in the Meinders-Triangle sub-district for TID #3 in which Mr. Goblen's property is located.

In your packets:

- A written narrative from Mr. Goblen stating how he feels this project falls within the conditional use standards.
- Excerpts from the Terminal & Triangle District Plan relating to outdoor storage



- Excerpts from Appendix B: Village of McFarland landscaping standards.
- Plans and pictures from Mr. Goben of his property and examples of similarly fenced and landscaped outdoor areas.

ATTACHMENTS:

1. DMG Holdings letter 8.13.18
2. 4313 Triangle 10.10.18
3. 4313 Triangle - fence photos
4. Landscaping standards
5. Terminal Triangle dist (partial)

DMG HOLDINGS LLC

2501 E. Springs Drive, Madison, WI 53704

August 13, 2018

RECEIVED

AUG 14 2018

VILLAGE OF McFARLAND

CITY OF McFARLAND

5915 Milwaukee Street

McFarland, Wisconsin 53558-0110

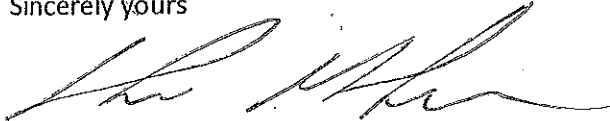
Subject: 4313 Triangle Street, McFarland, Wisconsin 53558

Ladies & Gentlemen:

The warehouse at the subject location is still being used for storage purposes only. The Parking lot is being fenced in for security reasons. TDS Corporation wants to use the outside Parking lot for 3 – 6 months for storing equipment and large cable lines for installation of Telephone service under contract with the City of McFarland. They are willing to install this Security fence to protect their equipment from vandals, misbehavior or the public parking At the facility.

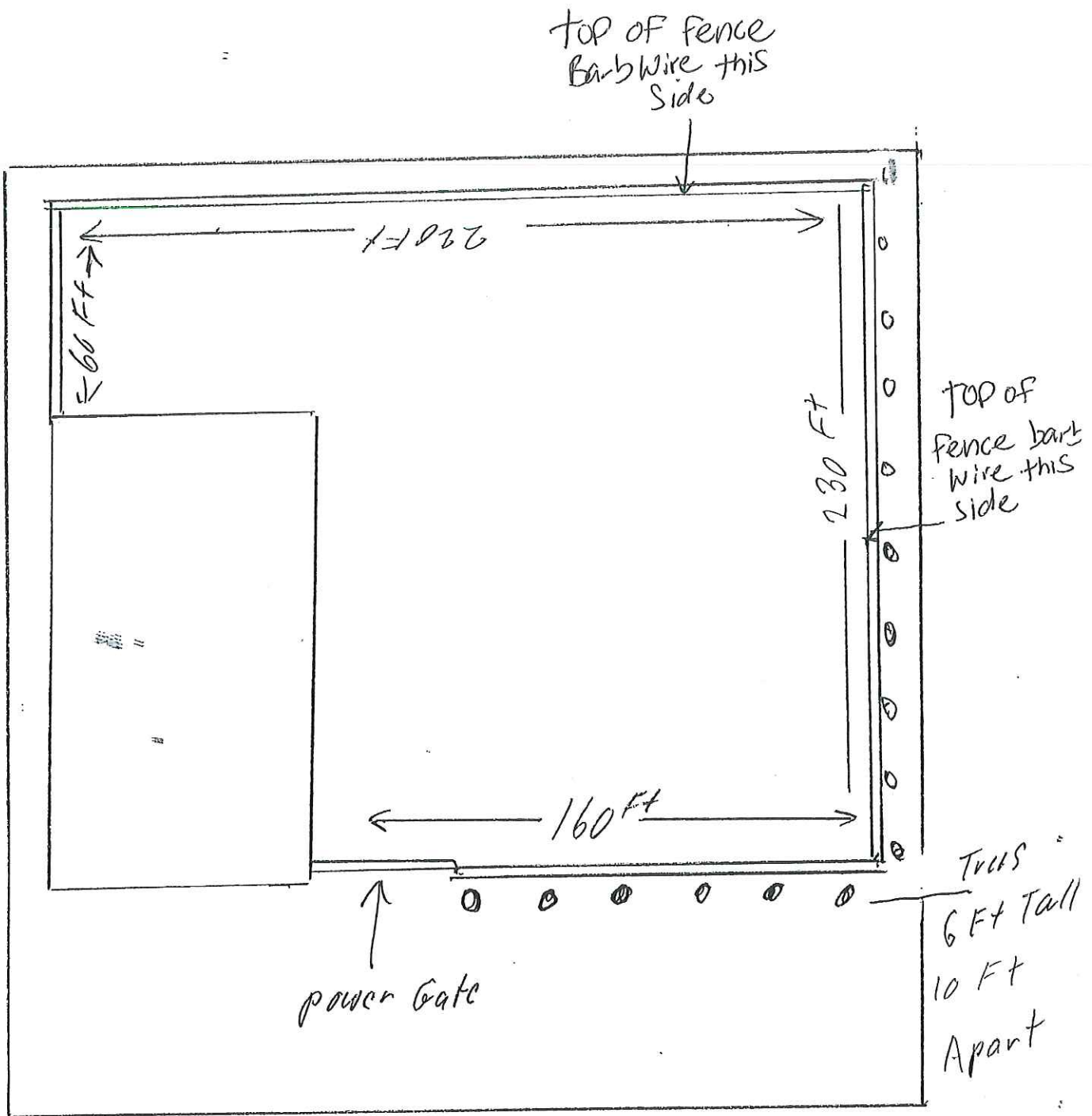
Please do not hesitate to call me if you have any questions.

Sincerely yours



Don Gobin

Blg/DG



Chain Link Fence

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OCT 10 2018

VILLAGE OF McFARLAND

Fence Height 10 ft $\updownarrow$ ground

Species of Tree

Alnos or ???

White Green Blue Tan Fence Slates

APPENDIX B—VILLAGE OF MCFARLAND LANDSCAPING STANDARDS

7. **Non-Residential Landscaping Requirements.** All non-residential sites shall comply with this subsection. The requirements of this subsection are in addition to the minimum landscape points required by the district regulations.

(a) Foundation plantings shall be provided on those sides of a building that face a public right-of-way in a planting bed with a minimum width of five (5) feet adjacent to the entire building length. The planting area shall be free of all paving except where sidewalks and driveways leading directly into the building are necessary for access. In no case shall the foundation planting area be reduced to extend across less than fifty (50) percent of the building face due to said sidewalks or driveways.

(b) Service yards, loading docks and exterior work areas on lots adjacent to non-industrial uses shall be screened from view from adjacent properties and the public right-of-way. The screening shall consist of any one or any combination of:

(1) Solid fencing constructed of commercial-grade wood or plastic composite (refer to Secs. 8-366 to 8-370 of the McFarland Municipal Code);

(2) A masonry wall, of a design approved by the Plan Commission with a height not exceeding eight (8) feet;

(3) Plantings, at the time of installation, of not less than six (6) feet in height.



(c) Open storage yards if allowed, shall be screened from public streets at a height at least equal to the height of material to be stored or eight (8) feet, whichever is greater. Where stored materials exceed eight (8) feet in height, plantings shall be provided along the outside perimeter of all portions of the fence or wall visible from an adjacent property or public right-of-way. The effective growth of the plantings after three (3) years shall be not less than the height of the materials being screened. The Plan Commission may; however, require more mature plantings at the time of initial installation, due to the nature of the material to be screened.

8. **Off-Street Parking Lot Landscaping Requirements.** All required off-street parking areas designed to accommodate five (5) or more vehicles in any zone, shall be landscaped according to the standards in this subsection. The requirements of this subsection are in addition to the minimum landscape points required by district regulations.

(a) Landscaping Objectives. The specific requirements of this subsection are intended to recognize both the functional importance of parking areas and the public benefits associated with well-designed landscaped areas which enhance the visual environment, promote public safety, moderate the microclimate, facilitate stormwater control and other environmental impacts and reduce nuisances, such as noise and glare. The standards are designed to soften the visual and other sensory impacts of parking areas through the use of large canopy

RECEIVED

OCT 10 2018

Village of McFarland

4313 TRIANGLE STREET Terminal and Triangle District Plan

Meinders/Triangle Subdistrict

Guidelines	Yes	No
Site Design		
1. Does the project connect building entries with walkways to planned sidewalks in Terminal Drive, distinguishing them from driving surfaces?		X
2. Does the project locate service areas, loading docks, mechanical equipment, and refuse containers to non-street sides of buildings and screen them?		X
3. Does the project include adequate, accessible, and convenient areas for collecting and loading trash and recyclables?		X
4. Does the project screen ground-, roof-, and wall-mounted mechanical equipment from public rights-of-way and adjacent properties?		X
5. Does the project include landscaped front yards, parking areas, and foundations?		X
6. Does the project convey stormwater to on-site or in-district infiltration areas?	X	
7. Does the project provide bicycle parking?		X
8. Are all fully screened outdoor storage or display areas inside of all required side and rear building setbacks, with dense landscaping on the outside of these areas?	X	
9. Does the project permanently define and screen all outdoor storage areas with dense landscaping, opaque walls and/or opaque fences?		X
10. Does the project limit outdoor operations and store equipment and raw materials inside buildings to ensure minimal visual impact on neighboring uses and the public?	X	
11. Does the project locate limited outdoor merchandise display areas near building entrances, without affecting traffic flow?	X	
12. Does the project preserve existing on-site vegetation, especially large trees, wood lots, and remnant wetlands and prairies?	X	
13. Does the project locate service and storage areas to minimize Highway 51 visibility?	X	
14. Does the project heavily screen parking areas adjacent to highway 51?	X	
15. Does the project screen rooftop mechanicals and utilities?		X
16. Are mechanicals and utilities shown on the project's site plan?		X
17. Does the project use wall-mounted signs?		X
18. Does the project include buildings which are at least two-stories in height?		X
19. Does the project include buildings which are compatible with the desired gateway character of the Village?	X	
20. Does the project include buildings which continue the architectural theme, design elements, and detailing on all sides?	X	
21. Does the project include loading docks or overhead doors on street-facing facades?	X	
22. Does the project screen loading docks or overhead doors on other facades?	X	
23. Does the project provide overhangs for pedestrian shelter?		X
24. Does the project have a FAR between 0.15 and 1.0 if it is an Industrial use and between 0.35 and 1.5 if it is a Commercial use?	X	
25. Is a minimum of 50% of the front building wall 20' to 35' from Terminal Drive or McFarland Street right-of-way?	X	
Building Design & Materials		
1. Does the project use building materials with lasting architectural character (strength, durability and quality)?	X	
2. Does the project encourage use of the following exterior wall materials: brick, decorative masonry block, architectural grade metal panels, cedar siding, stone,	X	

FVI

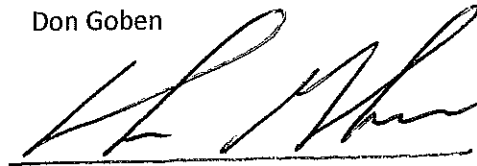
CONDITIONAL USE APPLICATION FOR 4313 TRIANGLE STREET, McFARLAND, WI 53558

The conditional use standards are presented as follows:

- a) That the establishment, maintenance or operation of the conditional use will not be determined to or endanger the public health, safety, morals, comfort or general welfare.
This fence is being installed for security reasons only. This fence has nothing to do with public health, safety, morals, comfort & general welfare of the property.
- b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
This fence will have no effect on adjoining properties. There are several properties that have fences just like what I am proposing on this sight.
- c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
Correct.
- d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
We are changing nothing.
- e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
The public streets are not affected by this fence
- f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
The fence will conform to all regulations.
- g) That the proposed use does not violate floodplain regulations governing the site.
The fence does not affect the floodplain on this sight.
- h) That, when applying the standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
No changes are being made to the building or zoning district.
- i) That, in addition to passing upon a conditional use permit, the Plan Commission and Village Board shall also evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
The fence is safe.
2. The prevention and control of water pollution including sedimentation.
The fence has no bearing on water pollution including sedimentation.
3. Existing topographic and drainage features and vegetative cover on the site.
No changes to drainage or vegetation on the site.
4. The location of the site with respect to floodplains and floodways of rivers and streams.
The fence has no effect on floodplains and floodways.
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
The fence will not change the slope or soil or vegetation cover.
6. The location of the site with respect to existing or future access roads.
We are already on a frontage road with no changes to any existing or future access road.
7. The need of the proposed use for a shoreland location.
No need for a shoreland location is required.
8. It's compatibility with uses on adjacent land.
Our property is completely compatible with the use on adjacent land. This is a commercial use are to begin with and our fence will fit right in.
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
No liquid wastes will be generated from this fence and no proposed disposal systems are in sight.

Don Goben

A handwritten signature in black ink, appearing to read 'Don Goben', written over a horizontal line.







P8995596187



Sec. 62-116. - Complaints regarding conditional uses.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Section 62-111, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 62-110. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 62-111 or conditions previously imposed by the Plan Commission, modifying existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-16. In the event that no reasonable modification of such conditional use can be made in order to assure that Section 62-111(a) and (b) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Plan Commission under this Section may be taken to the Village Board.

(Code 1998, § 13-1-71; Ord. No. 2003-03, § 1(13-1-71), 3-24-2003)

Sec. 1-16. - Violations; penalty.

- (a) *General penalty.* Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) *First offense—Penalty.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$1,000.00, together with the costs of prosecution and all applicable surcharges and assessments, and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (2) *Second offense—Penalty.* Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and all applicable surcharges and assessments, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- In addition to the general penalty in this Section or any other penalty imposed for violation of any Section of this Code, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property.
- (b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from taking and maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) *Other remedies.* The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above including, but not limited to, restitution and community service.

(Code 1998, §§ 1-1-6, 11-3-9)

State Law reference— Actions for violation of ordinances, Wis. Stats. § 66.0114; unpaid forfeitures, Wis. Stats. § 66.0115; restitution, Wis. Stats. § 800.093; community service, Wis. Stats. § 800.094.



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, October 21, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding temporary zoning designations for lands included in the Elvehjem Acres LLC petition for annexation, parcels 0610-013-9160-1 and 0610-013-9700-7.

PREVIOUS ACTION:

None

ISSUE SUMMARY:

The Village has received a petition for direct annexation by unanimous approval from Kevin Urso (Elvehjem Acres LLC). The request includes two parcels (0610-013-9160-1) and (0610-013-9700-7) totaling 29.94 acres bounded by CTH AB, Elvehjem Road, and WSOR Railroad. Existing land uses in territory include two single family homes (3408 and 3418 Elvehjem Road), agricultural crop land and open spaces. The current population of the territory proposed to be annexed is four. The petition has been signed by all property owners and electors residing in the annexation area. The landowner desires to annex to the Village in order to obtain public water and sewer utilities and to develop the properties under Village zoning and land use policies and ordinances. The area within the petition is designated as future Neighborhood and Agricultural Preservation in the Village's Comprehensive Plan. Additional site planning, permitting, and utility construction will be required prior to development of lands within the annexation area.

The annexation area lies partially within the Village and Town of Dunn Boundary Agreement approved in 2005. Exhibit C of the Agreement includes the Village's Proposed East Side Growth Boundary. This boundary line bisects a portion of parcel 0610-013-9160-1. This boundary line appears to have been chosen following WDNR mapped wetland boundaries based on aerial photography and is not a certified wetland delineation. Section 2 of the Agreement restricts the Town from purchasing conservation easements and opposing annexations within the Proposed East Side Growth Boundary. The Agreement does not restrict or prevent the Village from annexing territory outside of the Proposed East Side Growth Boundary except as identified in Exhibit B, Map of No Annexation Buffer Area, which is not applicable to this annexation.

Within Dane County, petitions for annexation to municipalities are submitted to the Department of Administration for review under s. 66.0217(6). Within the packet is a copy of the Village's response to the WDOA Annexation Questionnaire and the WDOA Review Letter. The WDOA's role is to provide an advisory opinion whether the annexation is in the public interest or is against the public interest. Per the attached letter the WDOA has determined that the annexation is in the public interest. In their letter, the WDOA requests the Village to consider whether the proposed annexation would create a Town island area of



Lot 1, CSM 1455. Creation of Town islands are prohibited under s. 66.0221 Wis. Stat. The Village Attorney has provided an opinion to Village Staff that the proposed annexation would not create a Town island. Further, as noted within the WDOA letter, s. 66.0221(2) Wis. Stat. does provide an exception to the prohibition on creating Town islands for communities who have entered into boundary agreements under s 66.0301(6) or 66.0307. Since Lot 1, CSM 1455 is within the Proposed East Side Growth Area Boundary of the Agreement, Village Staff have determined that the Agreement applies to the territory in a sufficient manner to satisfy the statutory exception, if it needed to be applied. As noted in the WDOA letter, as an alternative to the current petition, the Petitioner could utilize the one-half approval annexation methodology under s. 66.0217(3) Wis. Stats. to include Lot 1 as part of the annexation territory.

Per s. 66.0217(8)(a) Wis. Stats., an ordinance for the annexation of territory may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23(7)(d) Wis. Stats. Before introduction of an ordinance containing a temporary classification, the proposed classification shall be referred to and recommended by the Plan Commission. The properties are currently zoned A-1(EX) under Dane County Zoning Code. The Village Zoning Code includes an A1 Agriculture-Transition District. The purpose of the district is to preserve, for an unspecified time period in agricultural and related open-space land uses, those lands generally located in proximity to developed areas within the Village where urban expansion is inevitable and broadly in keeping with long time plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. The A1 District allows single family detached dwellings, open space, and agriculture as permitted uses. Given the stated purpose of the A1 District, and the existing uses of property, Village Staff recommends the annexation ordinance provide that the lands within the annexation petition be temporarily zoned A1 Agricultural Transition until the Village zoning ordinance is amended as prescribed in s. 62.23(7)(d) Wis. Stats. and Division 4 of the Village Zoning Code.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

The property is identified as future Neighborhood and Agricultural Preservation in the Village's Comprehensive Plan.

ORDINANCE REFERENCE:

Sec. 62-65 A1 Agriculture-Transition

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:



Recommendation to the Village Board to temporarily zone the properties included in the Elvehjem Acres LLC petition for annexation, parcels 0610-013-9160-1 and 0610-013-9700-7, to the A1 Agricultural Transition District as part of the annexation approval ordinance.

ATTACHMENTS:

1. 14252 Petitioners Submittal (Elvehjem Acres)
2. E-Bill_061001391601_2018
3. E-Bill_061001397007_2018
4. Elvehjem Acres Aerial Map
5. 14252 - WI Annexation Review Questionnaire - McFarland Response (Elvehjem Acres)_09162019
6. 14252_20191002_review_letter
7. T. Dunn Boundary Agreement_02282005
8. McFarland_Comprehensive_Plan_-_Future_Land_Use_Map

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner Information

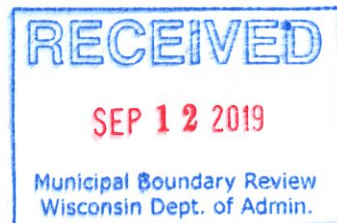
Name: **ELVEHJEM ACRES LLC**

Address: **4720 FARWELL STREET**

MCFARLAND, WI 53558

Email: **KEVIN@URSOBROS.COM**

Office use only:



1. Town where property is located: **DUNN**

2. Petitioned City or Village: **MCFARLAND**

3. County where property is located: **DANE**

4. Population of the territory to be annexed: **-4-**

5. Area (in acres) of the territory to be annexed: **29.94**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **0610-013-9160-1
AND 0610-013-9700-7**

Petitioners phone:

608-838-2017

Town clerk's phone:

608-838-1081

City/Village clerk's phone:

608-838-3153

Contact Information if different than petitioner:

Representative's Name and Address:
KEVIN URSO

URSO BROS. LLC

4720 FARWELL STREET

MCFARLAND, WI 53558

Phone: **608-838-2017**

E-mail: **KEVIN@URSOBROS.COM**

Surveyor or Engineering Firm's Name & Address:
MIKE ZIEHR

VIERBICHER INC.

999 FOURIER DRIVE, SUITE 201

MADISON, WI 53717

Phone: **608-821-3962**

E-mail: **MZIE@VIERBICHER.COM**

Required Items to be provided with submission (to be completed by petitioner):

1. ☒ Legal Description meeting the requirements of [s. 66.0217 \(1\) \(c\)](#) [see attached annexation guide]
2. ☒ Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
3. ☒ Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - ☒ Unanimous per [s. 66.0217 \(2\)](#), or,
OR
 - ☐ Direct by one-half approval per [s. 66.0217 \(3\)](#)
5. ☐ Check or money order covering review fee [see next page for fee calculation]

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)

\$200 – 2 acres or less

\$350 – 2.01 acres or more

\$800 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)

\$200 – 2 acres or less

\$600 – 2.01 to 10 acres

\$800 – 10.01 to 50 acres

\$1,000 – 50.01 to 100 acres

\$1,400 – 100.01 to 200 acres

\$2,000 – 200.01 to 500 acres

\$4,000 – Over 500 acres

\$1,150 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: _____

Payee: _____

Check Number: _____

Check Date: _____

Amount: _____

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- ☒ State the purpose of the petition:
- Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☒ Petition must be signed by:
- All owners and electors, if by unanimous approval.
 - See 66.0217 (3) (a), if by one-half approval.
 - See 66.0217 (3) (b), if by referendum.
- ☒ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- ☒ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- ☒ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- ☒ The land may NOT be described only by:
- Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- ☒ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoining as referenced in the description.
- ☒ The map must include a **graphic scale**.
- ☒ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- ☒ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).
- ☐ If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

**UNANIMOUS PETITION FOR DIRECT ANNEXATION
UNDER § 66.0217(2), WIS. STATS.**

To the Village Board of the Village of McFarland, Dane County, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described on Exhibit A attached hereto to the Village of McFarland, Dane County, Wisconsin, whereby said territory would be detached from the Town of Dunn, Dane County, Wisconsin, pursuant to § 66.0217(2), Wis. Stats.
2. Attached hereto as Exhibit B is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing Village and includes a graphic scale on the face of the map.
3. The current population of the territory proposed to be annexed is -4-.
4. This petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

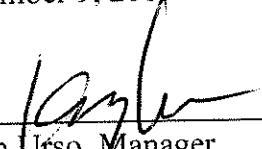
Owner of All Lands Within the Territory Proposed to be
Annexed:

Name of Owner: ELVEHJEM ACRES LLC

Address of Owner: 4720 FARWELL ST
MCFARLAND WI 53558

Date of Signing: September 9, 2019

Signature:

By: 

Kevin Urso, Manager

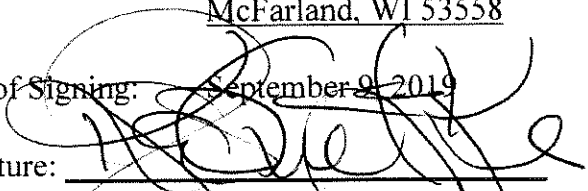
[Signatures continued on page 2 of Petition]

Electors Residing in the Territory Proposed to be
Annexed:

Name of Elector: Kayla Guetzke _____

Address of Owner: 3818 Elvehjem Road
McFarland, WI 53558

Date of Signing: September 9, 2019

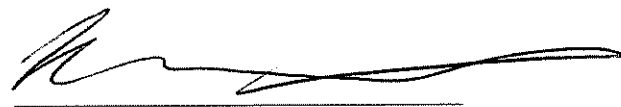
Signature: 

Print Name: Kayla Guetzke

Name of Elector: Ryan Guetzke

Address of Owner: 3818 Elvehjem Road
McFarland, WI 53558

Date of Signing: September 9, 2019

Signature: 

Print Name: Ryan Guetzke

Name of Elector: Cody Stinson

Address of Owner: 3808 Elvehjem Road
McFarland, WI 53558

Date of Signing: September 9, 2019

Signature: 

Print Name: Cody Stinson

[Signatures continued on page 3 of Petition]

Name of Elector: Carrie Stinson _____

Address of Owner: 3808 Elvehjem Road
McFarland, WI 53558

Date of Signing: September 9, 2019

Signature: Carrie Stinson

Print Name: Carrie Stinson

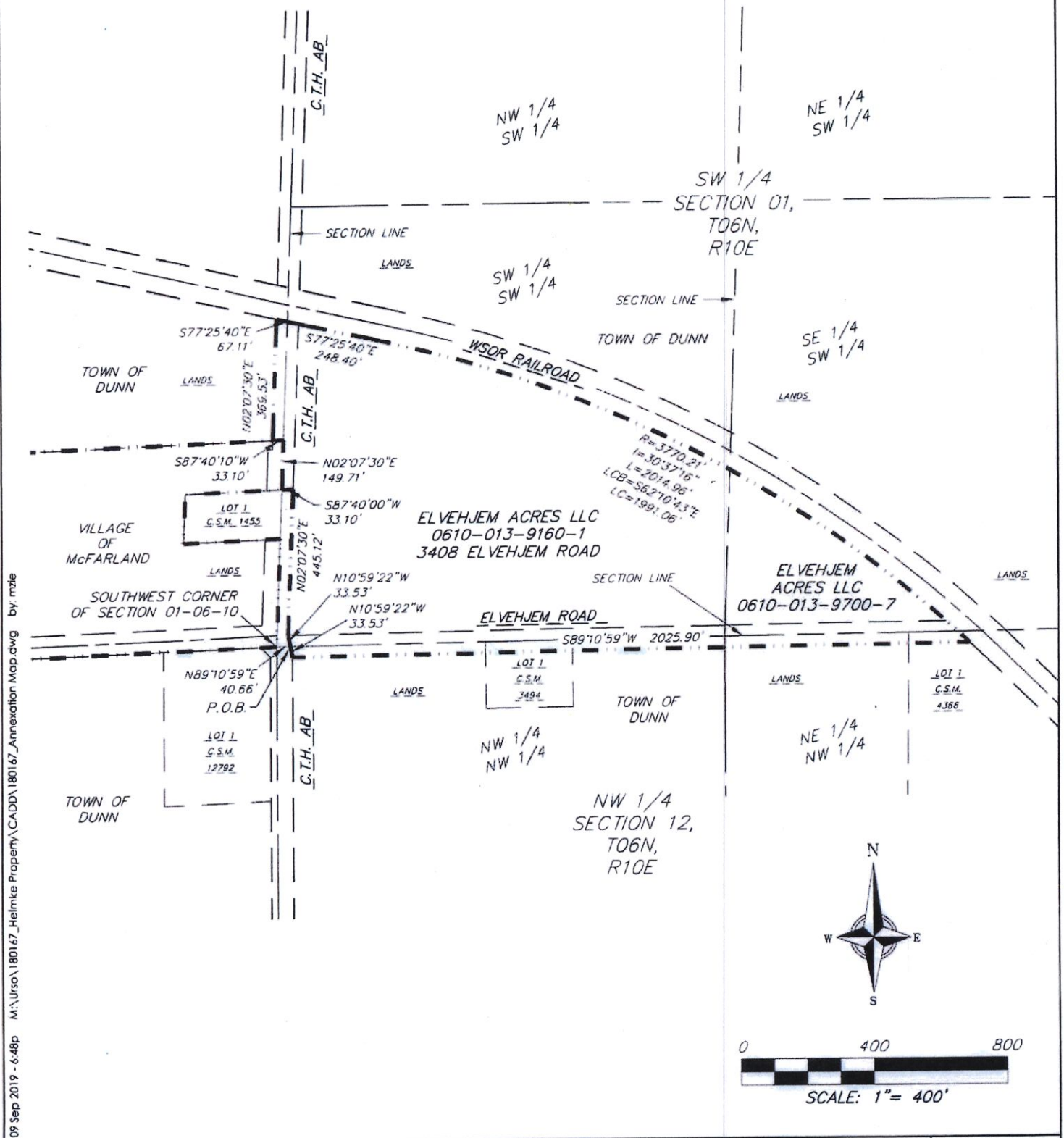
ANNEXATION LEGAL DESCRIPTION

Part of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 01 and part of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 12, all in Township 06 North, Range 10 East, Town of Dunn, Dane County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of said Section 01; thence North 89 degrees 10 minutes 59 seconds East, along the South line of said Section 01, a distance of 40.66 feet, more or less, to the point of beginning of this description; thence North 10 degrees 59 minutes 22 seconds West, 33.53 feet, more or less, to the intersection of the Easterly right-of-way line of County Trunk Highway (C.T.H.) "AB" and the Northerly right-of-way line of Elvehjem Road; thence North 02 degrees 07 minutes 30 seconds East, along said Easterly right-of-way line of C.T.H. "AB", 445.12 feet, more or less, to the Easterly extension of the North line of Certified Survey Map (C.S.M.) Number 1455, recorded as Document Number 1400799, Dane County Registry; thence South 87 degrees 40 minutes 00 seconds West, along said Easterly extension of the North line of C.S.M. 1455, a distance of 33.10 feet, more or less, to the West line of said Southwest Quarter of said Section 01; thence North 02 degrees 07 minutes 30 seconds East, along said West line, 149.71 feet, more or less, to the current corporate boundary line of the Village of McFarland; thence South 87 degrees 40 minutes 10 seconds West, along said corporate boundary line, 33.10 feet, more or less, to the Westerly right-of-way line of said C.T.H. "AB"; thence North 02 degrees 07 minutes 30 seconds East, along said Westerly right-of-way line, 369.53 feet, more or less, to the intersection with the Southerly right-of-way line of the Wisconsin and Southern (WSOR) Railroad; thence South 77 degrees 25 minutes 40 seconds East, along said Southerly right-of-way line, 67.11 feet, more or less, to the intersection with the Easterly right-of-way line of said C.T.H. "AB"; thence continuing South 77 degrees 25 minutes 40 seconds East, along said Southerly right-of-way line of the WSOR Railroad, 248.40 feet, more or less, to a point of curvature; thence along said Southerly right-of-way line and the arc of a curve to the right through a central angle of 30 degrees 37 minutes 16 seconds, an arc distance of 2014.96 feet, more or less, a radius of 3770.21 feet and a chord bearing South 62 degrees 10 minutes 43 second East, 1991.06 feet, more or less, to the intersection with the Southerly right-of-way line of said Elvehjem Road; thence South 89 degrees 10 minutes 59 seconds West, along said Southerly right-of-way line, 2025.90 feet, more or less, to the intersection with the Easterly right-of-way line of C.T.H. "AB"; thence North 10 degrees 59 minutes 22 seconds West, 33.53 feet, more or less, to the point of beginning. This description contains approximately 1,304,161 square feet or 29.94 acres.

EXHIBIT B

ANNEXATION TO THE VILLAGE OF McFARLAND



vierbicher
planners | engineers | advisors

Phone: (800) 261-3898



EXHIBIT A

SCALE 1" = 400'	SHEET
CHECKED MMAR	1 OF 1
DRAFTER MZIE	
DATE 09/09/2019	
JOB NO. 180167	



DANE COUNTY TREASURER'S OFFICE
210 MARTIN LUTHER KING JR BLVD RM 114
MADISON WI 53703

2018 E-Bill

ELVEHJEM ACRES LLC
4720 FARWELL ST
MCFARLAND WI 53558

THIS IS AN ELECTRONIC COPY OF REAL ESTATE PROPERTY TAX INFORMATION
(E-BILL). OFFICIAL TAX BILLS ARE SENT OUT IN DECEMBER AND CAN BE
OBTAINED FROM THE LOCAL MUNICIPAL TREASURER.

LOCAL MUNICIPALITY: **TOWN OF DUNN**

PARCEL NUMBER	PARCEL ADDRESS	DATE E-BILL CREATED
0610-013-9160-1	3408 ELVEHJEM RD	9/16/2019

	ASSESSED VALUE	EST. FAIR MARKET VALUE
Land	\$127,900.00	N/A
Improvement	\$101,300.00	N/A
Total	\$229,200.00	N/A

JURISDICTION			AMOUNT
STATE OF WISCONSIN			\$0.00
DANE COUNTY			\$904.97
TOWN OF DUNN			\$661.44
MCFARLAND SCHOOL DIST			\$2,635.46
MADISON TECH COLLEGE			\$243.10
NET ASSESSED VALUE (MILL RATE)	0.019393407	TOTAL TAXES	\$4,444.97
SPECIAL ASSESSMENTS AND CHARGES			\$317.67
MFL			\$0.00
TOTAL TAXES, SPECIALS, AND MFL			\$4,762.64
CREDITS			
LOTTERY CREDIT			\$203.66
FIRST DOLLAR CREDIT			\$83.86
TOTAL AMOUNT DUE - FULL PAYMENT			\$4,475.12
First Installment			\$2,294.57
Second Installment			\$2,180.55

TOWN OF DUNN
CATHY HASSLINGER TREASURER
4156 COUNTY ROAD B
MC FARLAND WI 53558

ELVEHJEM ACRES LLC 4720 FARWELL ST MCFARLAND WI 53558		PARCEL NUMBER 0610-013-9160-1
FULL PAYMENT	DUE BY JANUARY 31, 2019 - TO MUNICIPAL TREASURER	\$4,475.12
FIRST INSTALLMENT	DUE BY JANUARY 31, 2019 - TO MUNICIPAL TREASURER	\$2,294.57
SECOND INSTALLMENT	DUE BY JULY 31, 2019 - TO COUNTY TREASURER	\$2,180.55



DANE COUNTY TREASURER'S OFFICE
210 MARTIN LUTHER KING JR BLVD RM 114
MADISON WI 53703

2018 E-Bill

ELVEHJEM ACRES LLC
4720 FARWELL ST
MCFARLAND WI 53558

THIS IS AN ELECTRONIC COPY OF REAL ESTATE PROPERTY TAX INFORMATION (E-BILL). OFFICIAL TAX BILLS ARE SENT OUT IN DECEMBER AND CAN BE OBTAINED FROM THE LOCAL MUNICIPAL TREASURER.

LOCAL MUNICIPALITY: **TOWN OF DUNN**

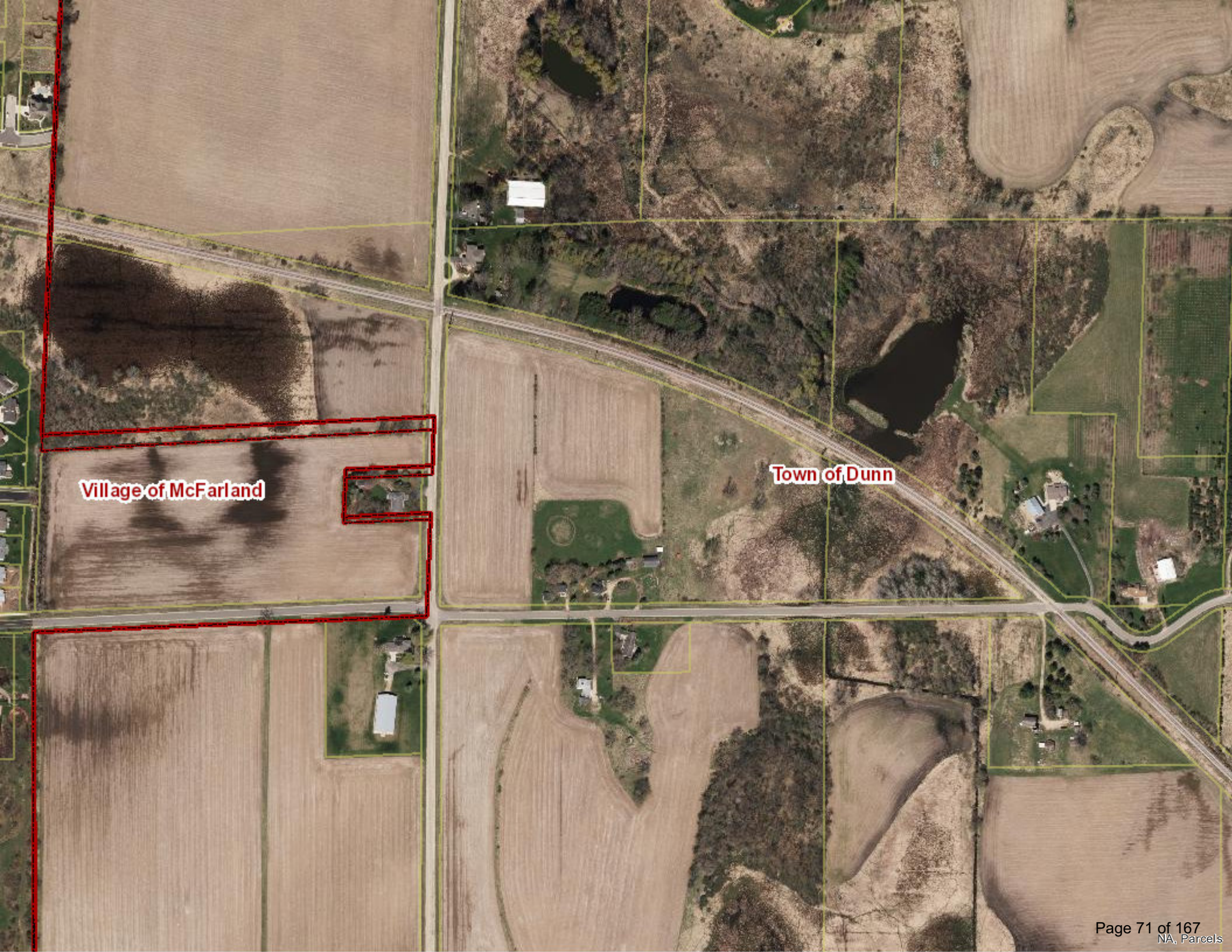
PARCEL NUMBER	PARCEL ADDRESS	DATE E-BILL CREATED
0610-013-9700-7		9/16/2019

	ASSESSED VALUE	EST. FAIR MARKET VALUE
Land	\$1,000.00	N/A
Improvement	\$0.00	N/A
Total	\$1,000.00	N/A

JURISDICTION			AMOUNT
STATE OF WISCONSIN			\$0.00
DANE COUNTY			\$3.95
TOWN OF DUNN			\$2.89
MCFARLAND SCHOOL DIST			\$11.50
MADISON TECH COLLEGE			\$1.06
NET ASSESSED VALUE (MILL RATE)	0.019393407	TOTAL TAXES	\$19.40
SPECIAL ASSESSMENTS AND CHARGES			\$0.00
MFL			\$0.00
TOTAL TAXES, SPECIALS, AND MFL			\$19.40
CREDITS			
LOTTERY CREDIT			\$0.00
FIRST DOLLAR CREDIT			\$0.00
TOTAL AMOUNT DUE - FULL PAYMENT			\$19.40
First Installment			\$19.40
Second Installment			\$0.00

TOWN OF DUNN
CATHY HASSLINGER TREASURER
4156 COUNTY ROAD B
MC FARLAND WI 53558

ELVEHJEM ACRES LLC 4720 FARWELL ST MCFARLAND WI 53558		PARCEL NUMBER 0610-013-9700-7
FULL PAYMENT	DUE BY JANUARY 31, 2019 - TO MUNICIPAL TREASURER	\$19.40
FIRST INSTALLMENT	DUE BY JANUARY 31, 2019 - TO MUNICIPAL TREASURER	\$19.40
SECOND INSTALLMENT	DUE BY JULY 31, 2019 - TO COUNTY TREASURER	\$0.00



Village of McFarland

Town of Dunn

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: **Elvehjem Acres**

Petition Number: **14252**

1. Territory to be annexed: From **TOWN OF DUNN** To **VILLAGE OF MCFARLAND**

2. Area (Acres): 29.94

3. Pick one: ☒ Property Tax Payments

OR

☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ \$664.33

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \$3,321.65

c. Participating jurisdictions _____

d. Statutory authority (pick one)

c. Paid by: ☐ Petitioner ☐ City ☒ Village

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

☐ Other: _____

4. Resident Population: Electors: 4 Total: 4

5. Approximate **present land use** of territory:

Residential: 4 % Recreational: _____ % Commercial: _____ % Industrial: _____ %

Undeveloped: 96 %

6. If territory is undeveloped, what is the **anticipated use**?

Residential: 75% % Recreational: 25% % Commercial: _____ % Industrial: _____ %

Other: _____ %

Comments: Further study and detailed planning needed. Recreational category notes DNR mapped wetlands.

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village?

Undeveloped

In the town?: Undeveloped & Single Family Residential

9. What are the **basic service needs** that precipitated the request for annexation?

☒ Sanitary sewer

☒ Water supply

☒ Storm sewers

☒ Police/Fire protection

☒ EMS

☒ Zoning

Other _____

Police service in the Town is provided by Dane County and Fire/EMS is provided by the Village of McFarland. Annexation would greatly improve response times for current and future residents for police service due to closer proximity. The Village is also capable of offering full public utility to the area including water, sewer, and storm sewer. The Village also has full jurisdictional control of its zoning. The ability to provide public utilities and full jurisdictional control of zoning offers greater density and more flexibility with land uses than within the Town.

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒ Yes ☐ No Town ☐ Yes ☒ No

If yes, approximate timetable for providing service:

Sanitary Sewers immediately
or, write in number of years.

City/Village ☒
1-2 Town ☐ _____

Water Supply immediately
or, write in number of years.

☒
1-2 Town ☐ _____

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☒ Yes ☐ No

Existing sanitary sewer and water supply are within 0.25 miles of the petition area. The Village is planning on installing an interceptor sewer on lands adjacent to the petition area to serve additional planned development to the north. The petition area would tie into the planned interceptor. Total cost of interceptor estimated at \$500,000. Water main will be added along available right of way and supplied by existing municipal wells and storage tanks.

If yes, identify the nature of the anticipated improvements and their probable costs: _____

11. Planning & Zoning:

a. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan? ☒ Yes ☐ No

b. How is the annexation territory now zoned? A-1(EX)

c. How will the land be zoned and used if annexed? Temporarily zoned RH-1 (Rural Homes), final zoning TBD but likely Single Family

12. Elections: ☐ New ward or ☒ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

13. Other relevant information and comments bearing upon the public interest in the annexation:

In addition to the Village's Comprehensive Plan, the lands within the petition area are also within the Village's East Side Neighborhood Growth Area Plan.

Prepared by: ☐ Town ☐ City ☒ Village

Name: Andrew Bremer, AICP

Email: Andrew.Bremer@McFarland.Wi.US

Phone: 608-838-3154

Date: 09-16-2019

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

October 03, 2019

PETITION FILE NO. 14252

CASSANDRA SUETTINGER, CLERK
VILLAGE OF MCFARLAND
5915 MILWAUKEE ST
MC FARLAND, WI 53558-8962

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY RD B
MC FARLAND, WI 53558-9754

Subject: ELVEHJEM ACRES ANNEXATION

The proposed annexation submitted to our office on September 12, 2019, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether governmental services to the territory could "clearly be better supplied by the town" as opposed to the annexing city or village. Section 66.0217(6)(c)1.-2.

In this case, the petitioned territory is reasonably shaped and contiguous to the Village along its western boundary. The Communities have developed an intergovernmental agreement – *Intermunicipal Cooperation Agreement Between the Town of Dunn and Village of McFarland* (2005) – which prohibits annexation within an area referred to as the "No Annexation Buffer Area". However, the petitioned territory is located outside of this area where annexation is prohibited.

Regarding services, the Village indicates that it can provide all services, most immediately and sewer and water within 1-2 years. Meanwhile, the Town is not able to provide sewer and water service. Therefore, finding that the Village can provide needed services and that the annexation areas are compact and contiguous to the Village, the Department must find that this proposed annexation to be in the public interest according to s. 66.0217(6)(c), Wis. Stats.

The Village should also consider the prohibition against creating Town islands under s. 66.0221, Wis. Stats., and whether that prohibition applies in this case. Specifically, annexation of this territory would create a Town island area of Lot 1, CSM 1455 which would become isolated from the rest of the Town. However, section 66.0221 (2), Wis. Stats., does provide an exception to the prohibition on creating Town islands for communities who have entered into boundary agreements under ss. 66.0301 (6) or 66.0307, Wis. Stats. The Department is unable to ascertain whether the Communities' intergovernmental agreement "applies to the territory" in a sufficient manner to satisfy the statutory exception. The Village will need to make this determination. If the intergovernmental agreement does not sufficiently apply to the territory to satisfy the statutory exception, then the Petitioner may wish to consider utilizing one-half approval annexation under s. 66.0217(3) Wis. Stats. to include Lot 1 as part of the annexation territory and avoid creating a town island.

Finally, It appears that the legal description must indicate that lands being annexed are also in the SE ¼ of the SE ¼ of Section 2.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14252 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2326>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner

INTERMUNICIPAL COOPERATION AGREEMENT

BETWEEN

TOWN OF DUNN and VILLAGE OF McFARLAND

This Intermunicipal Cooperation Agreement dated February 28th, 2005 (the "Agreement") is made by and between the TOWN OF DUNN, Dane County, Wisconsin (the "Town") and the VILLAGE OF McFARLAND, Dane County, Wisconsin (the "Village"), together referred to as the Parties.

RECITALS

- A. The Town and the Village share a common border and have a history of disputes regarding borders and the provision of municipal services.
- B. The Town and the Village desire to enter into this Agreement for the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and the Village that will be in accordance with the existing and future needs of the Parties and best provide for the public health, safety, morals, order, convenience, prosperity, and the general welfare of the Parties and their residents, as well as the efficiencies and economy of the Parties.
- C. The Town and the Village believe that the boundary established by this Agreement is reasonably compatible with the characteristics and adopted and future plans of both Parties, taking into consideration present and potential transportation, sewer, water and storm drainage facilities, and other infrastructure, fiscal capacity, previous political boundaries, boundaries of school districts, and shopping and social customs.
- D. The boundary established by this Agreement is not the result of arbitrariness and reflects due consideration of compactness of area, orderly urban growth, and efficient delivery of municipal services.
- E. Entering into this Agreement should not produce significant adverse environmental consequences to the natural environment and may help reduce significant adverse environmental consequences to the natural environment by promoting the orderly and coordinated development of the Parties.
- F. This Agreement is generally consistent with current state and federal laws, shoreland zoning ordinances, municipal regulations and administrative rules that apply in the Town and the Village.
- G. This Agreement adequately addresses the delivery of necessary municipal services to the residents affected by this Agreement.
- H. Wis. Stat. § 66.0301 authorizes municipalities to jointly exercise powers delegated to them and, therefore, to make agreements concerning boundaries between municipalities.

- I. The Village and the Town have long recognized that despite their differences, intergovernmental cooperation provides for the best use of land and natural resources, as well as high quality and efficient municipal services.
- J. It is in the best interests of the parties to reach agreements concerning boundaries and municipal service issues in order to avoid duplication of municipal services and to provide an effective means of planning each community's future growth.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in accordance with the authority granted them under the Wisconsin statutes and for their mutual benefit and in the public interest, the Town and the Village agree as follows:

1. NO ANNEXATION BUFFER AREA.

During the term of this Agreement, no territory in the Town that is located south of the Yahara River in Sections 3, 4, 9 and 10, Town 6 North, Range 10 East (the "No Annexation Buffer Area") shall be annexed to or attached to the Village. The No Annexation Buffer Area is described in the legal description attached hereto as Exhibit A and shown on the map attached hereto as Exhibit B. The Village agrees that it shall not commence, join in, nor in any way support the annexation or attachment of territory from the Town to the Village in the No Annexation Buffer Area. The Village shall have no obligation to provide Village water or sanitary sewer services to territory in the No Annexation Buffer Area.

2. RESTRICTIONS ON TOWN PURCHASE OF CONSERVATION EASEMENTS.

The Town agrees not to purchase conservation easements pursuant to the Town of Dunn Rural Preservation Program ("Preservation Program") (or to provide direct or indirect support to other parties specifically seeking conservation easements) in the territory north of the Yahara River in Section 10, Town 6 North, Range 10 East, or in the Village's planned Eastside Growth Area in Sections 1, 2, 11 and 12, Town 6 North, Range 10 East, as shown on Exhibit C. This provision does not restrict the Town from pursuing its Preservation Program or purchasing conservation easements elsewhere in the Town or generally providing support to conservation organizations or land trusts.

3. ACTIVITIES IN NO ANNEXATION BUFFER AREA.

- A. In the event the Town purchases conservation easements in the No Annexation Buffer Area pursuant to the Preservation Program, the Town agrees that such easements shall not prohibit non-motorized, passive public recreational access and uses ("Passive Uses"). Passive Uses include hiking, bicycling, cross-country skiing, snowshoeing, and guided nature walks. Passive Uses do not include playground uses, or soccer, basketball, or football recreational purposes or uses for other organized team sports. During conservation easement negotiations with landowners in the No Annexation Buffer Area, the Town will make efforts to

partner with the Village of McFarland, Dane County Parks Department and/or Wisconsin Department of Natural Resources to purchase all or part of the land for Passive Uses.

- B. The Town acknowledges that its activities under the Preservation Program are intended, among other things, to preserve the quality of life and the rural character of the Town. The Town agrees to make land use decisions in the No Annexation Buffer Area in accordance with the Town of Dunn Land Use Plan, Amended September 22, 1998 (the "Town Plan") or such amendments to the Town Plan related to the No Annexation Buffer Area that are approved by the Town of Dunn Town Board and the Village of McFarland Village Board.

4. TOWN NOT TO OPPOSE ANNEXATIONS.

The Town agrees not to oppose annexations of territory to the Village located north of the Yahara River in Section 10, Town 6 North, Range 10 East, or within the Village's planned Eastside Growth Area as shown in Exhibit C during the term of this Agreement. Revenue sharing for all annexations of territory in the Town during the term of this Agreement shall be for 5 years as provided for annexations under Wis. Stat. § 66.0217(14)(a)1.

5. MAINTENANCE OF HIDDEN FARM ROAD.

If, in the future, the Village annexes the property at 2860 Hidden Farm Road, the Village agrees to maintain the road surface, drainage ditches, culverts, and signage to Town road standards for the full length of Hidden Farm Road from its intersection with Elvehjem Road south to the end of the road. A map showing 2860 Hidden Farm Road and the location of Hidden Farm Road is attached as Exhibit D. Prior to the Village's assuming these responsibilities, the Town and Village shall jointly inspect the road to determine if the road surface, drainage ditches, culverts, and signage meet the applicable Pavement Surface Evaluation and Rating ("PASER") standards for gravel roads. The Town agrees that it will bring the road up to applicable PASER standards at Town expense prior to the transfer of maintenance responsibility to the Village.

It is understood that Hidden Farm Road is currently a gravel road. Upgrading Hidden Farm Road to a paved road will not be required.

If the Village assumes the maintenance responsibilities for Hidden Farm Road as required hereunder, the Town agrees to remove Hidden Farm Road from its State Certified Road list for State Road Aids.

6. EXCHANGE STREET BRIDGE.

The Town and the Village agree to share equally the costs of inspecting and maintaining the Exchange Street bridge over the Yahara River. The Town will retain primary responsibility for initiating and completing inspections and maintenance of the bridge and agrees to obtain the Village's consent prior to committing inspection or maintenance expenditures exceeding a total cost of \$5,000. The Town shall invoice the Village for the

Village's share of the inspection and maintenance costs, and the Village shall pay the invoice within 30 days of receipt.

7. SOLID WASTE AND RECYCLING.

- A. The Town and the Village agree to continue to cooperate concerning solid waste management and recycling. The Town acknowledges that the Village has expressed interest in the possible use of the Town transfer site by Village residents, and the Town agrees to consider the use of the transfer site by Village residents.
- B. The Town has begun to explore applications for the production and use of biodiesel fuels, an interest that is shared by the Village. The Town agrees to keep the Village informed of the Town's interest in this area and of future opportunities for potential cooperation between the Town and the Village concerning the production and use of biodiesel fuels.

8. SHARING AND EXCHANGE OF EQUIPMENT.

The Town and the Village currently share and exchange equipment. The Town and the Village intend to explore additional ways to cooperate in the sharing and exchanging of equipment, including the potential joint purchase/ownership of equipment on terms and conditions acceptable to both Parties.

9. GOOD FAITH COOPERATION.

- A. The Town and the Village shall cooperate in good faith to implement this Agreement. The Town and the Village agree that they shall not hinder the performance and implementation of this Agreement in any way and that they will not oppose this Agreement in any way privately or publicly, either when communicating with any government agency which is charged with review and evaluation of any part of this Agreement, or otherwise.
- B. In the event of a breach of this Agreement or a dispute between the Parties involving the application, interpretation, or enforcement of this Agreement, the Parties shall seek a resolution of the breach or dispute within 10 days following written notice by one Party to the other of the breach or dispute. If the breach or dispute is not resolved at such meeting or an extension of the 10-day period as mutually agreed to by the Parties, the breach or dispute shall be submitted to the Municipal Boundary Review Director of the Office of Land Information Services of the State of Wisconsin Department of Administration (the "Director") for binding arbitration. Upon receipt of a request for binding arbitration, the Director shall identify a panel of three potential arbitrators. The Town and the Village shall each strike one potential arbitrator from the panel, and the remaining arbitrator shall arbitrate the breach or dispute. The arbitration shall be performed in accordance with such rules and procedures such person may specify, subject to the terms of this Agreement. A party may initiate legal proceedings in a court of competent jurisdiction in order to enforce an award or decision obtained in

arbitration. In the event the Director does not appoint an arbitrator within 30 days of the Director's receipt of the request to do so, then both Parties shall have the right and standing to seek any available legal or equitable remedy to resolve the dispute or to enforce or seek damages for the breach of this Agreement. In any action concerning any violation of this Agreement, the prevailing Party shall be entitled to recover from the other Party its reasonable costs and expenses of litigation, including reasonable attorneys' fees. Equitable remedy includes specific performance, injunction and extraordinary remedies identified in Wis. Stat. § 781.01.

10. BINDING EFFECT.

This Agreement shall bind and accrue to the benefit of all successors of the Parties. This Agreement is for the exclusive benefit of the Parties and their successors and assigns and shall not be deemed to give any legal or equitable right, remedy, or claim to any other person or entity. This Agreement shall not be affected by a change in the form of government of either of the Parties.

11. RECORDING.

The Town shall record a notice of this Agreement in the office of the Dane County Register of Deeds. The cost to prepare and record the notice shall be split equally by the Town and the Village.

12. CHALLENGE TO AGREEMENT; ADVANCEMENT OF MUTUAL INTERESTS.

- A. Both Parties waive all rights to challenge the validity or enforceability of this Agreement or any of its provisions or to challenge any actions taken pursuant to or in accordance with this Agreement.
- B. In the event of a court action by a third party challenging the validity or enforceability of this Agreement or any of its provisions, both Parties shall fully cooperate to vigorously defend this Agreement.
 - (1) If only one Party is named as a party to the action, the other Party shall seek to intervene and the named Party shall support such intervention.
 - (2) No settlement of such an action shall be permitted without the approval of the governing bodies of both Parties.
 - (3) The workload to defend this Agreement shall be shared equally.
- C. A challenge to this Agreement by one of the Parties or a failure to vigorously defend this Agreement constitutes a breach of this Agreement.
- D. The Parties acknowledge that in order to effectively implement this Agreement, it may be necessary to obtain the cooperation of other governmental agencies. In all

matters necessary to implement this Agreement, the Parties agree to seek the cooperation of all relevant agencies.

13. TERM.

The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on December 31, 2025.

14. EFFECTIVE DATE.

The Effective Date shall be the date upon which this Agreement is approved by the governing bodies of the Parties and executed by the authorized representatives of the Parties.

15. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and all prior discussions, drafts, agreements, and writings are specifically superseded by this Agreement. This Agreement represents the mutual intent of the Parties and the fact that one or more of its provisions was drafted by one Party or another shall not be construed to the benefit or detriment of either Party.

16. AMENDMENT.

This Agreement may be amended by the approval and execution of a written amendment by both Parties.

17. SEVERABILITY.

In the event that any provision of this Agreement is found invalid or unenforceable by a court, the Parties agree that they will negotiate in good faith and expend their best efforts to remedy the unenforceable or invalid provision. Representatives of the Village and Town shall promptly meet to discuss how they might satisfy the intent of this Agreement by alternative means. The Town and Village shall use their best efforts to find, design and implement a means of successfully accomplishing the intent of this Agreement. If necessary, they shall discuss appropriate amendments of this Agreement to maintain, as closely as possible, the original terms, intent and balance of benefits and burdens of this Agreement. In the event a court finds Sections 1, 2, 3 or 4 of this Agreement to be invalid or unenforceable and the Parties are unable to agree on a remedy or an amendment of this Agreement within 60 days of the date that the court found the Section to be invalid or unenforceable, then: (1) If Section 1 is the Section found to be unlawful or invalid, the Town may, by providing 30 days' prior written notice to the Village, terminate this Agreement; or (2) If Sections 2, 3, or 4 are found invalid or unlawful, the Village may, by providing 30 days' prior written notice to the Town, terminate this Agreement. With regard to all other Sections of this Agreement (Sections 5-20), if any such Section is found to be invalid or unlawful, and the Parties are unable to agree on a remedy or an amendment of this Agreement within 60 days of the date the court found the Section to be invalid or unenforceable, then such invalidity or unenforceability shall

not affect or invalidate the other provisions of this Agreement and such other provisions shall be binding on the Parties.

18. NO WAIVER.

Failure of either Party to require strict performance of any provision of this Agreement shall not constitute a waiver of the provision or of any of either Party's rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. Waiver of one right, or release of one obligation, shall not constitute a waiver or release of any other right or obligation.

19. AUTHORITY.

Each Party represents that it has the authority to enter into this Agreement and that all necessary procedures have been followed to authorize this Agreement. Copies of the resolutions of the governing bodies of both Parties, authorizing this Agreement are attached hereto as Exhibits E and F. Each person signing this Agreement represents and warrants that he or she has been duly authorized to do so.

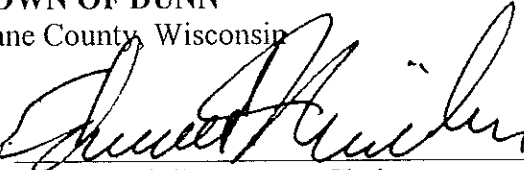
20. COUNTERPARTS.

This Agreement may be signed in counterparts which, when taken together, shall be effective as if all signatures appeared on the same original.

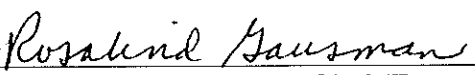
IN WITNESS WHEREOF, the Parties hereto have caused the execution of this Agreement by the authority of their respective governing bodies, effective as of the date when both Parties have affixed their respective signatures.

Dated this 28th day of February, 2005.

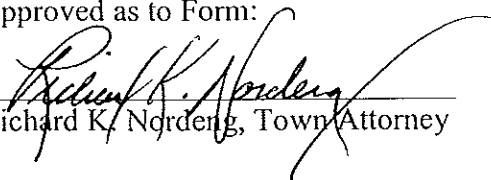
TOWN OF DUNN
Dane County, Wisconsin

By 
Edmond P. Minihan, Town Chair

Attest:


Rosalind Gausman, Town Clerk/Treasurer

Approved as to Form:


Richard K. Nordeng, Town Attorney

Dated this 11th day of MARCH, 2005.

VILLAGE OF McFARLAND

Dane County, Wisconsin

By: Erik Thoresen
Erik Thoresen, Village President

Attest:

Deb Neal
Deb Neal, Village Clerk

Approved as to Form:

Lawrence E. Bechler
Lawrence E. Bechler, Village Attorney

Attachments:

- Exhibit A – Legal Description of No Annexation Buffer Area
- Exhibit B – Map of No Annexation Buffer Area
- Exhibit C – Map of Village's planned Eastside Growth Area
- Exhibit D – Map of Hidden Farm Road
- Exhibit E – Village Resolution Authorizing the Agreement
- Exhibit F – Town Resolution Authorizing the Agreement

EXHIBIT A

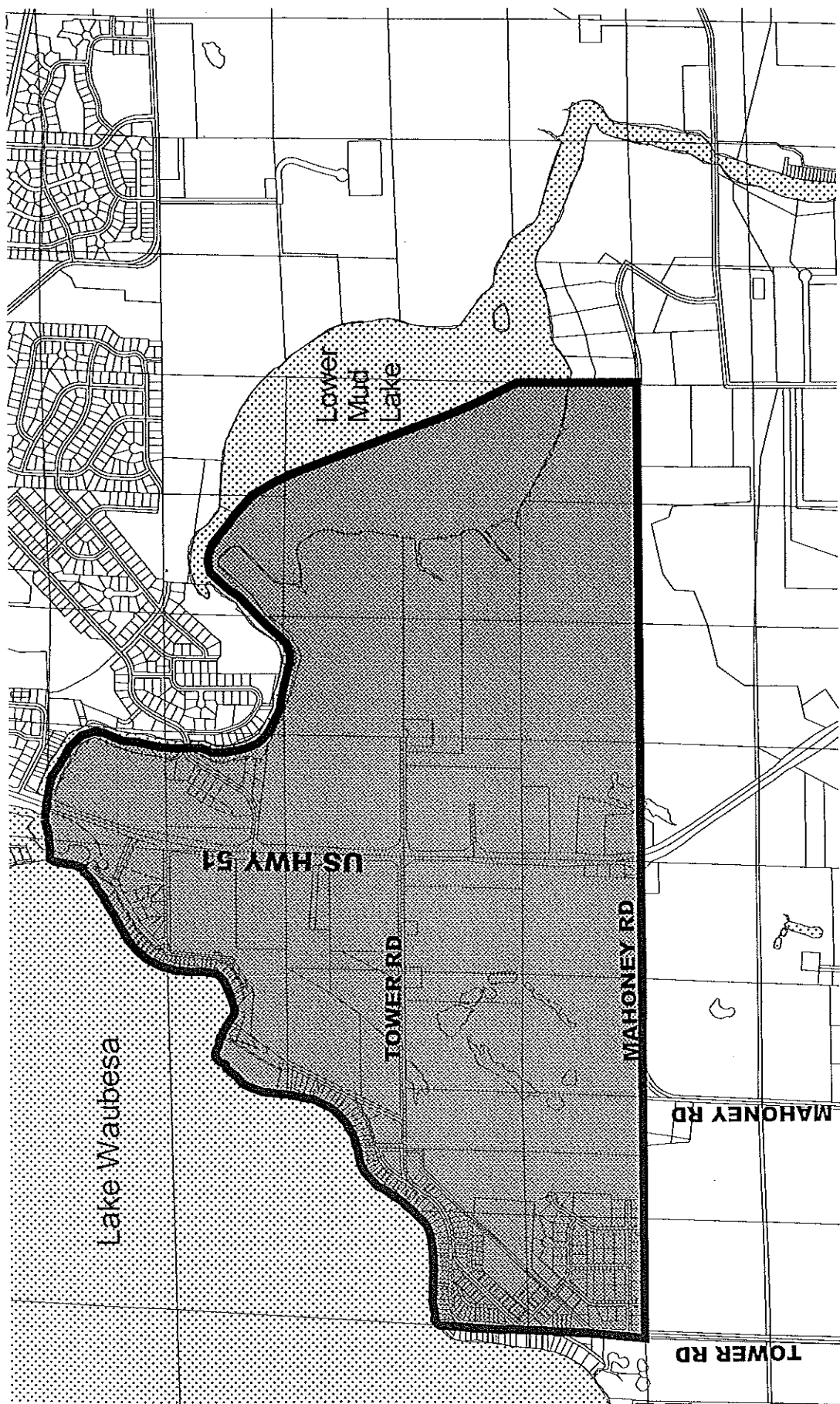
LEGAL DESCRIPTION OF NO ANNEXATION BUFFER AREA

All territory in the Town located in Sections 3, 4, 9, and 10, Town 6 North, Range 10 East, Town of Dunn, Dane County Wisconsin.

EXHIBIT B

MAP OF NO ANNEXATION BUFFER AREA

No Annexation Buffer Area Map Exhibit B



No Annexation Buffer Area



0.8 Miles

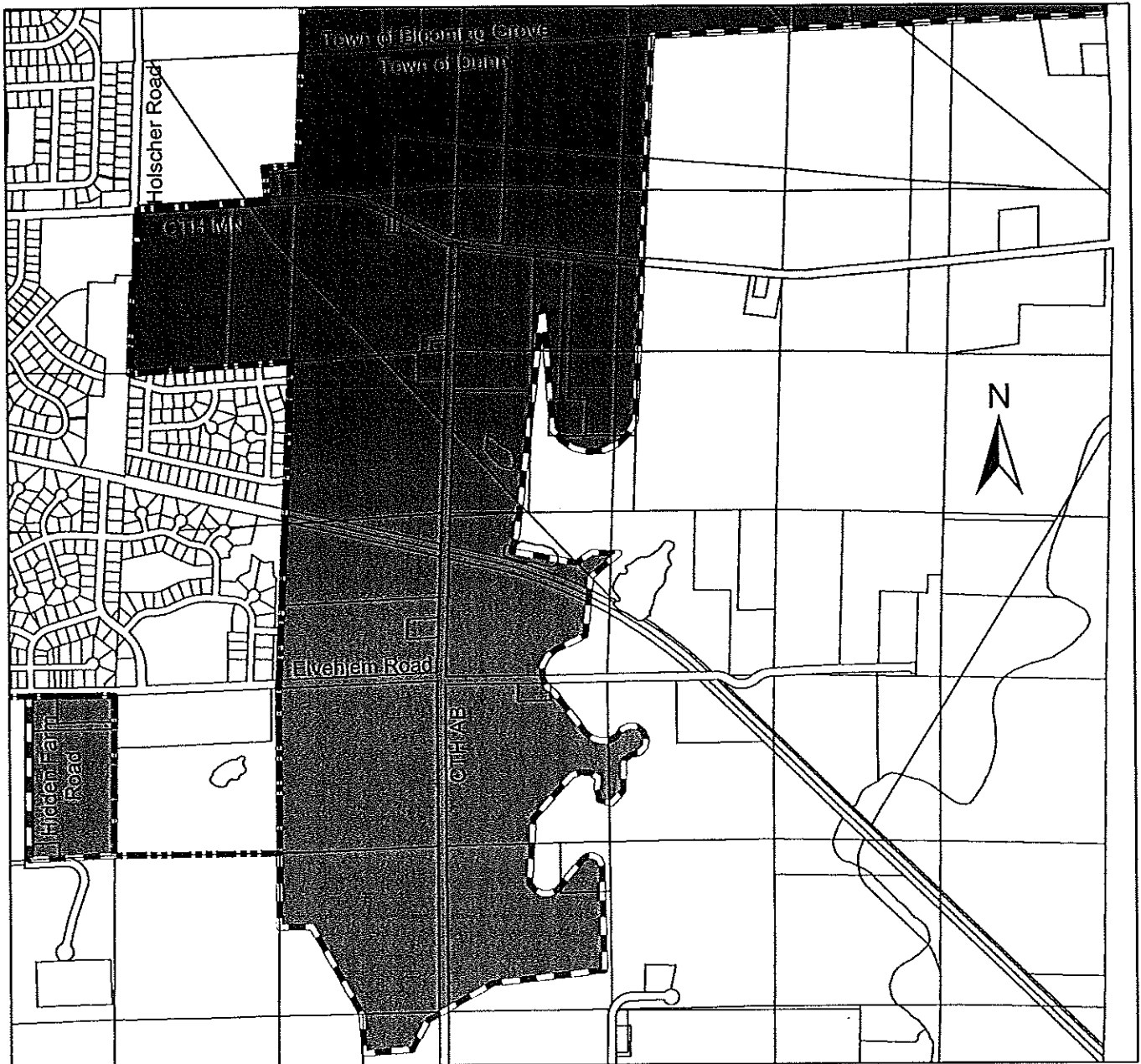


Source: Town of Dunn GIS
Base Map Data Layer: Dane County Land Information Office

EXHIBIT C

MAP OF VILLAGE'S PLANNED EASTSIDE GROWTH AREA

Exhibit C



Legend



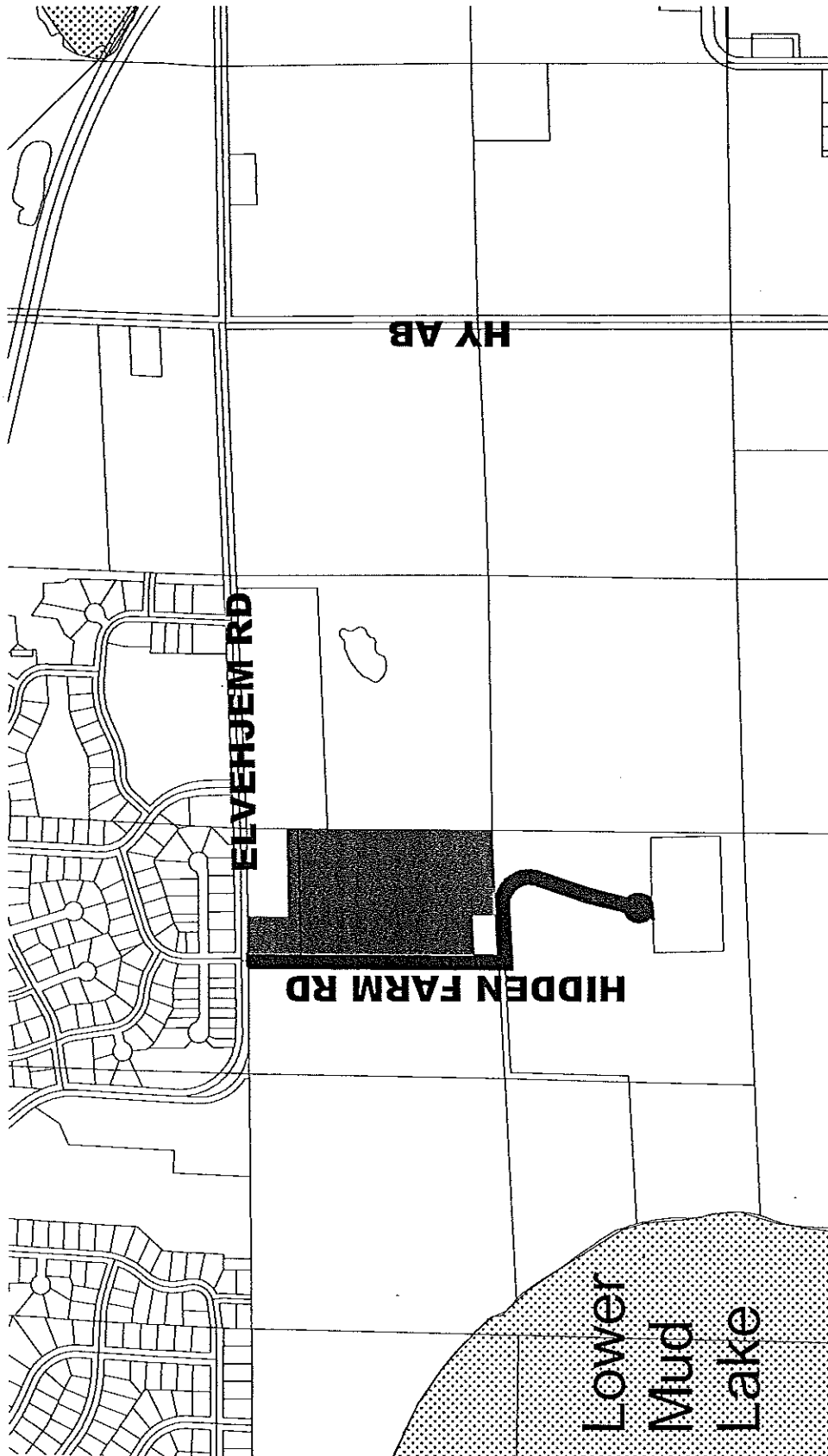
Municipal Boundary

Proposed East Side Growth Boundary

EXHIBIT D
MAP OF HIDDEN FARM ROAD

Exhibit D

Map of 1/4 Hidden Farm Road
and location of Hidden Farm Road south of Elvehjem Road
NW 1/4 Section 11, Town 6 North, Range 10 East, Dane County, Wisconsin



0 0.4 Miles



Location of Hidden Farm Road south of Elvehjem Road



2860 Hidden Farm Road

Source: Town of Dunn GIS
Base Map Data Layer: Dane County Land Information Office

EXHIBIT E

VILLAGE RESOLUTION AUTHORIZING THE AGREEMENT

RESOLUTION # 03-2005

RESOLUTION 03-2005			
MOTIONED		SECONDED	
Quam		Miles	
ACTION		DATE	
Adopted		02/28/05	
Referred			
Tabled			
Withdrawn			
Defeated			
INDIVIDUAL VOTING RECORD			
Thoresen	Noe	Miles	Aye
Crane	Aye	Quam	Aye
Harried	Aye	Zinkgraf	Aye
Machtan	Aye		
VOTING RESULTS			
Motion Carried:			6-1
Motion Defeated:			

RESOLUTION APPROVING INTER-MUNICIPAL COOPERATION AGREEMENT BETWEEN VILLAGE OF MCFARLAND AND TOWN OF DUNN

WHEREAS, at the time of rejection of an annexation of over 400 acres of land south of the Yahara River in the Town of Dunn, the Village Board authorized the commencement of discussions between the Village and the Town of Dunn about the possibility of a boundary agreement between the Village and the Town of Dunn; and

WHEREAS, initial discussions between the Village and the Town of Dunn did not lead to a formula for agreement between the Village and the Town; and

WHEREAS, the Village re-initiated discussions about a possible boundary agreement with the Town of Dunn following the Village President's call for such renewed discussions at the Village Board organizational meeting on April 12, 2004; and

WHEREAS, following informal discussions between staff of the Village and Town of Dunn, an initial draft of an inter-governmental agreement between the Village and the Town of Dunn was prepared under which the Village and the Town of Dunn proposed the establishment of partial boundaries as well as proposed policies concerning purchases of conservation easements as well as shared maintenance of public works and sharing of facilities; and

WHEREAS, following further review and revision of the draft agreement, a final draft of the agreement was submitted on February 16, 2005; and

WHEREAS, a public hearing was held on February 28, 2005 before the Village Board in which all persons were offered the opportunity to submit their views on the proposed intermunicipal cooperation agreement between the Village and the Town of Dunn;

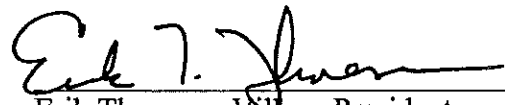
***NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF
THE VILLAGE OF MCFARLAND AS FOLLOWS:***

1. The inter-municipal cooperation agreement between the Village of McFarland and the Town of Dunn, in the form attached hereto as Exhibit "A", is in the public interest and is hereby approved.
2. The Village President and Village Clerk are hereby authorized to execute said agreement, and to take such other and further actions reasonably necessary to implement the agreement.

The above and forgoing Resolution was adopted at a regular meeting of the McFarland Village Board held on the 28th day of February, 2005.

VILLAGE OF MCFARLAND

APPROVED:


Erik Thoresen, Village President

ATTEST:


Deb Neal, Village Clerk

EXHIBIT F
TOWN RESOLUTION AUTHORIZING THE AGREEMENT

TOWN OF DUNN
RESOLUTION NO. 2005-05

A RESOLUTION AUTHORIZING INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN TOWN OF DUNN AND VILLAGE OF McFARLAND
DANE COUNTY, WISCONSIN

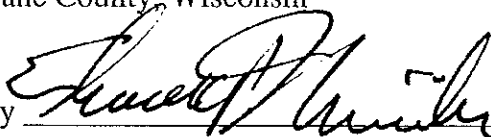
WHEREAS, the Town of Dunn and the Village of McFarland have negotiated an intermunicipal cooperation agreement, which is attached hereto as Exhibit 1 (the "Agreement").

RESOLUTION

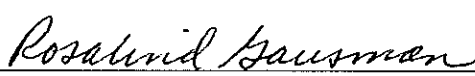
NOW, THEREFORE, be it resolved that the Town Board of the Town of Dunn approves the Agreement, and the Town Chairperson and the Town Clerk/Treasurer are authorized to execute the Agreement, as well as any other documents related thereto or required thereby, and in a form approved by the Town Attorney.

Adopted this 28th day of February, 2005.

TOWN OF DUNN
Dane County, Wisconsin

By 
Edmond P. Minihan, Town Chairperson

ATTEST:


Rosalind Gausman, Town Clerk/Treasurer

Attachment: Exhibit 1 -- Intermunicipal Cooperation Agreement between Town of Dunn
and Village of McFarland



MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

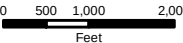
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- DNR Wetlands and Potential Wetland Indicators over Undeveloped Lands
- Agricultural Preservation
- Urban Reserve
- Water
- Rights-of-Way

--- Village of McFarland Extraterritorial Jurisdiction Boundary

▣ Village of McFarland Limits (8/18)

▣ Other Municipal Limits (2018)

Shapes on this map represent the Village's vision for future land use within the Village and its extraterritorial jurisdiction. For such lands, this map is not intended to represent existing land use or zoning, or to compel property owners to change the use of their land. For example, owners of agricultural or other rural land may maintain their current land use. Actual boundaries between different future use categories and implementing zoning districts may vary somewhat from representations on this map. This map also identifies the City's Marsh Road Neighborhood Plan west of the Interstate and north of Siggelkow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.



Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC





PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, October 21, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion regarding preapplication conceptual review of a proposed 53 unit multi-family development by MSP Real Estate, Inc. for 4845 Taylor Road and 4900 Larson Beach Road.

PREVIOUS ACTION:

Village Board approved purchase of 4900 Larson Beach Road.

ISSUE SUMMARY:

Background

MSP Real Estate, Inc. has entered into a purchase agreement with the owner of 4845 Taylor Road for the purpose of constructing an affordable housing multi-family development. MSP intends to apply for WHEDA & Dane County funding assistance to assist with financing the project. Village Staff met with representatives of MSP in August and encouraged the addition of the adjacent 4900 Larson Beach Road property to create a better project that included both vacant parcels. The Village Board authorized the purchase of 4900 Larson Beach Road with the intent of selling the lot to MSP upon notification of their WHEDA/Dane County funding applications. The reason the Village is assisting with this purchase is because the WHEDA application is due in December and requires MSP have site control (i.e. options in place to acquire all lots and permitted zoning, PD-I Planned Development Infill, General Plan). Due to the WHEDA's, and Dane County's, application review timeline, MSP will not learn of project awards until the Spring-Summer of 2020, and therefore, will not be able to close until financing is secured. MSP and the previous owner of 4900 Larson Beach Road were not able to come to terms on an offer to purchase that included the longer closing contingency needed by MSP due to the WHEDA/Dane County processes. The Village Board has previously expressed interest for infill development of these vacate parcels and is interested in advancing housing affordability per the 2019-2020 Village Board Goals & Objectives and the Village's Comprehensive Plan. Therefore, the Village Board is willing to enter into an offer to purchase with MSP with the longer closing contingency desired by the developer.

October 21 Meeting Objective

MSP will be appearing before the Plan Commission to obtain initial feedback on their draft rezoning application, per Sec. 62.67(c). MSP is requesting rezoning of the property from C-H Commercial Highway to PD-I Planned Development Infill, General Plan. MSP will be using a staged approach to plan approval whereby they will seek approval of just the General Plan prior to their submittal of the WHEDA application, which is due December 6, 2019. If WHEDA funds the project, MSP will seek approval of the Detailed Plan sometime in 2020. The Plan Commission will hold a public hearing on the rezoning request and General Plan



at the November 18, 2019 meeting.

October Meeting Outline

The purpose of the October meeting is to introduce MSP and the development project, and to provide initial non-binding feedback to MSP on the General Plan. To guide the discussions Village Staff and MSP have developed the following outline for the October meeting:

1. Village Staff summary of last two months of planning activity (see above).
2. Introduce MSP who will provide a corporate overview, summary of prior projects, summary of the proposed development, and overview of the WHEDA process). Note included in packet but will be part of the presentation.
3. Discussion of various aspects of the proposed development in the following order.
 - Proposed Use
 - Proposed Density
 - Compatibility with the Comprehensive Plan
 - Compatibility with adjacent uses
 - Building Setbacks & Height
 - Building Floor Plan
 - Floor Area Ratio
 - Conceptual Exterior Design
 - Stormwater Management
 - Impervious Surface Ratio
 - Green Space Ratio & Uses
 - Site Parking
 - Site Lighting
 - Trash Collection
 - Property Management Services

Many of the items on this list, particularly detailed site and building designs, will be addressed during the PD-I Detailed Plan submittal stage expected to occur in 2020. However, the Plan Commission can provide some early feedback to assist MSP's before they start the detailed site and building designs.

FINANCIAL/BUDGET IMPACT:

The development of this site will provide a substantial increase in the property value and real estate taxes paid to the Village.

VILLAGE PLAN REFERENCE:

The property is identified as Mixed-Use/Flex Commercial in the Village's Comprehensive Plan.

ORDINANCE REFERENCE:

Section 62.66 PD-I Planned Development Infill District



Chapter 62, Division 4 Changes and Amendments to the Zoning Code

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Discussion only to provide initial input to the Developer prior to the November 18, 2019 public hearing.

ATTACHMENTS:

1. MSP Multi-Family Affordable Housing Plan Commission Submittal
2. Sample Renderings
3. CSM 11273
4. McFarland_Comprehensive_Plan_-_Future_Land_Use_Map
5. Figure 4.1(page 36)
6. McFarland_Zoning_Map_6-30-2018
7. Sec. 62.66-67 PD-I District

**Village of McFarland
Community Development Department**

Plan Commission Application – 2019

~Please complete application in full~

Applicant - Owner	Tricycle Motors Properties, LLC	Applicant's Agent	MSP Real Estate, Inc.
	Matt Kuehl	Name	Mark Hammond
Address	5224 Farwell St. McFarland, WI 53558	Address	1295 Northland Drive, Suite 270 Mendota Heights, MN 55120
Email	mjkuehl17@gmail.com	Email	mhammond@msphousing.com
Phone #	608-513-2989	Phone #	612-868-9997
Fax #		Fax #	952-935-7202

Type of Proposal – Please check boxes that apply. Parcel No(s). 061003216501 & 061003216801

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$275+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☒ Rezoning (map)	\$175+	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+F	☐ Zoning Amendment (text)	\$250+F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ Variance-Board of Zoning Appeals	\$250+F	☐ Final Plat (reapplication)	\$400 +DF
				☐ Site/Design Review	\$400 + F
				Escrow Deposits (covers costs for outside consultants; e.g., engineers, attorneys, etc.)	
				☐ R-E, R-3 & PD (up to 50 acres)	\$5,000
				☐ R-E, R-3 & PD (greater than 50 acres)	\$10,000
				☐ Commercial Site/Design Review (5,000 sq. ft. or more)	\$2,000
				☐ All Plats including condominiums	\$5,000

+ = Plus publication and notification charges

A = Plus \$50.00 per lot

B = Any preliminary plat which has previously been reviewed/revised within the last 36 months

C = Plus \$50.00 for each lot within the final plat

D = Any final plat which has been previously reviewed or/ revised within the last 36 months

E = Plus \$40.00 for each unit shown

F = Plus actual legal, engineering and financial consulting costs incurred by the Village

G = Plus \$25.00 per lot for two or more lots.

Nature of the development proposal: Must provide address of proposed development, legal description and description of proposal. (Attach additional paper if needed)

MSP is proposing a 53 unit multi-family affordable housing development proposal at 4845

Taylor Road and 4900 Larson Beach Road in the Village of McFarland. The building will be 3 stories with underground parking with a mix of 1, 2, and 3 bedrooms. See attached for the legal description of the 2 parcels.

What action is the applicant requesting of the Plan Commission?

MSP is seeking a rezone from C-H (Commercial Highway) to PD-I (Planned Development Infill).

Has this specific proposal been previously discussed or acted upon by the Plan

Commission? ☐ YES ☒ NO (If "yes" state the nature and the date(s) of the previous application.)

PLEASE READ AND SIGN ON THE REVERSE SIDE - AT THE BOTTOM

Schedule: The Village of McFarland Plan Commission conducts meetings on the third Monday of each month at 7:00 p.m. at the McFarland Municipal Center in the Community Room. To ensure adequate time for staff review, and publication of legal notices, all potential agenda item materials are required to be submitted, per the schedule listed below.* **Twelve (12) Copies** of all materials, **one copy must be 8 ½ x 11, - 11 copies to be 11 x 17** (*only one copy of application, completed in full, is necessary*) shall be submitted to the Community Development Department (608-838-3154), with fees paid **by NOON of the deadline day**, according to the following schedule:

Village of McFarland Plan Commission 2019 Schedule

***Submittal Deadline Noon on:**

For Scheduled 2019 Meeting date of:

December 12 (2018) -----	January Tuesday Jan. 22
January 8-----	February 18
February 12-----	March 18
March 12-----	April 15
April 9-----	May 20
May 14-----	June 17
June 11-----	July 15
July 9-----	August 19
August 13-----	September 16
September 10-----	October 21
October 8-----	November 18
November 5-----	December 16 (Pending)
December 10-----	(Pending) Tuesday, Jan. 21, 2020

*** Submittal deadline: No exceptions can be given for above deadlines**

- **Materials submitted for review after the submittal deadline date (or incomplete submittals) will be held over until the next scheduled meeting.**
- **I understand failure to provide required materials/information/fees by the submittal deadline can result in this application being withdrawn for consideration by the Plan Commission. In addition any fees not paid for (i.e. legal notices, mailings, etc.) will require any permits to be withheld until all payments are made in full.**

X

A handwritten signature in dark ink, appearing to be "R. H. ...", written over a horizontal line.

Signature of Applicant/Agent

10/7/2019

Date

Legal Descriptions

4900 Larson Beach Road Legal Description (Parcel 0610-032-1650-1)

Lot 1 of Certified Survey Map No. 11273 recorded in the Office of the Register of Deeds for Dane County, Wisconsin, in Volume 68 of Certified Survey Maps, page 109, as Document No. 3998454, being a division of Lot 1, Woodland Commons and located in the NE 1/4 of the NW 1/4 of Section 3, Township 6 North, Range 10 East and the SE 1/4 of the SW 1/4 of Section 34, Township 7 North, Range 10 East, in the Village of McFarland, Dane County, Wisconsin.

4845 Taylor Road Legal Description (Parcel 0610-032-1680-1)

Lot Three (3) of Certified Survey Map No. 11273 recorded in the office of Register of Deeds for Dane County, Wisconsin on December 07, 2004, in Volume 68 of Certified Survey Maps, Page 109 as Document No. 3998454, being a division of Lot 1, Woodland Commons and located in the NE 1/4 of the NW 1/4 of Section 3, Township 6 North, Range 10 East and the SE 1/4 of the SW 1/4 of Section 34, Township 7 North, Range 10 East, in the Village of McFarland, Dane County, Wisconsin.

October 3, 2019

Andrew Bremer, AICP
Community & Economic Development Director
Village of McFarland
5915 Milwaukee Street
PO Box 110
McFarland, WI 53558

RE: Narrative Description – Taylor Road Affordable Multi-Family Housing Proposal

Dear Mr. Bremer,

MSP is pleased to introduce a proposed affordable multi-family housing project located at the corner of Taylor Road and Larson Beach Road. The development will provide much needed affordable housing in the Village of McFarland with over 90% of the units being reserved for individuals and families earning less than 60% of the area median income. Below is a summary of the proposed development to go along with our preliminary site plan.

1) Proposed use and zoning requested (PD-I, Planned Development Infill)

MSP is proposing an affordable multi-family housing development. The development will be a 3-story building with underground parking with a mix of 1, 2, and 3 bedrooms. The current zoning is C-H (Highway Commercial). MSP would be seeking a rezone to PD-I, Planned Development Infill.

2) Summary of deviations from traditional zoning requirements for which PD-I zoning is necessary.

MSP is seeking a rezone to PD-I as the current zoning is C-H. The proposed development deviates from the standard PD-I from the following:

- Exceeding the maximum impervious surface (max = 0.5, proposal = 0.63)
- Maximum floor area ratio (max = 0.70, proposal= 0.96)
- Minimum Parking requirements (City requires 2 parking/du for 1 & 2 BR units and 1.5 parking for 3 BR units). Proposed development currently shows 43 1& 2 BR units x 2 = 86 + 10 3 BR units x 1.5 = 15 totaling 101 parking spaces required. MSP's proposal currently has 89 parking spaces.

3) Target tenant mix

This project will have tenant target mix and marketed towards individuals, families, seniors, and veterans. Please note this is the current unit mix and there may be revisions as MSP continues with the application process to WHEDA. Below is the unit type breakout between area median income (AMI).

- 11 units at 30% AMI
- 3 units at 40% AMI
- 17 units at 50% AMI
- 19 units at 60% AMI
- 3 units at market rate rents (no income restrictions)
- 53 Total Units

4) Anticipated sources of financing

- WHEDA first mortgage debt
- Dane County affordable housing funds
- Deferred developer fee
- Low income housing tax credit proceeds
- Village donated land, fee waivers, and/or Village financial participation mutually agreeable to both parties

5) Anticipated financing, permit, and construction schedule

December 2019	Tax credit application submitted to WHEDA
March/April 2020	WHEDA announces tax credit awards
July 2020	Dane County affordable housing application submitted
September 2020	Dane County announces affordable housing awards
October 2020	Send out construction plans for bidding
December 2020	Close on construction/permanent financing and tax credit investor
January 2021	Submit for building permit/construction start
March 2022	Construction completed

6) Estimated constructions costs

Based on our last two projects in Dane County, we anticipate construction costs to be between \$135/sf to \$145/sf. Due to the current construction industry, this number is in constant flux and MSP will not know the exact cost until we receive construction bids back from subcontractors and vendors.

7) Estimated monthly rental cost by unit type

Monthly Rent by Bedroom Size			
Unity Type	1 Bedroom	2 Bedrooms	3 Bedrooms
30% Rent	\$516	N/A	\$708
40% Rent	\$704	\$842	\$969
50% Rent	\$892	\$1,013	\$1,125
60% Rent	\$926	\$1,088 (average)	\$1,175
Market Rent	\$990	\$1,200	N/A

8) Building Design and Materials

MSP is committed to building its multi-family apartments with sustainable design features based on the Wisconsin Green Built Standards. Several green features will be incorporated into construction including but not limited to energy star rated appliances and light fixtures, low E windows, highly efficient shell, high efficiency A/C units, furnaces, and boilers. The units will feature a full-service kitchen that will include all stainless-steel appliances such as a refrigerator, dishwasher, oven, microwave, and garbage disposal. The units will also have an in-unit washer and dryer along with an outdoor patio/balcony. Though exterior elevations have not been drafted, past MSP projects have featured masonry at the base of the building turning into fiber cement lap siding.

Along with this submittal is a rendering from our Central Pointe project in New Berlin, WI and photos from our newly completed project on the west side of Madison, Normandy Square. For this proposed development, MSP is currently considering a more traditional architectural design that would reflect more of Central Pointe's rendering.

We look forward to our informational presentation to the Plan Commission on October 21. If there are any additional further questions, feel free to contact me at 612-868-9997.

Sincerely,

Mark Hammond
MSP Real Estate, Inc.

MULTIFAMILY TAYLOR RD.

Taylor Rd., McFarland, WI



Architecture :

Dimension IV - Madison Design Group

6515 Grand Teton Plaza, Suite 120, Madison, WI 53719

p: 608.829.4444 www.dimensionivmadison.com

- Drawing List:

Aerial Vicinity Map

Site Plan/Ground Floor Plan

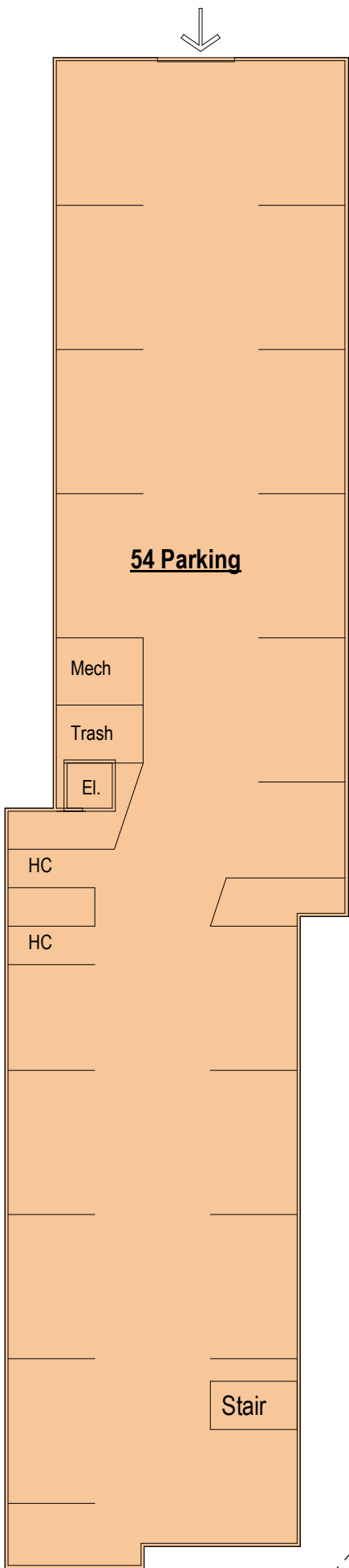
Schematic Parking & Upper Floor Plans

REZONING

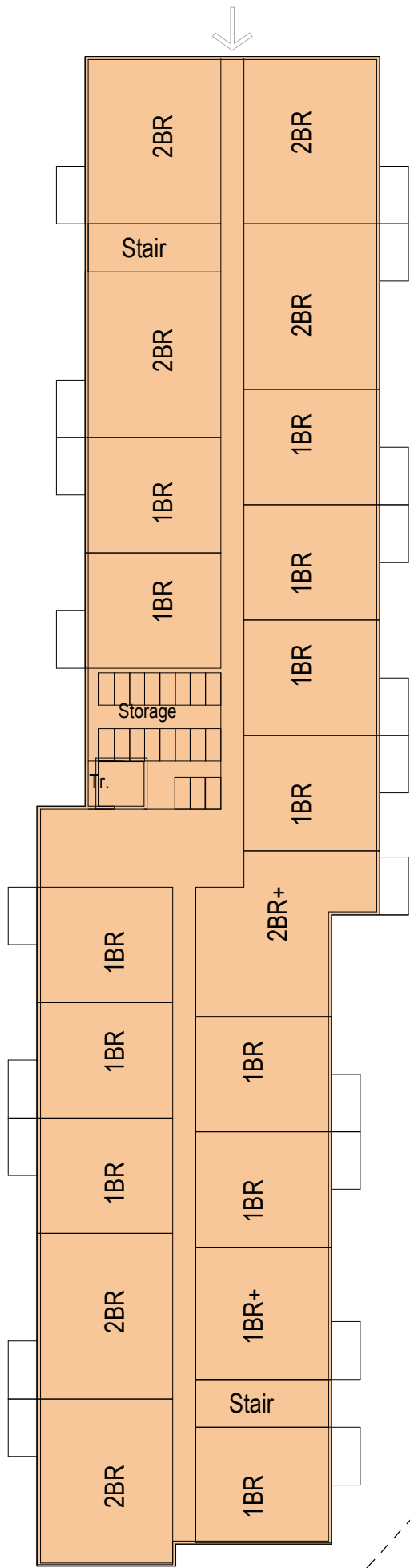


Aerial Vicinity Map

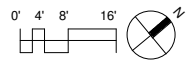
Flr	1	2	3	
1BR	1	13	13	27
2BR	2	7	7	16
3BR	10	0	0	10
TOTAL	13	20	20	53



1 00-PARKING LEVEL
1/16" = 1'-0"



2 SECOND FLOOR PLAN
1/16" = 1'-0"
Third Floor Similar









001941

CERTIFIED SURVEY MAP

BEING A DIVISION OF LOT 1, WOODLAND COMMONS, AS RECORDED IN VOLUME 58-039B OF PLATS, ON PAGES 212 AND 213, AS DOC. No. 3835104, DANE COUNTY REGISTRY AND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 3, T6N, R10E AND THE SE 1/4 OF THE SW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF McFARLAND, DANE CO., WISCONSIN.



SCALE : ONE INCH = ONE HUNDRED FEET

SURVEYED BY:

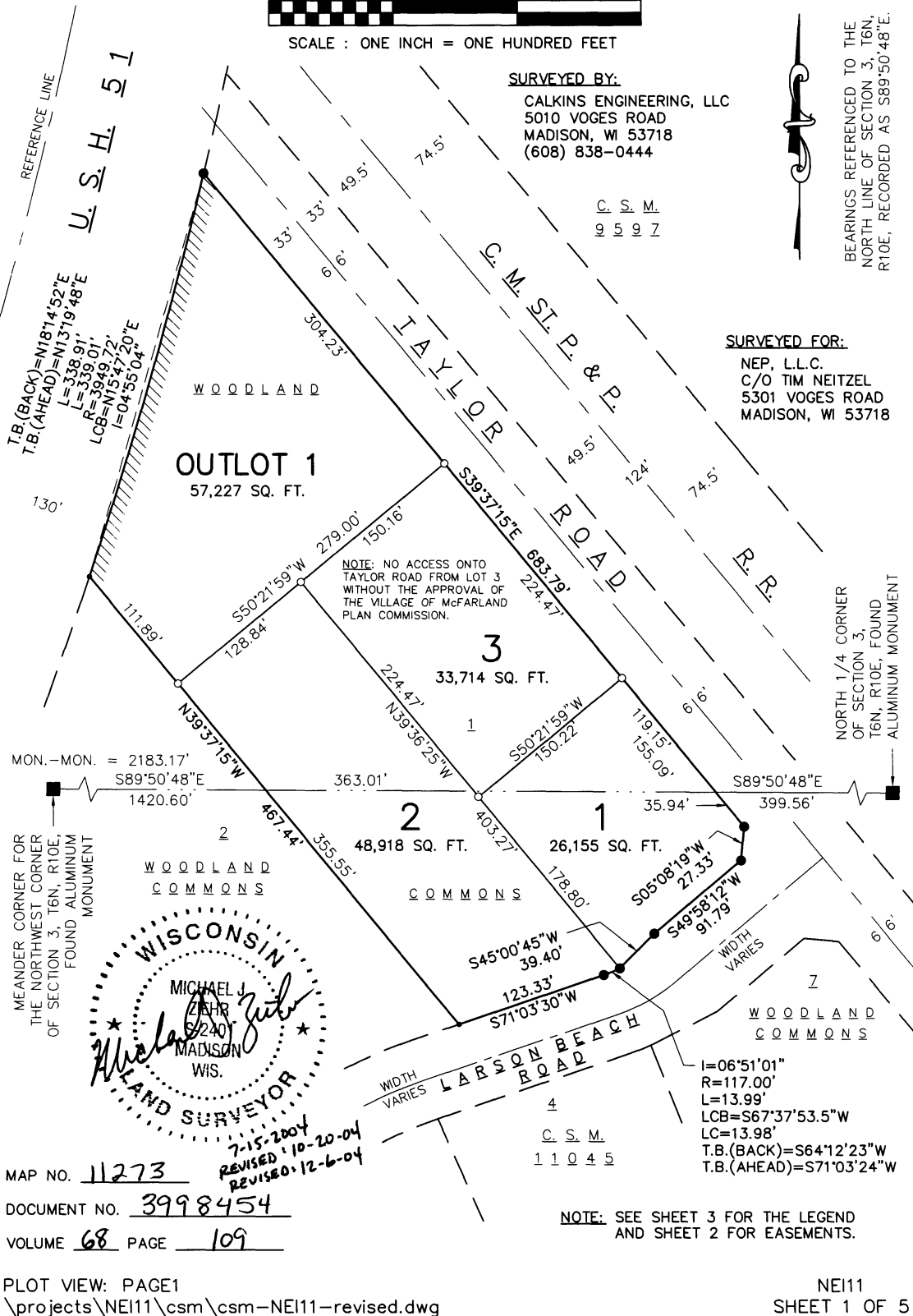
CALKINS ENGINEERING, LLC
5010 VOGES ROAD
MADISON, WI 53718
(608) 838-0444

C. S. M.
9 5 9 7

SURVEYED FOR:

NEP, L.L.C.
C/O TIM NEITZEL
5301 VOGES ROAD
MADISON, WI 53718

BEARINGS REFERENCED TO THE
NORTH LINE OF SECTION 3, T6N,
R10E, RECORDED AS S89°50'48"E.



MAP NO. 11273

DOCUMENT NO. 3998454

VOLUME 68 PAGE 109

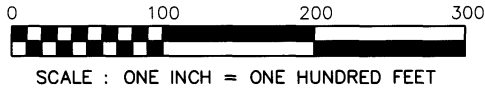
PLOT VIEW: PAGE1

NOTE: SEE SHEET 3 FOR THE LEGEND
AND SHEET 2 FOR EASEMENTS.

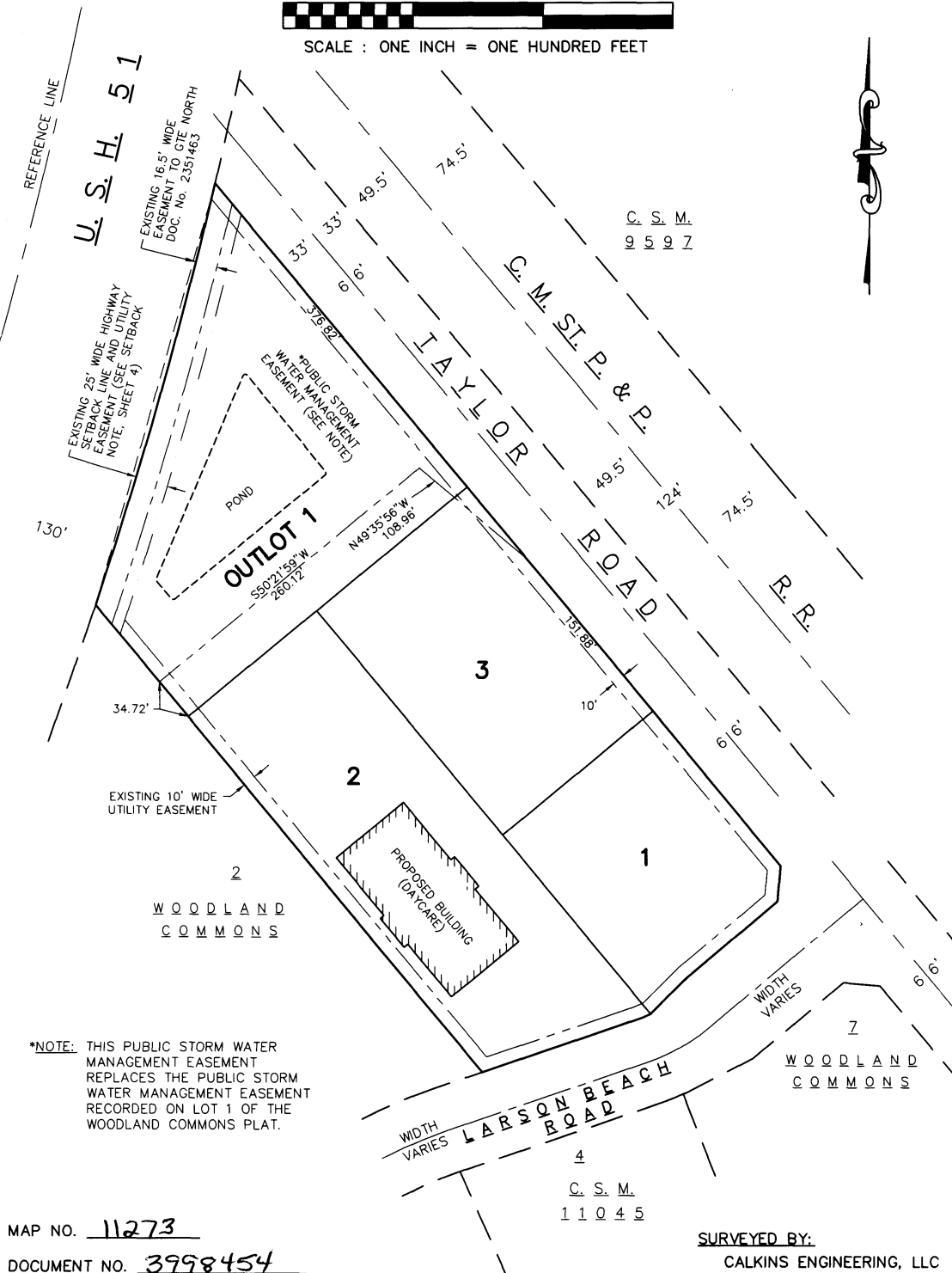
NEI11
SHEET 1 OF 5

CERTIFIED SURVEY MAP

BEING A DIVISION OF LOT 1, WOODLAND COMMONS, AS RECORDED IN VOLUME 58-039B OF PLATS, ON PAGES 212 AND 213, AS DOC. No. 3835104, DANE COUNTY REGISTRY AND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 3, T6N, R10E AND THE SE 1/4 OF THE SW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF McFARLAND, DANE CO., WISCONSIN.



SCALE : ONE INCH = ONE HUNDRED FEET



***NOTE:** THIS PUBLIC STORM WATER
MANAGEMENT EASEMENT
REPLACES THE PUBLIC STORM
WATER MANAGEMENT EASEMENT
RECORDED ON LOT 1 OF THE
WOODLAND COMMONS PLAT.

MAP NO. 11273
DOCUMENT NO. 3998454
VOLUME 68 PAGE 110

SURVEYED BY:
CALKINS ENGINEERING, LLC
5010 VOGES ROAD
MADISON, WI 53718
(608) 838-0444

PLOT VIEW: PAGE2
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NEI11
SHEET 2 OF 5

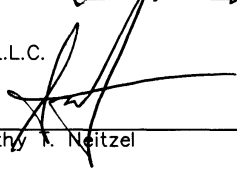
CERTIFIED SURVEY MAP

BEING A DIVISION OF LOT 1, WOODLAND COMMONS, AS RECORDED IN VOLUME 58-039B OF PLATS, ON PAGES 212 AND 213, AS DOC. No. 3835104, DANE COUNTY REGISTRY AND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 3, T6N, R10E AND THE SE 1/4 OF THE SW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF McFARLAND, DANE CO., WISCONSIN.

OWNER'S CERTIFICATE

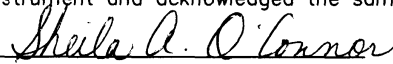
NEP, L.L.C., as owner, we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on the map hereon. We further certify that this Certified Survey Map is required by S.236.34 to be submitted to the Village of McFarland for approval. Witness the hand and seal of said owner this 6 day of Dec., 2004.

NEP, L.L.C.


 Timothy T. Neitzel

State of Wisconsin)
)ss
 County of Dane)

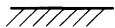
Personally came before me this 6th day of December, 2004, the above named Timothy T. Neitzel, to me known to be the person who executed the foregoing instrument and acknowledged the same.

 My Commission expires: 4-1-07
 Notary Public, State of Wisconsin

LEGEND

- 3/4" SOLID IRON ROD FOUND
- 1-1/4" SOLID IRON ROD FOUND
- 3/4" x 18" SOLID IRON RE-ROD SET, WT. 1.50 lbs./ft.
- () INDICATES RECORDED AS

DISTANCES ARE MEASURED TO THE
 NEAREST HUNDREDTH OF A FOOT.



NO ACCESS ALLOWED

NOTE: UTILITY EASEMENTS. NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE, OR OBSTRUCT VISION ALONG ANY LOT LINE. THE DISTURBANCE OF A SURVEY MONUMENT BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

MAP NO. 11273
 DOCUMENT NO. 3998454
 VOLUME 68 PAGE 111

SURVEYED BY:

CALKINS ENGINEERING, LLC
 5010 VOGES ROAD
 MADISON, WI 53718
 (608) 838-0444

PLOT VIEW: PAGE3
 \projects\NE11\csm\csm-NE11-revised.dwg

NE11
 SHEET 3 OF 5



Stock No. 26273

001944

CERTIFIED SURVEY MAP

BEING A DIVISION OF LOT 1, WOODLAND COMMONS, AS RECORDED IN VOLUME 58-039B OF PLATS, ON PAGES 212 AND 213, AS DOC. No. 3835104, DANE COUNTY REGISTRY AND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 3, T6N, R10E AND THE SE 1/4 OF THE SW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF McFARLAND, DANE CO., WISCONSIN.

CONSENT OF MORTGAGEE

McFarland State Bank, a banking association duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this Certified Survey Map, and does hereby consent to the Owner's Certificate.

IN WITNESS WHEREOF, the said McFarland State Bank has caused these presents to be signed by James E. Walker, its Senior Vice President, and countersigned by Michael D. Lenz, its Ass't. Vice President, at McFarland, Wisconsin. This 6th day of December, 2004.

McFarland State Bank

By: James E. Walker MDL

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this 6th day of December, 2004, James E. Walker and Michael D. Lenz of the above named banking association, to me known to be the persons who executed the foregoing instrument, and to me known to be such Sr. Vice President and Ass't. Vice President of said banking association, and acknowledged that they executed the foregoing instrument as such officers as the deed of said banking association, by its authority.

Kathy J. Jansky
Notary Public, State of Wisconsin

My Commission expires: June 4, 2006

WISDOT NOTES (FROM PLAT):

Access Restriction note:

Access to USH 51 is restricted by WisDOT project T05-1(6).

Highway Setback Restriction note:

No improvements or structures are allowed between the right-of-way and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway department.

MAP NO. 11273
DOCUMENT NO. 3998454
VOLUME 68 PAGE 112

SURVEYED BY:

CALKINS ENGINEERING, LLC
5010 VOGES ROAD
MADISON, WI 53718
(608) 838-0444

PLOT VIEW: PAGE4
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NEI11
SHEET 4 OF 5

CERTIFIED SURVEY MAP

BEING A DIVISION OF LOT 1, WOODLAND COMMONS, AS RECORDED IN VOLUME 58-039B OF PLATS, ON PAGES 212 AND 213, AS DOC. No. 3835104, DANE COUNTY REGISTRY AND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 3, T6N, R10E AND THE SE 1/4 OF THE SW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF McFARLAND, DANE CO., WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Michael J. Ziehr, Registered Land Surveyor, hereby certify that under the direction of NEP, L.L.C., owner of said land, I have surveyed, divided and mapped Lot 1, WOODLAND COMMONS, as recorded in Volume 58-039B of Plats, on pages 212 and 213, as Document Number 3835104, Dane County Registry and located in the NE 1/4 of the NW 1/4 of Section 3, T6N, R10E and the SE 1/4 of the SW 1/4 of Section 34, T7N, R10E, Village of McFarland, Dane County, Wisconsin, described as follows:

Lot 1, WOODLAND COMMONS, as recorded in Volume 58-039B of Plats, on pages 212 and 213, as Document Number 3835104, Dane County Registry, Village of McFarland, Dane County, Wisconsin.

I further certify that the map on sheet one (1) is a correct representation of the exterior boundaries of the land surveyed and that I have fully complied with the provisions of Chapter 236.34 of the State Statutes in surveying, dividing and mapping the same.

Dated this 15TH day of JULY, 2004.

Signed: Michael J. Ziehr
Michael J. Ziehr, R.L.S. S-2401



VILLAGE OF McFARLAND APPROVAL

This Certified Survey Map, including any dedication shown thereon, has been duly filed with and approved by the Village of McFarland, Dane County, Wisconsin.

Deb Neal
Deb Neal, Village Clerk

REGISTER OF DEEDS CERTIFICATE

Received for recording on this 7TH day of December, 2004, at 11:19 o'clock A. m. and recorded in Volume 68 of Certified Survey Maps on pages 109-113.

Dane Lichty, Martha Rutenfranz
Dane County Register of Deeds

MAP NO. 11273
DOCUMENT NO. 3998454
VOLUME 68 PAGES 113

SURVEYED BY:
CALKINS ENGINEERING, LLC
5010 VOGES ROAD
MADISON, WI 53718
(608) 838-0444

PLOT VIEW: PAGE5
\\projects\NEI11\csm\csm-NEI11-revised.dwg

NEI11
SHEET 5 OF 5



MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

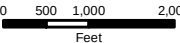
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- DNR Wetlands and Potential Wetland Indicators over Undeveloped Lands
- Agricultural Preservation
- Urban Reserve
- Water
- Rights-of-Way

--- Village of McFarland Extraterritorial Jurisdiction Boundary

⬢ Village of McFarland Limits (8/18)

⬢ Other Municipal Limits (2018)

Shapes on this map represent the Village's vision for future land use within the Village and its extraterritorial jurisdiction. For such lands, this map is not intended to represent existing land use or zoning, or to compel property owners to change the use of their land. For example, owners of agricultural or other rural land may maintain their current land use. Actual boundaries between different future use categories and implementing zoning districts may vary somewhat from representations on this map. This map also identifies the City's Marsh Road Neighborhood Plan west of the Interstate and north of Siggelkow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.

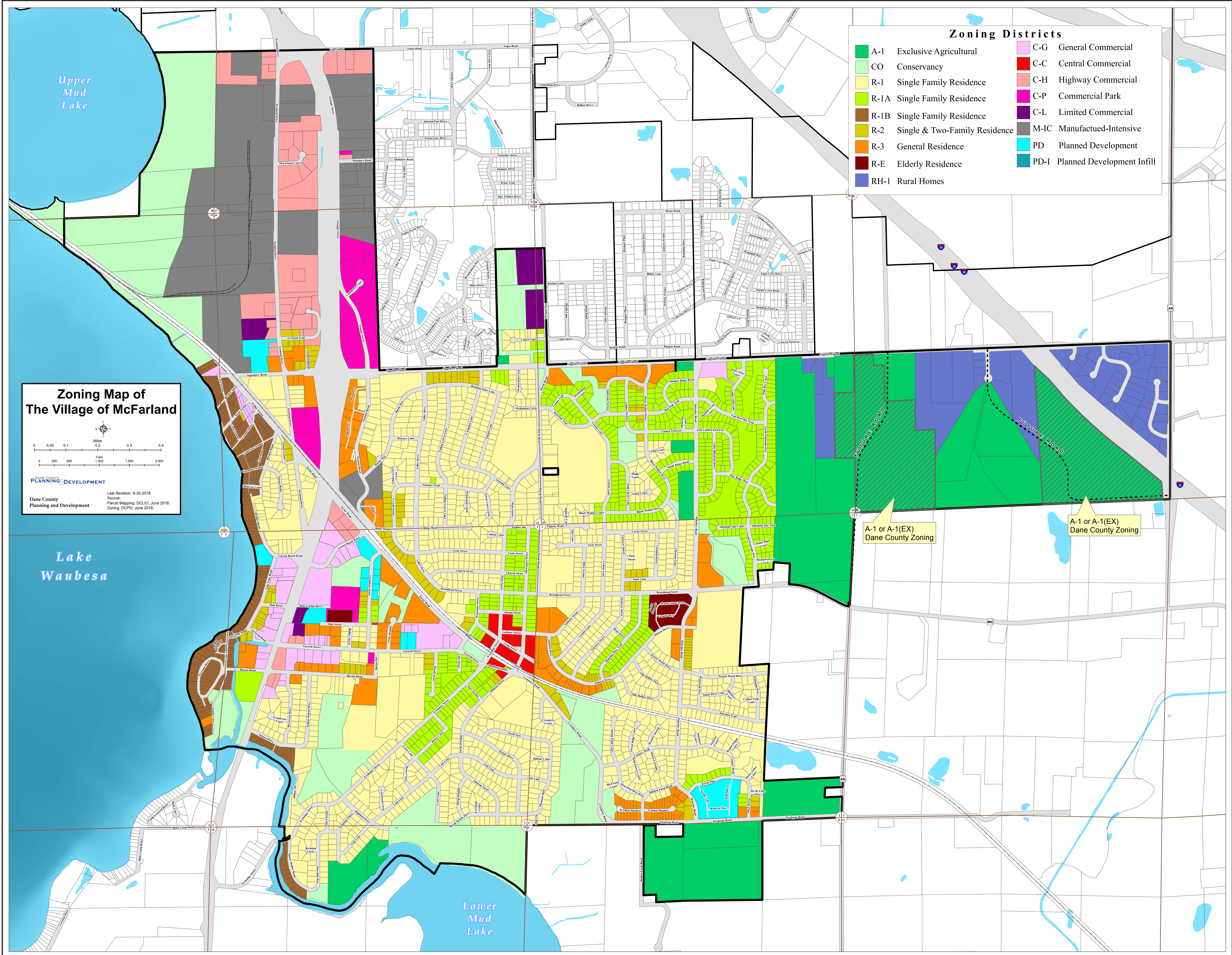


Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC



Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Commercial Park	Light industrial, office, research, testing, health care, and other compatible and support uses (e.g., day care, health club, bank). Arranged in a controlled commercial, business, or office park setting, where allowable uses and activities include those associated with low levels of environmental impact, noise, odor, vibrations, and particulate emissions. Served by public sewer and water.	C-P Commercial Park PD Planned Development C-H Highway Commercial (limited use) C-G General Commercial (limited use)	1. Design Commercial Park areas to result in higher-end business campus settings, with high quality building, site, landscape, lighting, signage, and other aspects of project design. 2. Direct heavy industry, truck terminals, large warehouses, and other higher-impact uses to planned Industrial areas instead. 3. Restrict outdoor storage and activities, except where essential to the business operation and fully screened from nearby uses and streets. Fully screen loading and other less attractive areas from off-site views. 4. Rezone sites designated for Commercial Park use only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 5. Promote lot sizes and site design that enables future on-site expansion.
Industrial	Manufacturing, warehousing, distribution, office, storage, utility, and other compatible businesses and support uses (e.g., day care, health club, bank). May include screened outdoor storage, and more intensive uses than in other future land use categories. All uses served by public sewer and water systems.	M-IC Manufacturing-Intensive Commercial C-H Highway Commercial (limited use) C-G General Commercial (limited use) Some lands may also be mapped within the "Terminal and Triangle Design Overlay District"	1. Rezone sites designated for Industrial use only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 2. Require performance standards as necessary to avoid placing excessive demand on municipal utilities and roads, or creating environmental hazards or unwanted neighborhood impacts. 3. Encourage the redevelopment or intensification of older industrial, storage, and contractor uses and buildings in the Terminal and Triangle District area. Refer to more detailed plans such as the TID #3 Project Plan and Terminal and Triangle District Plan for more detailed policies and recommendations for planned Industrial areas. 4. Encourage the redevelopment of older fuel storage or blending facilities and sites. See the Economic Development chapter for the Village's updated policy related to new or expanded fuel storage and blending operations.
Mixed Use/Flex Commercial	A carefully designed blend or option of commercial services, retail, office, business park, multiple family residential, and/or institutional land uses, including mixed use sites and/or buildings. Compared to the Neighborhood future land use category, Mixed Use/Flex Commercial areas typically are denser, include some non-residential component, and do not typically include single family housing. All uses served by public sewer and water systems.	Appropriate traditional zoning districts (e.g., C-H, C-P, R-3) or PD or PD-I Planned Development zoning	1. Design "Mixed Use/Flex" areas to skillfully mix different uses on the same area, site, and/or building, and/or to serve as transitions between broader areas of different land uses. This future land use category is NOT intended to enable an unplanned or haphazard mix of different uses on any site or in any area. 2. Preserve and blend with surrounding residential character through appropriate building scale, building appearance, landscaping, screening, signs, and limited traffic and loading, and access from the adjacent collector or arterial street. Utilize the approach and standards in Figure 4-2 in such settings. 3. Rezone sites designated for Mixed Use/Flex use only after public sanitary sewer and water service is available, the land is within Village limits, and a development proposal is offered. 4. Refer also to policies applicable to Two and Multiple Family Residential, Highway and General Commercial, Commercial Park, and other more specific future land use categories that logically guide the development of each planned Mixed Use/Flex area given the range of proposed uses there.



Sec. 62-66. - PD-I Planned Development Infill District.

- (a) *Intent.* The PD-I District is referred to as an "infill" zoning regulation because it is intended to be used in situations where new development or redevelopment is proposed within an already developed area or neighborhood. Mixed use may be allowed to the extent that no land use conflicts will result. It is a basic public expectation that landowners requesting the use of the PD-I District will develop design, building architecture, landscape design and construction materials. The extent of variation or exception that will be recommended by the Village Plan Commission with final approval by the Village Board in accordance with the standards specified in Subsection (d)(1) of this Section will be dependent on how well the above stated expectations are expressed in the proposed development plan.
- (b) *Application procedures.* The procedures and requirements for applying for a PD-I zoning change are the same as those for the basic PD rezoning request. The procedures call for a two-step submittal with approval of a General Implementation Plan (GIP) and the subsequent submittal of a Detailed Implementation Plan (DIP). The application procedure is stated in Section 62-67.
- (c) *PD-I zoning lot.* The minimum zoning lot, for purpose of a PD-I submittal, shall include all abutting or adjacent parcels owned or otherwise controlled by the applicant for the PD-I zoning. The zoning lot may include more than one parcel and more than one owner. For purposes of applying the criteria and standards for PD-I zoning, the total area of the zoning lot shall be considered as one parcel regardless of the number of parcel Subdivisions that may exist.
- (d) *Standards and criteria for approval of a PD-I.* In addition to the general requirements for approval listed in Section 62-67, the following standards and criteria shall be used by the Village Plan Commission and Village Board when acting on a rezoning application in PD-I:
 - (1) Maximum impervious surface ratio:
 - a. Five-tenths residential.
 - b. Seven-tenths nonresidential and mixed use.
 - (2) Maximum floor area ratio: 0.70.
 - (3) Minimum required usable open space per dwelling unit: 100 SF/DU.
- (e) *Additional standards.*
 - (1) Screening and requirements for buffer yards shall be included as part of plan reviews. Such screening shall shield neighboring properties from any adverse external effects of the proposed developments. Screening and buffer yards shall also be used to shield the proposed development from the negative impacts of adjacent uses, such as streets, industrial uses, etc. Special emphasis shall be placed on screening the intrusion of automobile headlights on neighboring properties from parking areas and driveways.
 - (2) Pedestrian circulation should be carefully planned so as to prevent pedestrian use of vehicular ways and parking spaces. In all cases, pedestrian access shall be provided to public walkways.
 - (3) The usable open space required for residential development projects and mixed use residential projects shall be designed for use of each individual dwelling unit or shall be located and designed to be of utility to every dwelling unit proposed. This required usable open space shall be designed to maximum privacy and usability to the residence.
 - (4) Special emphasis shall be placed on trash collection points. Trash containers shall be screened and so designed so as to be conveniently accessible to their users and collectors.
 - (5) Within the PD-I District, mixed land uses may be proposed. However, they must be found to be compatible based on the site and building design proposed. Compatibility will also be judged on the basis of how well the proposed project fits within the context of the neighborhood and abutting properties. The basic intent of this Chapter and Village Comprehensive Plan must be adhered to.

- (6) Snow removal areas and procedures must be described in the plans.
- (7) All site lighting shall be controlled so as not to extend a direct light source onto abutting properties. Cutoff type luminaries shall be used and all lighting sheds shall be indicated in the plans.
- (8) The physical attributes of the site shall be respected with particular concern for preservation of natural features, tree growth and open space.
- (f) *Exceptions to standards.* Exceptions to these standards may be recommended by the Village Plan Commission, subject to final approval given by the Village Board.

(Code 1998, § 13-1-45; Ord. No. 2003-03, § 1(13-1-45), 3-24-2003)

Sec. 62-67. - PD Planned Development District.

(a) *General requirements.*

- (1) *Use regulations.* The uses allowable in this district are the uses approved as part of the general or detailed plan for particular sites that are placed in the Planned Development District.
- (2) *Density and dimensional regulations.* This Section sets no prescribed density or dimensional regulations in the Planned Development District.
- (3) *Off-street parking and loading.* There shall be no prescribed requirements for off-street parking and loading in the Planned Development District. However, in the review and approval of any general or detailed plan in a Planned Development District, due consideration shall be given to Subdivision IV of this Division of regulations and requirements for off-street parking and loading facilities for uses similar to those proposed in such plan.
- (4) *Standards.* The following standards shall apply in the review of all general or detailed plans proposed for the Planned Development District:
 - a. The uses proposed in the planned development shall be in general conformance with the Village Comprehensive Plan.
 - b. The establishment, maintenance or operation of the uses proposed in the planned development shall not substantially impair or diminish the use, value and enjoyment of other properties within the neighborhood.
 - c. Traffic circulation into and within the development shall be designed to minimize traffic congestion and traffic hazards, provide for the accessibility of all uses and buildings and also provide for the safe and convenient movement of both vehicles and pedestrians.
 - d. The planned development shall incorporate environmental design considerations, including the preservation of topography, trees and ground cover, streams and natural bodies of waters, and other significant natural features and control of erosion and runoff in accord with the Village Erosion Control and Stormwater Management Ordinances.
 - e. The planned development shall provide for convenient and harmonious groups of buildings, structures and uses; and buildings shall be spaced and sited to ensure adequate safety, light, ventilation and privacy.
 - f. The following provisions shall apply:
 - 1. In a planned development for residential use, adequate open space and recreational areas shall be provided in appropriate locations, and all public and common open spaces shall be designed and located to provide safe and convenient access to residents.
 - 2. Planned Development District housing impacts on community resources in the same manner as other new developments, which are characterized by division of land into

lots. In particular, the additional population density places demands upon Village parks and recreation areas. Accordingly, each dwelling unit newly established shall be required to dedicate land or provide fees in lieu of land, in accordance with the procedures set forth in Section 62-64.

- g. The planned development will not adversely affect the ability of public agencies to provide school or other municipal services.
 - h. The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on a determination of the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village.
 - i. The proponents of a Planned Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility of available adequate financing and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
 - j. The proponents of a Planned Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point.
- (5) *Minimum area.* A Planned Development District shall not be less than three acres of contiguous land under the same ownership. This Subsection shall not be interpreted to prohibit the post-development sale of all or part of an approved PD subject to the provision of this Section and all applicable statutes and Subdivision regulations.
- (6) *Subdivision review.* The applicable Subdivision review under Chapter 56 shall be carried out as an integral part of the review of a Planned Development District. The plan required must be submitted in a form that substantially satisfies requirements of the Subdivision regulations for the Preliminary and Final Plat approvals. Subdivision application may be submitted for the whole, a part, or parts of the overall planned development as indicated by phases in the detailed plan for staged development.
- (b) *Procedure for establishment of Planned Development Districts.* The provisions set forth in Division 4 of this Article shall apply for the establishment of any Planned Development District, provided the amendatory ordinance shall be considered only in conjunction with a general or detailed plan.
- (c) *Preapplication procedures.* Applicants are encouraged to seek preapplication, conceptual review of proposed plans by the Plan Commission. The Plan Commission is under no obligation to give a response to such submittals at the same meeting as they are presented. The Plan Commission is entitled to seek outside assistance and sources of critique. No responses by the Plan Commission or by individual Plan Commissioners shall bind the Plan Commission or the Village unless the response is on behalf of the Plan Commission, is in writing and is expressed as a binding response.
- (d) *Approval of general or detailed plan and adoption of zoning ordinance amendment.* In the event that the Village Board approves a general (or detailed) plan and adopts a zoning amendment creating a Planned Development District in connection with such general (or detailed) plan, the requirements of the plan shall constitute the zoning regulations for the district and the zoning district maps shall be amended to show all lands included in such general (or detailed) plan as within the Planned Development District. In the approval of any general (or detailed) plan, the Village Board may stipulate any conditions or restrictions in the establishment, maintenance and operation of any uses proposed in such plan and may also require any guarantees, including the filing of a contract together with a surety, satisfactory in form to the Village Attorney and satisfactory in amount to the Village Engineer, with the Village to ensure that improvements will be installed and completed as proposed in the plan.

- (e) *Recording of approved general or detailed plans and zoning ordinance amendments.* Whenever the Village Board designates land as being within a Planned Development District, the Village Attorney shall record in the Office of the Register of Deeds of Dane County a facsimile copy of the approved general (or detailed) plan, together with a certified copy of the related zoning ordinance amendment and any other action taken thereon by the Village Board. The cost for preparing a facsimile copy of the general (or detailed) plan in recordable form and the recording fee shall be paid by the owners of the lands included in the general (or detailed) plan.
- (f) *Changes or modifications to general or detailed plans and zoning ordinance amendments.* Any approved general or detailed plan, together with the related zoning ordinance amendment, may be amended in whole or in part pursuant to the same procedure and subject to the same limitations by which general or detailed plans were approved and the zoning ordinance amended. However, minor modifications may be made by any general or detailed plan upon approval of the Village Plan Commission provided that such modifications shall be in general conformity with the approved general or detailed plan and shall not substantially change the concept of such approved plan. All approved minor modifications shall become a part of the approved general or detailed plan and shall be recorded as provided in Subsection (e) of this Section. The Plan Commission shall decide whether a proposed amendment is minor or major, with appeals made to the Village Board.
- (g) *Construction of building and establishment of uses.* No zoning or building permit shall be issued until the detailed plan and the related zoning ordinance amendment have been recorded as required above. Within one year of the date of recording of any detailed plan and the zoning ordinance, construction thereon must begin; and construction must be substantially completed throughout the project within three years of such date of recording, unless extensions are granted by the Village Board. If initial construction has not begun within one year of the date of recording or within the prescribed time period granted as an extension by the Village Board, the approval of the detailed plan and the related zoning ordinance amendment shall become null and void, and the zoning shall revert to the classification that applied prior to the approval of the PDD zoning. No occupancy of dwelling units shall occur until all public works that have been scheduled to be completed before occupancy are completed to the satisfaction of the Village.
- (h) *Procedure for establishment of the Planned Development District—General plan for staged development.*
- (1) *Submittal of general plan.* The general plan shall contain any information and representations deemed necessary by the Plan Commission and shall consist of a statement entitled "Planned Development District—General Plan, Statement of Owner's Intent and Description of Development," which shall include, without limitation, the following:
- a. A legal description describing all of the tract of land included in the proposed development.
 - b. A statement indicating the nature of the applicant's interest in the land included in the proposed development.
 - c. A statement describing the proposed development, including the character, method and operation of the development and a development schedule or timetable for construction.
 - d. A statement as to the following data or graphic information referenced to a map or plan of the proposed development:
 1. The location and size of the site including dimensioned exterior boundaries, topography and other salient features, and existing buildings and structures, and also adjacent properties and streets, including all public utilities and public easements.
 2. The use and approximate location and bulk of buildings and structures, including number of stories and dimensions of buildings.
 3. The approximate location of vehicular and pedestrian facilities, such as streets, sidewalks and off-street parking areas, including approximate number of parking spaces.

4. The approximate location of areas for public or common open spaces and for other public or semipublic uses.
5. A tabulation of land areas for the different types of uses in relation to the total area.
6. A tabulation of the gross floor areas of buildings by types of uses.
7. A tabulation of the number of types of dwelling units.

- (2) *Review of general plan.* The Plan Commission shall review the general plan and determine whether it complies with the standards set forth in Subsection (h)(1) of this Section. Following the review of the general plan, the Plan Commission shall forward the petition to the Village Board, together with a recommendation that the general plan be either approved as submitted, or approved with modifications or disapproved.
- (3) *Approval of general plan.*
 - a. In the event that the Village Board approves the general plan and adopts the related zoning ordinance amendment, the zoning district maps shall be amended to include all of the lands within the general plan as within the Planned Development District (general plan approved). However, no building construction shall be permitted in any portion of the approved general plan until a detailed plan prepared in accordance with the requirements hereunder has been approved by the Village as provided below.
 - b. In the event the Village Board fails to approve the general plan and ordinance, the Village Board shall communicate its objections back to the Plan Commission for reconsideration and further discussions.
- (i) *Procedure for establishment of the Planned Development District—Detailed plan for staged development.*
 - (1) *Submittal of plan.* Within one year after the recording of the general plan and the copy of the related zoning ordinance amendment, a detailed plan for at least one stage of the general plan shall be filed with the Village Clerk-Treasurer, unless an extension is granted by such Village Board. The detailed plan shall contain any information and representation deemed necessary by the Plan Commission and shall consist of a statement entitled, "Planned Development District—Detailed Plan, Statement of Owner's Intent and Description of Development," which shall include without limitations, the following:
 - a. A legal description describing all of the tract of land included in the proposed development, referenced to a locational map indicating the relationship of the tract to the total general plan.
 - b. A statement indicating the nature of the applicant's interest in the land included in the proposed development.
 - c. A statement describing the proposed development, including the character, method and operation of the development, and a development schedule or timetable for construction. Where the formation of organizations such as a homeowners' association is proposed, such statement shall include any agreements, bylaws or covenants which govern the organizational structure, use, maintenance and protection of the development and any of its common services, common open spaces or other common facilities.
 - d. A statement as to the following data or graphic information referenced to a map of the proposed development:
 1. The location and size of the site, including dimensioned exterior boundaries, topography and other salient features, and existing buildings and structures, and also adjacent properties and streets.
 2. The use and location of all buildings or structures, including the architectural character and design of each building, the number of stories and dimensions of each building, and the dimensioned yards between buildings or structures and lot lines.

3. The location of vehicular and pedestrian facilities, including dimensioned streets, walkways, access driveways, off-street parking spaces and loading berths, and refuse receptacle areas.
4. The location and size of areas for public or common open spaces and for other public and semi-public uses.
5. A grading plan, including any storm sewer system, a landscaping plan, and an erosion control plan.
6. A sanitary sewer and water distribution system plan.
7. A tabulation of land areas for the different uses in relation to the total tract area.
8. A tabulation indicating the number of buildings and the use and the total gross floor area for each building.
9. A tabulation indicating the number and types of dwelling units in each building.

(2) *Review of the detailed plan.*

- a. The Plan Commission shall review the detailed plan as a conditional use review and shall determine whether the plan complies with the standards set forth in Subsection (h)(1) of this Section and is in general conformance with the approved general plan. Following Plan Commission approval of a detailed plan, the Village Attorney shall record in the Office of the Register of Deeds of Dane County a facsimile copy of the approved detailed plan and a certified copy of the Plan Commission action approving the same. The costs for copies and recording shall be paid by the owners of land within the plan areas.
- b. The action of the Plan Commission on the proposed detailed plan shall be appealable to the Village Board. The Village Board shall consult with the Plan Commission before making its appeal decision, but in no case shall a detailed plan be approved that is out of conformity with a general plan approved.

(3) *Approval of detailed plan.* Once the detailed plan is approved, the zoning district maps shall be amended to include all of the lands within the detailed plan as Planned Development District—detailed plan approved.

- (j) *Planned Development District—Single-stage procedure.* Upon request by applicants and subject to Village Board concurrence, the general and detailed stages of plan review and approval can be combined. Under this option, the plan is submitted in detailed form and is processed as is a general plan.

(Code 1998, § 13-1-46; Ord. No. 2003-03, § 1(13-1-46), 3-24-2003; [Ord. No. 2017-13](#), § 29, 7-24-2017)



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, October 21, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion regarding amendments to the Village of McFarland Sign code.

PREVIOUS ACTION:

May 29, 2019, discussion only

June 17, 2019 discussion only

ISSUE SUMMARY:

At the May 29th and June 17th, 2019 Plan Commission meetings former Director Boness brought forward for discussion potential changes to the Village Sign Code to address content-neutrality of non-commercial speech as a result of the Supreme Court Case Town of Reed vs. Gilbert. In this landmark zoning case, the Supreme Court rendered that sign regulations addressing non-commercial speech need to be content-neutral whereby the sign regulations are not based on the message of the sign. A common example of a sign regulation that is not content-neutral is a "real estate sign" whereby special allowances are provided based on the message, in this case for sale/rent. Municipal sign regulations may continue to regulate the content of commercial speech and sign form, function, and duration characteristics (e.g. placement, size, height, lighting, animation, number, temporary vs. permanent).

The June 17, 2019 meeting included review of a revised draft sign ordinance provided by the Village Attorney. The proposed amendments were restricted to addressing content-neutrality for non-commercial speech. During the discussion the Plan Commission raised other concerns regarding sign regulations and it was determined to table action until the new Community Development Director could review the ordinance. Within the packet is a track changes version of the existing sign code in which I have added additional proposed modifications after an initial review of the code. Given the extent of the proposed modifications, and after consulting with the Village Attorney, it may be advisable to repeal the entire existing sign ordinance and adopted a model ordinance. The Village Attorney has provided me with a copy of a model ordinance from the Southeastern Wisconsin Regional Planning Commission. The model ordinance will need some revisions to meet the Village's needs but it was crafted after the Reed-Gilbert case so it is content-neutral and reflects modern sign regulations. I have not had an opportunity to review the model code and modify the content for McFarland's needs.

The October Plan Commission meeting includes a number of agenda items that will likely take significant time to discuss. Therefore, I suggest the Plan Commission treat this agenda item as merely a project update and advise Staff how you would like to proceed with continued sign code modifications.



FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Chapter 8, Building Code, Article XI Sign and Billboard Regulations.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Submitted to the Plan Commission for discussion.

ATTACHMENTS:

1. McFarland Draft Sign Code Revisions 10-10-19
2. ModelSignOrdinance

ARTICLE XI. - SIGN ~~AND BILLBOARD~~ REGULATIONS

Sec. 8-484. - Purpose.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, fabrication, erection, size, material, height, illumination, animation, type, location and maintenance of all signs and billboards.

(Code 1998, § 15-1-30)

Sec. 8-485. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Advertising sign.* A sign that directs attention to a business, commodity, service or entertainment not exclusively related to a premises where such sign is located or to which it is affixed.
- (b) *Awning or canopy sign.* ~~A temporary hood or cover that projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure~~ A type of on-building sign that is directly affixed via sewing, silk screening, painting or similar method to an awning or canopy that is mounted to the façade of a building.
- (c) *Billboard.* A sign that advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) *Blanketing.* The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) *Business sign.* A sign that directs attention to a business or profession conducted, or to one principal commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
- (f) *Combination business-advertising sign.* A sign that indicates the name of the establishment where such sign is located or to which it is affixed and which also directs attention to a product not exclusively related to the premises where such sign is located or to which it is affixed and which also directs attention to a product not exclusively related to the premises where such sign is located or to which it is affixed, but sold or offered upon such premises.
- (g) *Directly illuminated sign.* Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (h) *Directory sign.* Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and houses of worship directories.
- (i) *Electronic message unit sign.* Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather

Comment [AB1]: This term is defined but otherwise not used in the ordinance.

Comment [AB2]: This term is defined but otherwise not used in the ordinance

Comment [AB3]: This term is defined but otherwise not used in the ordinance

or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

- ~~(j) Face sign. The surface of the sign upon, against or through which the message of the sign is exhibited.~~
- (k) *Flashing sign.* Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (l) *Ground and/or pole sign.* Any sign that is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as a freestanding sign. Includes monument signs, post signs, and dual post signs.)
- (m) *Identification sign.* Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (n) *Indirectly illuminated sign.* A sign that is illuminated from a source outside of the actual sign.
- (o) *Marquee sign.* Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (p) *Nonconforming sign.* Any sign that does not conform to the regulations of this Article.
- (q) *Portable sign.* Any sign not permanently attached to the ground that is designed to be easily moved from one location to another.
- (r) *Projecting sign.* A sign that is attached to a wall of a building and projects more than 15 inches beyond such wall.
- ~~(s) Real estate sign. Any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.~~
- (t) *Roof sign.* Any sign erected upon or over the roof eave or parapet of any building.
- (u) *Sign.* An emblem, name, identification, description or illustration that is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. ~~Neither official court or public notices, nor the flag, emblem or insignia of a national, political unit, school or religious group, nor during election campaigns, posters on behalf of candidates for public offices or on behalf of a particular political belief shall be considered a sign under this Chapter.~~
- (v) *Sign, gross area of.* The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- (w) Sign face. The area or display surface used for the sign.
- ~~(wx) Temporary sign. Any sign intended to be displayed for a short-specified period of time, including real estate, political or construction site signs, and banners, decorative type displays or anything similar to the aforementioned. If a sign display area is~~

Comment [AB4]: This term is currently only used once but may no longer be necessary with proposed modifications

permanent, but the message displayed is subject to periodic changes, that sign shall not be considered as temporary.

(y) *Vehicle advertising sign.* A vehicle, trailer, or other piece of mobile equipment which contains any sign or advertising device, which is unlicensed and/or inoperable, and which is parked on a public right-of-way or in a location that is not an active worksite so as to be seen from a public right-of-way.

(z) *Wall sign.* A sign that is attached to a wall of a building and projects not more than 15 inches from such a wall.

(aa) *Window sign.* Any sign located completely within an enclosed building and visible from a public way.

(Code 1998, § 15-1-31; Ord. No. 2010-04, § 1, 1-11-2010)

Sec. 8-486. - Sign permit required; exemptions.

(a) Except as otherwise provided in this Article, no sign may be constructed, erected, remodeled, relocated, or expanded until a sign permit is obtained in accordance with the McFarland Building Code. No sign permit shall be issued for any sign unless the sign is accessory to a permitted use and the sign is permitted by, and complies with the regulations of this Article; provided, however, that the following types of signs are exempt from the permit requirement and from the regulations of this Section and do not count toward the number of accessory signs permitted for a property as set forth in Sections 8-494 through 8-499:-

(1a) Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, that do not contain an advertising or business sign displayed on private property. Political campaign signs must be removed within one week after election.

(2b) Signs erected by or on behalf of a duly constituted governmental body on public right of ways, parks and other public property, including traffic or similar regulatory devices, legal notices and warnings at railroad crossings.

(3c) Memorial signs and tablets displayed on private property in cemeteries.

(4d) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.

(5e) Within residentially zoned districts, small signs, not exceeding two (three) square feet in area, (four feet in height), displayed on private property for the convenience of the public, including signs to identify restrooms, freight entrances and the like for a (maximum four (4)) on each property. Signs allowed under this paragraph do not count toward any limit on number or area of signs permitted under any other Section of this Article. Such signs shall not be permanently affixed to the ground and are exempt from minimum setback requirements, but shall be located at least one foot behind the lot line.

(6f) Reserved Signs permitted under § 12.04, Wis. Stats., subject to regulations applicable to temporary signs. During an election campaign period, as defined under § 12.04, Wis. Stats., signs which do, but such signs may not exceed 142 square feet in area, and may

Comment [AB5]: 18"x24", or 3 square feet, is a common yard sign size.

Comment [AB6]: Presumably the intent of this section is to allow without permit temporary yard signs in residential districts year round without a permit. Need to confirm whether the intent is to also apply to on-building signs and within all zoning districts. Different standards could be used for commercial districts if desired.

Comment [AB7]: Do we want to revise to two?

Comment [AB8]: Dan, is this content neutral as it requires reading the message to identify that it is a political message under 12.04. My attempt at revising to be content neutral.

not contain electrical, mechanical or audio auxiliary, and may not create any pedestrian or traffic hazard.

(g)– A sign not visible from any public street, highway, sidewalk, path or park.

~~(b)– Provided further that the following types of signs are exempt from the permit requirement, but must comply with all of the other regulations of this Article:~~

~~(4h)– Signs permitted by Sections 8-494(a) and (b) and 8-497(h).~~

~~(2)– Reserved.~~

(Code 1998, § 15-1-32; Ord. No. 2010-04, §§ 2, 3, 1-11-2010)

Sec. 8-487. - Sign permit requirements.

(a) *Application.* Application for a sign permit shall be filed with the Building Inspector upon forms provided by the Building Inspector and shall contain or have attached thereto the following information:

- (1) The name, address, and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
- (2) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size and dimensions, kind of materials to be used in such structure, including proposed sign colors. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.
- (3) If required by the Building Inspector, calculations showing that the structure and design meets the requirements of this Article for wind speed.
- (4) Insurance policy or bond as required herein-determined by the Building Inspector.
- (5) Such other information as the Building Inspector may require to show full compliance with this and all other applicable laws of the Village.
- (6) Signature of the applicant.

(b) *Permit fees.*

- (1) The applicant shall pay the permit fee established by the Village Board from time to time and provided in Appendix A to this Code.
- (2) Permit fees may be waived for any nonconforming sign that is reconstructed in conformity with this Article within one year of the original effective date of the ordinance from which this Article is derived.

(c) *Permit issuance or denial.* The Building Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the Village when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate Village laws and regulations. If the sign permit is denied by the Building Inspector, the Building Inspector shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(d) *Permit denial appeals.*

- (1) Appeal from denial of a sign permit may be taken to the Board of Zoning Appeals. Such an appeal ~~can be made at a regularly scheduled Board of Zoning Appeals meeting, provided a request for hearing is made in writing to the Building Inspector no less than 15 calendar days before a scheduled meeting. The Building Inspector shall comply with and enforce the Board of Zoning Appeals decisions shall follow the procedures enumerated in Section 62-362 through Section 62-392 of the Village's Zoning Code.~~
- (2) The Building Inspector's failure to either formally grant or deny a sign permit within five-10 business days of the date an application meeting the requirements of this Chapter is filed shall be cause for appeal to the Board of Zoning Appeals.

(Code 1998, § 15-1-33; Ord. No. 98-20, § 13, 12-14-1998)

Sec. 8-488. - Indemnification of Village.

All persons engaged in the erection, alteration, relocation or maintenance of a sign or other sign work in the Village shall agree to hold harmless and indemnify the Village, its officers, agents and employees, from any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of this sign or any other sign work insofar as this Chapter has not specifically directed the placement of the sign.

(Code 1998, § 15-1-34)

Sec. 8-489. - Contractor's insurance.

When required by the Building Inspector, Every a sign contractor shall file with the Building Inspector a certificate of insurance indicating the applicant holds a public liability insurance policy, including worker's compensation, public liability and property damage specifically to include the hold harmless clause with bodily injury limits of at least \$300,000.00 per occurrence and \$300,000.00 aggregate and property damage insurance of at least \$100,000.00 per occurrence and \$100,000.00 aggregate. Such insurance shall not be cancelled or reduced without the insured first giving 30 days' notice in writing to the Village of such cancellation or reduction.

(Code 1998, § 15-1-35)

Sec. 8-490. - Abatement of violations.

- (a) Violation or failure to comply with the provisions of this Article shall be and hereby is declared to be unlawful.
- (b) Any sign erected, altered, moved or structurally modified without a permit, or altered with a permit but in violation with the provisions of this Article, shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Building Inspector. If the violation is failure to obtain a permit, a permit fee shall be required, and the permit fee shall be doubled. In the event that the owner does not remove or bring into compliance, the Building Inspector may order removal or compliance with this Code.
- (c) This Section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Article.

(Code 1998, § 15-1-36)

Sec. 8-491. - Construction specifications.]

- (a) All signs shall comply with the provisions of the Village Building Code, as amended, and the additional construction standards hereinafter set forth.
- (b) All **permanent** ground ~~and roof~~ sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (c) Electric service to ground signs shall be concealed.
- (d) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind speeds as follows, with correct engineering adjustments for the height of the sign above grade.
 - (1) For solid signs, 90 miles per hour on the largest face of the sign and structure.
 - (2) For skeleton signs, 90 miles per hour of the total face cover of the letters and other sign surfaces, or 90 miles per hour on the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (e) **No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.**
- (f) Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
- (g) All signs shall be marked with a manufacturer's name in a size that is easily visible from the ground. All electric signs shall also include: for incandescent lamp signs, the number of lamp holders; and for electric discharge-lamp signs, the input amperes at full load and the input voltage.

(Code 1998, § 15-1-37)

Sec. 8-492. - Installation and maintenance.

- (a) All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task. This Article recognizes that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Building Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Building Inspector may also cite the sign contractor for a violation of this Chapter if the contractor fails to use proper equipment in the maintenance of signs.
- (b) This Article recognizes that electric signs are controlled under the special equipment provisions of the National Electrical Code (Article 600) and the Village Electrical Code. It also recognizes that electric sign contractors have developed a specialized trade of high voltage discharge electric sign installation and maintenance to properly install and service high voltage electric signs. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:
 - (1) Install exterior electric signs, ballasts, or high voltage transformers to sockets or outline lighting tubes, and may connect said signs to primary branch circuit, if said circuit already exists outside of the building.

Comment [AB9]: Section 8-493 also addresses General Construction Standards. Could move construction related standards from 493 to this section and retitle 493 Prohibited Signs

Comment [AB10]: May want to provide an exception for a blade sign under a certain square footage (two).

- (2) Install interior electric signs, but may not connect said signs to the primary branch circuit.
- (3) Maintain and replace any electric component within the sign, on its surface, or between the sign and building for exterior signs only. This Article prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the National Electrical Code or the Village Electrical Code.

(c) It shall be the responsibility of the property owner to mark the location of all underground utilities prior to the installation of ground signs.

(d) Damaged and Unsafe Signs. Should any sign be or become unsafe, in danger of falling or damaged beyond normal wear and tear, the tenant and/or the owner of the property on which the sign is located or the person maintaining the same shall, upon receipt of written notice from the Building Inspector, proceed at once to put such sign in a safe and secure condition, restore the sign to its original condition, or remove the sign. If any such person fails to comply within 30 days of such notice, he or she will be in violation of this Chapter. The Building Inspector, or their agents, may without notice order any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.

(Code 1998, § 15-1-38)

Sec. 8-493. - General construction standards and sign prohibitions

All signs hereafter constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

- (a) *Banners, pennants, streamers, strings of lights.* No banner, pennant, streamer, string of lights or any other similar sign shall be permitted, except for special promotions allowed twice a year, not to exceed 30 days for each event by permit issued by the Building Inspector under Section 8-499.

(b) Beacon/search beacon sign. The use of search beacon lights and signs are prohibited.

(bc) Illuminated signs adjacent to residential districts. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any Residential District or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any Residential District, which sign is visible from such Residential District, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., except that businesses may illuminate their signs during hours they remain open after 11:00 p.m. Any illuminated sign located on a lot adjacent to or across the street from any Residential District, shall not allow the intensity of the illuminated sign to exceed 0.50 footcandles measured at the lot line of the adjacent property.

(d) Illumination, external. Exterior illumination of signage shall be limited to direct downcast illumination from a shielded light source or individual solid letters with internal lighting sources that backlight the wall in a “halo” effect. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties.

(e) Illumination, internal. Internally illuminated signs shall permit light to shine fully through the lettering and graphic element of the sign. The background for such lettering

Comment [AB11]: A separate section could be add that separates this out called: Prohibited Signs.

and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics.

(f) *Electronic Messaging Signs.* Electronic message signs shall be permitted only with a nonresidential land use provided the following conditions are met:

(1) No more than one electronic message sign shall be permitted per site.

(2) No electronic message sign may contain messages or images for the sale of products not sold on site or for businesses or services not provided or sold on site, except for emergency government notifications such as Amber or Silver Alerts.

(3) Electronic message signs may be integrated into the design of permanent freestanding signs or interior window signs only.

(4) Electronic message signs shall count toward the maximum permitted sign area per sign and site and no more than 75 percent of the sign face shall contain an electronic message sign.

(5) Electronic message signs shall be maintained so as to be able to display messages in a complete and legible manner. Messages and non-text images shall not change appearance more than once every 30 seconds and transitions between messages shall be via instantaneous change (one second or less). Use of electronic message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered flashing or moving signs.

(6) Electronic message signs shall comply with the illumination requirements of this section and shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

(eg) *Flashing or moving signs.* No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or creating the illusion of movement shall be permitted. An electronic message unit sign shall not be deemed to be a flashing sign if ~~the message changes are limited to not more frequently than every 30 seconds~~ if the sign conforms to the standards for electronic message signs in this Article.

(h) *Glare.* All artificial illumination shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon adjacent public rights-of-way or surrounding property.

(di) *Projecting signs.* ~~A projecting sign is any sign that is attached to a building and projects more than 12 inches beyond the wall surface of said building.~~ Such signs located beneath a permanent canopy attached to a building shall not project from the building any further than the canopy. No projecting signs shall extend into the street right-of-way. ~~The total area of a projecting sign shall not exceed 16 square feet on one side or 32 square feet on both sides.~~

(j) *Roof sign.* Roof signs are prohibited.

~~(ek)~~ *Accessway or window.* No sign shall block any required accessway or the outside of any window.

Comment [AB12]: Need to discuss whether to lower frequency.

- (~~fl~~) *Signs on vacant property.* No sign shall be located on vacant property except ~~a sign advertising the premises for sale or lease~~if the vacant property is actively listed for sale or lease, and which meets the standards of Section 8-494(b).
- (~~gm~~) *Signs on trees or utility poles.* No sign shall be attached to a tree or utility pole whether on public or private property.
- (~~hn~~) *Building and Electrical Code applicable.* All signs must conform to the regulations and design standards of the Village Building Code. Wiring of all electrical signs must conform to the Electrical Code of the Village and the National Electrical Code.
- (~~io~~) *Traffic safety.* No sign shall be maintained at any location where by reason of its position, height, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic. No sign shall be located in violation of Section 62-169 Vision Clearance.
- (~~jp~~) *Obsolete signs.* No sign shall be permitted that advertises a business that is not being presently conducted. Obsolete signs shall be removed within 30 days of termination of business advertised.
- (~~kq~~) *Signs on ~~parkways~~public right of way; ~~garage sale signs~~.* No sign shall be permitted on any public street, right of way, sidewalk, alley or parkway or other public property unless posted by the Village, or a County, State or Federal agency, except that a sign advertising "Garage Sale," not to exceed nine square feet in area, may be placed in the parkway in front of the residence for a period not to exceed three days in length. If the residence does not front on a major thoroughfare, a second sign may be placed in the parkway of the closest thoroughfare for the day of the sale.
- (~~lr~~) *Billboards.* ~~[Billboards]~~ are prohibited.
- (~~ms~~) *~~Reserved~~Advertising Signs.* Advertising signs are prohibited in residential districts.
- (t) *Vehicle advertising sign.* Vehicle advertising signs are prohibited. Business vehicles and trailers legally parked in any of the locations described below shall not be considered vehicle advertising signs:
- (1) A vehicle advertising sign legally parked on-site at the place of business in a parking space designated for vehicle parking on a site plan approved by the Village.
 - (2) A vehicle advertising sign legally parked on-site at the residence of a business owner or employee (including driveways and legal off-street parking spaces).

(Code 1998, § 15-1-39; Ord. No. 2010-04, §§ 4—10, 1-11-2010; Ord. No. 2010-12, § 1, 6-14-2010)

Sec. 8-494. — ~~(Permanent) Signs~~ signs accessory to residential uses.

Each sign accessory to residential uses, except as provided in Section 8-493(a), shall be set back from the street line a distance of at least one-half of the required minimum setback specified in the district regulations, except for signs permitted under Subsection (b)(3) of this Section, which

Comment [AB13]: Assuming intent of this section is the regulation of permanent signs as opposed to both permanent and temporary.

Comment [AB14]: Why the exception for Banners, Pennants, Streamers and Strings of Light? This regulation is unclear

Comment [AB15]: Ranges from 10 to 20 feet per Zoning Code. This is excessive in my opinion.

~~shall fully comply with the minimum setback requirements for that district.~~ No sign accessory to any residential use shall be permitted except in compliance with the following regulations:

- (a) ~~Nameplates and identification signs~~ Signs shall be permitted subject to the following regulations:

- (1) ~~For each single-family and two-family dwelling approved home occupations, there shall be permitted one nameplate non-illuminated sign not exceeding one four square foot-feet in area and four feet in height is permitted, indicating the name and/or address of the occupant and, where applicable, a professional status, but not to indicate a product or business. Freestanding signs shall be setback a minimum of one-foot from the front property line and three feet from all other property lines.~~
- (2) ~~For each multifamily dwelling site or single-family and two-family Subdivision, there shall be permitted one identification freestanding sign not exceeding 32 square feet in area, and eight feet in height, located near the main entrance to the building site or Subdivision is permitted and indicating only the name of the building or Subdivision and name of the owner, manager or developer thereof. Freestanding signs shall be setback a minimum of one-foot from the front property line and three feet from all other property lines.~~
- (3) ~~In connection with the construction or remodeling of a building, there shall be permitted no more than one nonilluminated sign not exceeding 32 square feet in area or eight feet in height, is permitted indicating the names of any or all professional offices; on corner lots two such signs, one sign facing each street, shall is be permitted. Any signs permitted under this Subsection shall be removed by the person erecting the same not longer than two weeks after completion of the structure indicated.~~
- (4) ~~Plat Identification Sign. Plat, subdivision or neighborhood identification signs shall be approved by the Plan Commission and shall not be illuminated, exceed eight feet in height, 64 square feet in area. Signs shall be located at the main entrance to the plat, subdivision or neighborhood.~~

- (b) ~~"For Sale" or "For Rent" signs~~ The following additional signs shall be permitted on residential properties actively marketed for sale or rent, subject to the following regulations:

- (1) ~~For sale or rental of single-family dwellings (or lots for dwelling purposes), for each lot there shall be no more than one such sign is installed permitted in such yard adjoining an existing or dedicated street. No The such sign shall not exceed nine eight square feet in area, six feet in height, and no may shall not such sign shall be illuminated. Each The sign must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the property. Each The sign must be placed only upon the property offered for sale or rent and positioned in accordance with this Section setback from property lines a distance equal to or greater than the height of the sign. For lots adjacent to a navigable water body, one additional sign may be setback a distance equal to or greater than the height of the sign from the ordinary high water mark.~~

Comment [AB16]: Perhaps this section should be revised to address the permitting of home occupations signs only. Don't see the need to allow permanent signs for single and two family dwellings beyond what is allowed under 486(e) and 486(f)

Comment [AB17]: If the intent is to address permanent signs in this section then this should be relocated to section 8-499 as it deals with temporary signs

Comment [AB18]: Inclusion in this section implies that a permit is required; however, this is a temporary sign that in practice the Village is not collecting a permit. Suggest we relocate to Section 8-486 whereby a permit is not necessary.

- (2) ~~Where For~~ multifamily dwelling units, ~~are offered for sale or rental by individual owners, there shall be no more than one such sign is installed permitted~~ in each yard adjoining an existing or dedicated street, not to exceed ~~12-eight~~ square feet in area and placed in accordance with this Section, and no more than one such sign per unit installed within ten feet of the front door of said unit, not to exceed three square feet in area. No such sign shall be illuminated ~~or exceed six feet in height~~. Each such sign ~~must be devoted solely to the sale or rental of the unit being offered and~~ must be removed immediately upon the sale or rental of the unit.
- (3) Where more than six dwelling units (or lots for dwelling purposes) are offered for sale or rental by the same party, ~~there shall be permitted one sign is permitted~~ facing each public street providing access to the property being offered. Each such sign shall not exceed ~~ten-32~~ square feet in area, ~~eight feet in height, shall not be illuminated~~ and must ~~be devoted solely to the sale or rental of the property being offered and must be~~ removed immediately upon the sale or rental of the last property offered at that location. Freestanding signs shall be setback from property lines a distance equal to or greater than the height of the sign.

(c) Reserved.

(Code 1998, § 15-1-40; Ord. No. 2010-04, § 11, 1-11-2010)

Sec. 8-495. — Permanent sSigns accessory to parking areas for non-single or two-family residential uses.

No signs accessory to any parking area shall be permitted except in compliance with the following regulations:

- (a) One sign ~~may be erected to designate by~~ each entrance ~~to~~ or exit from a parking area ~~may be permitted~~; each such sign shall be no more than two square feet in area and three feet in height; such signs ~~are exempt from minimum setback requirements, but~~ shall be located at least one foot behind the lot lines. ~~Such signs shall not contain nondirectory content such as advertising messages or business logos.~~
- (b) One sign ~~designating the conditions of use shall be permitted for~~ may be permitted in each parking area; each such sign shall be limited to a maximum area of nine square feet and six feet in height; such signs ~~are exempt from minimum setback requirements, but shall be screened from adjoining property shall be located at least one foot behind the lot lines.~~

(Code 1998, § 15-1-41)

Sec. 8-496. — Permanent sSigns accessory to houses of worship, schools or nonprofit institutions.

No signs accessory to any house of worship, school or nonprofit institution shall be permitted except in compliance with the following regulations:

- (a) (a) In residential districts:
 - (1) ~~—There shall be not~~ No more than one freestanding sign may be permitted per lot, except that on a corner lot two signs, one facing each street, shall be permitted. The

total area of such sign shall not exceed 40 square feet. The maximum height shall not exceed eight feet. The minimum setback shall be at least one-foot from the front property line and three feet from all other property lines.

(2) (b)—No more than one An identification sign shall be permitted on the front wall sign may be permitted on of the building. The total area of the sign shall not exceed one-tenth of the area of the front facade of the building. The maximum height of the sign shall be 20 feet and no part of any sign shall project higher than the building parapet or eave.

(b) In non-residential districts, the provisions of Section 8-497 shall apply.

(c) (Temporary signs, banners and displays for houses of worship, schools, institutional or civic events are permitted), but must be located on property owned or controlled by the house of worship, school, institution, or civic organization or on public lands approved by the Building Inspector, and may be displayed only during a period commencing 30 days prior to the scheduled event and ending three days after closing date of said scheduled event.

Comment [AB19]: Probably should move this to Section 8-499 since it address temporary signs.

(Code 1998, § 15-1-42; Ord. No. 2010-04, § 12, 1-11-2010)

Sec. 8-497. — Permanent sSigns accessory to mixed use (commercial and residential), business, commercial or industrial uses.)

No sign accessory to any mixed usebusiness, commercial or industrial use shall be permitted, except in compliance with the following regulations:

Comment [AB20]: Common types of signs not addressed in this section that the Village should consider adding: window signs, menu board signs, bulletin board signs, drive-through signs

(a) Front wall signs shall be permitted subject to the following regulations:

(1) AOne wall sign shall be permitted on the front wall of any principal building. For the purpose of this Chapter, large petroleum storage tanks will be considered as a principal building. The 90 degrees of the tank circumference facing the access street shall be the front wall. The total area of such sign shall not exceed one-tenth of the area of the front face, including doors and windows, of the principal building, up to a maximum of 100 square feet. If a building has direct access to a road or street, the speed limit upon which is 35 miles per hour or more, the allowable maximum area of a front wall sign hereunder shall be increased by 50 percent, up to a maximum of 150 square feet. Twelve square feet wall signs are permitted for building faces under 120 square feet. Front wall signs shall not project above the roof of the buildinghigher than the building parapet or eave.

Comment [AB21]: Should define "large"

(2) Where a single principal building is devoted to two or more businesses, commercial or industrial uses, the operator of each such use may install a front wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion to the total sign area permitted for the front wall of the building.

(3) Front wall signs that do not violate Section 8-493(d) may project not more than 12 inches beyond the minimum setback.)

Comment [AB22]: Confusing text. I believe the intent is to allow projections into the ROW in the downtown where there are zero setback buildings provided the sign doesn't project over the curb and has sufficient clearance.

(4) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to ground.

Comment [AB23]: Should move to Section 843 as this relates to construction specifications

(5) Front wall signs may be gaseous tube type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property.

Comment [AB24]: Covered under revised 8-493

(6) Front wall signs that meet the following characteristics may be increased by 25 percent of the allowable sign area permitted in Subsection (a)(1) of this Section except that the total area of such sign shall not exceed 100 square feet: front wall signs that consist only of individual, outlined alphabetic, numeric, and symbolic characters without background except that provided by the building surface to which they are affixed. If illuminated, such illumination shall be by internal shielded illumination, shielded silhouette lighting or shielded spot lighting but not any lighting where the light source itself is visible or exposed on the face or sides of the characters.

(b) Side wall signs be permitted subject to the following regulations:

(1) The total area of such sign shall not exceed one-tenth of the area of the side wall (including doors and windows) of the principal building, provided that the total area of such sign shall not exceed 100 square feet. Side wall signs shall not project above the roof of the building.

(2) The sign must be located on a side wall facing a side yard complying with the side yard setback of the district in which it is located, or on a side wall facing a side street.

(3) Side wall signs that do not violate Section 8-493(d) may project not more than 12 inches into required side yards.

(4) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to ground.

(5) Side wall signs may be gaseous tube type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property.

(6) Side wall signs that meet the following characteristics may be increased by 25 percent of the allowable sign area permitted in Subsection (b)(1) of this Section except that the total area of such sign shall not exceed 100 square feet; side wall signs that consist only of individual outlined alphabetic, numeric, and symbolic characters without background except that provided by the building surface to which they are affixed. If illuminated, such illumination shall be by internal shielded illumination, shielded silhouette lighting or shielded spot lighting, but not any lighting where the light source itself is visible or exposed on the face or sides of the characters.

Comment [AB25]: Propose deleting this section and allowing one additional side or rear wall sign.

(eb) ~~A One additional wall~~ sign shall be permitted on ~~either a side or the~~ rear wall of any principal building subject to the following regulations:

(1) The maximum area of such ~~side or~~ rear wall sign shall not exceed 50 percent of the maximum area permitted for a front wall sign of the same building. ~~Side and rear~~ wall signs shall not project ~~higher than the building parapet or eave above the roof of the building.~~

(2) Rear wall signs that do not violate Section 8-493(d) may project not more than 12 inches into the required rear yards.

(3) ~~Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to ground.~~

(4) ~~Rear wall signs may be gaseous tube type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property.~~

(dc) Two ground signs shall be permitted for any principal building. The total area and maximum height of each individual permitted ground sign shall comply with criteria set forth in the following table. If only one ground sign is erected, the maximum area may be increased by 25 percent and no further ground signs shall be permitted:

Setback from R.O.W.	Maximum Area	Maximum Height
1'—9'	40 square feet	8'
9'—17'	70 square feet	16'
17'—25'	100 square feet	25'

Comment [AB26]: See previous comments

~~(e) No part of any sign shall extend above the crest of the roof of any building or structure. No sign, considered a wall sign by virtue of its attachment to the wall of a building, shall be allowed to extend above the top edge of the wall. Roof signs shall not exceed 64 square feet in area.~~

(fd) Letters may be painted or otherwise permanently affixed to any permissible awning or canopy subject to the following regulations:

(1) ~~Sign copy shall not~~ Lettering or letters shall not project above, below or beyond the physical dimensions of the awning or canopy.

(2) ~~Lettering or letters shall not be larger from top to bottom than eight inches~~ Sign copy shall not exceed 75 percent of the area of an angled face of the awning or 12 inches tall on a vertical face of the awning.

(3) ~~Lettering or letters shall not denote other than the name and address of the business conducted therein and/or a product produced or sold or service rendered therein.~~

(ge) Nameplates ~~not exceeding three square feet indicating the name and corporate insignia of the building owner or occupant, address and/or product~~ may be located on gates, gate posts and/or gate houses, provided that in the case of multiple occupancy, one name be utilized for identification purposes.

~~(hf) —"For Sale" or "For Rent" For business, commercial or industrial properties that are actively being marketed for sale or rent, additional signs shall be permitted subject to the following regulations:~~

(1) ~~For sale or rental of business, commercial or industrial real property, if~~ For each lot there shall be no more than one such sign installed in each yard, or front wall, adjoining an existing or dedicated street. No such sign shall exceed 32 square feet in area, 12 feet in height, and no such sign shall be illuminated. Each sign must be removed immediately upon the sale or rental of the property offered for sale or rent ~~and positioned from the street line a distance of at least one-half of the setback required within the particular zoning district in which the property is located. Such signs are exempt from minimum setback requirements, but shall be located at least one foot behind the lot lines.~~

(2) Where a ~~commercial or industrial~~ plat is offered for sale or rental there shall be permitted one sign facing each public street providing access to the property being offered. Each sign shall not exceed ~~100-64 square feet in area~~ and must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of all the property within the plat ~~and shall be located in accordance with Subsection (d)(1) of this Section. Freestanding signs shall be setback from property lines a distance equal to or greater than the height of the sign.~~

(ig) The total area of all on-premises signs for any individual business shall not exceed 300 square feet.

~~(h) Substitution of Noncommercial Speech for Commercial Speech. Any sign authorized by this section may contain a noncommercial message. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this section.~~

Comment [AB27]: Inclusion in this section implies that a permit is required; however, this is a temporary sign that in practice the Village is not collecting a permit. Suggest we relocate to Section 486 whereby a permit is not necessary.

Comment [AB28]: Seems excessively large. Suggest twice the size allowed for residential.

(Code 1998, § 15-1-43; Ord. No. 2010-04, § § 13—18, 1-11-2010)

Sec. 8-498. - Nonconforming signs.

Lawful nonconforming signs may be maintained subject to the following regulations:

(a) A nonconforming sign existing at the effective date of the ordinance from which this Article is derived may be continued, except that if its use, the purpose for which it was intended, or the business to which it relates is sold, or is discontinued for a period of 30 days or more, or if the individual or business owning such nonconforming sign moves from the premises where such sign is located, it shall be deemed abandoned and any further use of said sign, either on the premises where located or on new premises, will not be allowed unless the sign conforms with this Article. It is the intent of this Article

that a nonconforming sign, maintained by virtue of the rights conferred by this Section, shall not be continued after the sale or other disposition of the business to which it relates.

- (b) ~~Normal maintenance, such as painting, repairing without removal, cleaning, maintaining electrical wiring and appurtenances on site and changing or repairing fasteners or guy wires or chains shall be permitted on any lawful nonconforming sign.~~
- (c) Any nonconforming sign existing at the time this Article takes effect, which is destroyed by fire or the elements, may be reconstructed only in conformity with this Article.
- (d) A lawful nonconforming sign ~~may~~ shall not be enlarged or altered, except as allowed under Subsection (b) of this Section for normal maintenance or to make such sign conform to this Article.
- (e) Any lawful nonconforming sign under this Article, which is altered or changed so as to conform with this Article, shall not thereafter be changed so as to again become nonconforming.

Comment [AB29]: Does the Village want to allow the changing of the sign face if the sign structure is otherwise not altered?

(Code 1998, § 15-1-44)

Sec. 8-499. - Temporary signs.

(a) General requirements: All temporary signs shall comply with the requirements of this Article, and the following:

- (1) Unless listed as exempt under Section 8-486, a permit must be obtained before display of the temporary sign.
- (2) A temporary sign shall not exceed 12 square feet in area, unless displayed pursuant to Section 8-496(c), or a greater size is permitted under this Article for the specific sign.
- (3) A temporary sign shall not be displayed more than twice per year, for a period of time not to exceed 30 consecutive days, unless a greater time period is otherwise provided under this Article or by other applicable law.
- (4) Only one temporary sign may be displayed per street side per parcel, unless a greater number of temporary signs is otherwise provided under this Article or by other applicable law.

~~(a) General requirements: All temporary signs shall comply with the requirements of this Code. Except for those signs listed in this Section, Section 8-496(c) or defined as "Exempt signs" in Section 8-486, no temporary sign shall exceed 12 square feet in area, be displayed for a period of more than 30 consecutive days, be displayed more than twice per calendar year, [or] be displayed without a sign permit. A parcel may display one such sign per street frontage.~~

(b) *Sandwich board signs:*

- (1) *Location.* Portable sandwich board-type signs ~~displaying messages associated with a commercial activity~~ are permitted on private property in all commercial, industrial, and mixed-use areas subject to the standards defined in this Sign Code.
- (2) *Number of signs.* There shall only be one sandwich board sign allowed per premise per street frontage.

- (3) *Size and design regulations.* A sandwich board sign shall not exceed 12 square feet in area, measuring no more than three feet at the base and no more than four feet in height (measured vertically).
- (4) *Duration of display.* A sandwich board sign may be displayed only during business hours, but not for a period exceeding 18 consecutive hours.
- (5) *Placement of sign.* A sandwich board sign may be placed only in front of the business property in a way that does not obstruct normal pedestrian movement or traffic visibility, and must be placed on private property and setback a minimum of one-foot from all property lines. Exceptions to these standards may be allowed for buildings with zero front yard setbacks within the Central Commercial Zoning District. -In such cases, the sign may be placed on a public sidewalk provided the sign is located within eight feet of the primary customer entrance and does not obstruct normal pedestrian movement or traffic visibility.
- (6) *Anchoring.* All sandwich board signs shall be anchored or weighted to withstand the wind speeds per Section 8-491(d)(1).

(Ord. No. 2010-04, § 19, 1-11-2010)

Editor's note— Ord. No. 2010-04, § 19, adopted Jan. 11, 2010, repealed the former § 8-499 and enacted a new § 8-499 as set out herein. The former § 8-499 pertained to licensing of erectors of temporary greeting signs, and derived from Code 1998.

Secs. 8-500—8-521. - Reserved.

SEWRPC Model Zoning Ordinance Regulations for Signs

The following sign regulations are intended to comply with the Reed v. Town of Gilbert U.S. Supreme Court decision in 2015, which determined that content-based sign regulations are unconstitutional. These regulations have not been reviewed by an attorney. Review by the municipal attorney is strongly recommended before adopting these regulations as part of a town, village, city, or county zoning ordinance.

Content-based sign regulations are those that consider the message, text, or event on the sign when determining if a sign is an allowed use. In other words, if the Zoning Administrator must read what will be on the sign to determine which regulations apply, the sign is NOT content neutral. Regulations that have nothing to do with a sign's message, including size, type of sign (wall sign, pylon sign, etc.), lighting, and construction materials, may continue to be regulated under local and county zoning ordinances. Exceptions in this model include regulations for election campaign signs, which are regulated in accordance with provisions in the Wisconsin Statutes; and directional signs, which help provide safe traffic flow. For more information, see the following October 2015 "Perspectives on Planning" newsletter article on sign regulations prepared by Professor Brian Ohm of UW-Extension:

<http://wisconsinplanners.org/wp-content/uploads/2017/01/APA-WI-Oct-2015-Sign-Regs-After-Reed.pdf>

In the following model ordinance, additional requirements a community may wish to consider adopting are shown in *[brackets and italics]*. Communities may also adjust or revise the Ordinance to reflect community preferences regarding sign types, size, number, and other requirements. Where the word "Town" appears in italics, the word "Village," "City," or "County" may be substituted. These regulations are intended to be adopted as a Section in an existing zoning ordinance. As such, they do not include provisions for appeals, variances, permit fees, severability, nonconforming uses and structures, and similar considerations which would typically be addressed in other sections of a complete zoning ordinance. Please contact SEWRPC if you would like examples of other zoning ordinance sections.

Please contact SEWRPC at (262) 547-6721 or sewrpc@sewrpc.org if you have any questions or would like a Word version of this model sign ordinance.

SECTION 6.00 SIGNS

(Note: The following section numbers should be numbered as appropriate to fit the existing community zoning ordinance format.)

- 6.01 Purpose and Intent
- 6.02 Compliance
- 6.03 Noncommercial Signs
- 6.04 Existing Nonconforming Signs
- 6.05 Exemptions
- 6.06 Abandoned Signs
- 6.07 Permit Procedures
- 6.08 Measurement Standards
- 6.09 Construction and Maintenance
- 6.10 General Provisions
- 6.11 Landscaping
- 6.12 Signs Permitted in All Districts Without a Permit
- 6.13 Signs Permitted in Agricultural Districts With a Permit
- 6.14 Signs Permitted in Residential Districts With a Permit
- 6.15 Signs Permitted in Business and Manufacturing Districts with a Permit
- 6.16 Signs Permitted in Institutional and Park Districts with a Permit
- 6.17 Signs Permitted in Nonmetallic Mining and Landfill Districts With a Permit
- 6.18 Temporary and Portable Signs [*and Searchlights*]
- 6.19 Signs Prohibited in Any District
- Related Definitions

6.01 PURPOSE AND INTENT

The intent of this Section is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; and ensure that signs are well-constructed and maintained and expressive of the identity of individual activities and the community as a whole.

6.02 COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Ordinance and a sign permit, unless exempted from sign permit requirements under Section 6.05 or Section 6.12.

6.03 NONCOMMERCIAL SIGNS

Any sign authorized by this Ordinance may contain a noncommercial message. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other specifications set forth in this Section.

6.04 EXISTING NONCONFORMING SIGNS

- A. Signs Lawfully Existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform with the provisions of this Ordinance. Such signs shall be deemed nonconforming uses or structures and the nonconforming use and structure provisions of this Ordinance shall apply. Maintenance of a nonconforming sign shall comply with Section 6.09.C.
- B. When a Business or Other Use Changes necessitate a new sign message or sign structure, the sign shall be brought into conformance with the provisions of this Ordinance, including an application for a sign permit.

6.05 EXEMPTIONS

The following signs are exempt from the regulations contained in this Ordinance:

- A. A Sign Posted by the *Town*; a County, State, or Federal agency.
- B. A Sign Integrated into or on an automatic teller machine, coin-operated machine, or vending machine.
- C. A Sign Carried by a person.
- D. A Sign Not Visible from any public street, highway, sidewalk, bicycle path, or park.
- E. Street Addresses and Numbers.
- F. Murals and other works of art that are not related by logo, pictorial depiction, or other means to the advertisement of any product or service or the identification of any business.
- G. Holiday lights and decorations containing no commercial message and displayed during the appropriate time of year.
- H. Flags of the United States and Wisconsin and other countries or states, up to a maximum of three per lot or parcel. If the flag is displayed on a flagpole, the maximum dimension of any flag shall be proportional to the flagpole height, and the hoist side of the flag shall not exceed 20 percent of the vertical height of the pole. Flags must be flown in accordance with protocol established by the

U.S. Congress. Any flag not meeting these requirements shall be considered a sign subject to the requirements of this Ordinance and not allowed as an exemption under this Section 6.05.

6.06 ABANDONED SIGNS

All signs, sign messages, and/or supporting structures, as applicable, shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer conducted, or is dilapidated or beyond repair under the provisions of Section 66.0413 of the Wisconsin Statutes. If the owner or lessee fails to remove such signs or sign structures, the Zoning Administrator shall give the owner a 30-day written notice by certified mail to remove said sign. Upon failure to comply with the first notice, the Zoning Administrator shall, by certified mail, send a second notice giving the owner an additional 48 hours to remove the sign. Upon failure to comply with the second notice, the *Town* may cause removal to be executed, the expenses of which will be assessed as a special tax to the property on which the abandoned sign is located.

6.07 PERMIT PROCEDURES

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit except those signs exempted in Section 6.05 or 6.12 of this Ordinance, and all signs shall fully conform with the provisions of this Ordinance.

A. Applications for a Sign Permit shall be made on forms provided by the Zoning Administrator and shall include the following information:

1. Name, address, and telephone number of the applicant and property owner.
2. Location of the building, structure, or lot upon which the sign is to be attached or erected.
3. Name of the person, firm, corporation, or association erecting the sign.
4. Written consent of the owner or lessor of the building, structure, or lot upon which the sign is to be affixed. No written consent is required if the property owner is the applicant.
5. A scale drawing or image of the sign, including colors to be used. A written description of the drawing shall also be submitted, including a detailed description of the materials, colors, and letter height, type, and style to be used; the sign dimensions; the type of illumination, if any; and the method of construction and attachment.
6. A scale drawing of the site indicating the location and position of the sign in relation to nearby buildings and structures, existing signs on the site, and abutting public streets, parks, and public rights-of-way.
7. A description of any existing signs that will remain on the site.
8. Copies of any other permits required and issued for the sign.
9. Additional information as may be required by the Zoning Administrator, Building Inspector, or Plan Commission.

B. Sign Permit Applications shall be filed with the Zoning Administrator or designee. The Zoning Administrator shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 20 [10 for communities with full-time Zoning Administrators] working days of receipt of a complete application, unless Plan Commission review is required or the time is extended by written agreement with the applicant. If deemed necessary because of sign type, location, or proposed construction, the Zoning Administrator may refer any application for a sign permit to the Building Inspector and/or the Plan Commission for review and guidance. The Building Inspector and/or Plan Commission shall review and make a recommendation within 45 days of receiving the application. When reviewing a sign permit application, the *Town* shall consider the following:

1. The location, appearance, material, lighting, height, and size of the proposed sign and supporting structure in relation to the site and surrounding uses.

2. The safety of pedestrians, bicyclists, and vehicle operators on adjoining streets and highways and occupants of abutting properties.
 3. The effect of the sign on the scenic beauty or character of the streetscape, neighborhood, and community.
- C. Time to Construct. A sign permit shall become null and void if work authorized under the permit has not been completed within six months of the date of issuance. The Zoning Administrator may approve an extension of up to three months based on a written request from the applicant.
- D. Bond. Applicants for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the Plan Commission upon recommendation of the Zoning Administrator, but not to exceed \$25,000. The form of the cash bond or other surety shall indemnify the *Town* against all loss, cost of damages, or expense incurred or sustained by or recovered against the *Town* by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted by the Plan Commission in lieu of a bond or other surety.

6.08 MEASUREMENT STANDARDS

- A. Signable Area. The signable area of a building is designated as the area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which signs may be displayed. In computing signable area, any facade which faces or abuts a public right-of-way may be utilized. Calculations may include parapet walls, but shall exclude door and window openings.
- B. ***Option 1 (see Illustration No. 1):***
Measuring Sign Face. In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

Alternative to “B” above:

- B. ***Option 2 (see Illustration No. 1):***
Measuring Sign Face. In calculating the area of a sign to determine whether it meets the requirements of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. For a wall sign comprised of individual letters, figures, or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.
- C. Measuring Sign Height. The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

6.09 CONSTRUCTION AND MAINTENANCE

- A. Wind Pressure and Dead Load Requirements. All signs and supporting structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the *Town Building Code* or other applicable ordinance.
- B. Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped or fenced off, or otherwise isolated.
- C. Maintenance. The owner of any sign shall keep the sign and supporting structure in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, and weeds. Restoration or painting which changes the size, color, or location of a sign will require a new sign permit.
- D. Supporting Foundations, Posts, or Braces shall be constructed of galvanized iron or properly treated wood, steel, copper, brass, or other noncorrosive and noncombustible material. Projecting signs shall be attached to the supporting building or structure by noncorrosive metal bolts, anchors, cable, or other metal attachments so as to ensure permanent and safe construction, and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two or more roof or ceiling joists in accordance with instructions given by the Building Inspector. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- E. No Signs or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe. No sign or any sign anchor, brace, or guide rod shall be erected or maintained so as to hinder or prevent ingress or egress through any door, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
- F. Signs with Electrical Wiring shall require an electrical permit from the *Town Electrical Inspector*. [*Overhead electrical wiring shall be prohibited.*]
- G. If External Illumination is approved, the fixture shall be mounted on a permanent unmovable base and the neck soldered so as to prevent the fixture from being tampered with or redirected.

6.10 GENERAL PROVISIONS

- A. Signs Facing Residential Districts. No sign except those permitted in Sections 6.04, 6.05, and 6.12 shall be permitted to face a residential district within 100 feet of such district boundary. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the residential zoning district, in a straight line without regard to intervening structures.
- B. Signs Facing Federal Aid Primary Highways shall meet all the requirements and regulations, including applicable permits, set forth in Wisconsin Statutes and Federal regulations, and shall fully conform with the provision of this Ordinance.
- C. Words and Phrases on Signs should be minimized to allow reading or interpretation from a moving vehicle at posted speed limits without hazard. A combination of 10 words, sets of numbers, logos, or pictures normally will be considered as a guide and the applicant may be requested to modify the sign to delete excessive verbiage or numbers.
- D. Signs Shall Not Resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices and shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.

- E. Signs Shall Not Be Placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- F. Signs May Be Illuminated Provided they are not located in a Residential Zoning District [*or list specific districts*]. Signs, other than public traffic control signs, shall have no elements that are flashing, blinking, rotating, or pulsating. Bare (uncovered) light bulbs are prohibited. Signs that include changeable copy reader boards and Electronic Message Boards (EMBs) shall not be considered flashing or pulsating signs, provided they comply with all other applicable provisions of this Ordinance.
- G. Sign Colors.
 - 1. Florescent colors shall not be permitted. Where such colors constitute a component of a standard corporate theme or identity, muted versions of such colors shall be used.
 - 2. Color schemes and lettering styles shall be used consistently on all signage used on a single lot or shopping center.

6.11 LANDSCAPING

All permanent freestanding signs shall be set in a landscaped base[, *except in an agricultural zoning district or the B-__ (Central Business District) zoning district*]. The base shall be of appropriate size to contain flowers, groundcover, ornamental grasses, shrubs, and/or other base plantings [*except turf grass*] that will enhance and complement the sign. The landscape area shall be at least six feet wide with a length of at least 1.5 times the overall length of the sign face or sign structure, whichever is longer.

6.12 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

The following signs are permitted in all zoning districts without a permit, subject to the specified conditions:

- A. Signs Carved Into or affixed flat to a building in such a way that they are not directly illuminated, are not made of a reflecting material, do not contrast sharply in color with the building, and do not exceed two inches in thickness.
- B. Temporary Freestanding or Wall Signs on properties or buildings for sale, lease, or rent not exceeding six square feet in area on one side or 12 square feet in area on all sides and a maximum of six feet in height in a residential district; or not exceeding 24 square feet in area on one side or 48 square feet in area on all sides and a maximum of 12 feet in height in other districts. If not attached to a wall, such signs shall be set back at least 10 feet from a side or rear lot line, shall not be located in a public right-of-way, and shall be removed within 10 days after the property or building is sold, leased, or rented.
- C. One Additional Temporary Freestanding Sign, not exceeding six square feet in area on one side or 12 square feet in area on all sides, provided that no such signs shall exceed four feet in height or be erected or placed within a public right-of-way. Such temporary signs are limited to no more than three days duration two times in any calendar year.
- D. A Permanent Wall Sign not to exceed two square feet in area and mounted flush against a dwelling.
- E. Election Campaign Signs. As provided in Section 12.04 of the Wisconsin Statutes, election campaign signs are permitted in residential zoning districts subject to the following requirements:
 - 1. The sign shall not be erected prior to the first day of the “election campaign period” as defined in the Wisconsin Statutes, and shall be removed within 10 days following the election.
 - 2. Election signs shall not exceed 11 square feet in area unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure; and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the *Town* building code to remain unobstructed.

3. No election campaign sign shall be placed within a public right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.

6.13 SIGNS PERMITTED IN AGRICULTURAL DISTRICTS WITH A PERMIT

The following signs may be permitted in all Agricultural Zoning Districts *[or list specific districts]* subject to the following regulations:

A. Each Farm is Permitted the Following On-Premise Signs:

1. Wall signs affixed to or painted on farm buildings, provided the total area of such signs shall not exceed 100 square feet.
2. One ground or pylon sign, which shall meet the requirements of Section 6.15.B for ground signs or Section 6.15.I.1 for pylon signs. One additional ground or pylon sign shall be allowed along each street on which the farm has frontage.
3. One additional freestanding sign not to exceed 10 feet in height above the ground surface and meeting all yard requirements for the district in which the sign is located. Said sign shall not exceed 16 square feet in area on one side and 32 square feet in area on all sides.

B. One Off-Premise Ground or Pylon Sign. Off-premise ground signs shall not exceed eight feet in height and shall not exceed 32 square feet on one side or 64 square feet on all sides. Off-premise pylon signs shall not exceed 10 feet in height or 16 square feet in area on one side or 32 square feet on all sides. Off-premise ground or pylon signs shall not be located within a public right-of-way or within the vision clearance triangle of any intersecting streets.

6.14 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in all Residential Zoning Districts *(or list specific districts)* subject the following regulations:

A. Permanent Ground Signs placed at the entrance to a subdivision or development, which shall be set back at least 10 feet from a street right-of-way or side or rear lot line. The Plan Commission may permit the sign to be located closer to a street right-of-way after determining that the sign will have no adverse impact on public safety. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses. In addition:

1. The Subdivider, condominium association, or homeowners association shall be responsible for paying all costs for maintenance of the sign and associated landscaping. Written agreements shall be on file between the *Town* and the Subdivider, condominium association, and/or homeowners association as to the maintenance and care of the sign and landscaping. The agreement shall also identify the responsible party for paying the costs of removing the sign in the event it is not properly maintained.
2. All subdivision or development ground sign placement, replacement, relocation, and removal shall be at the expense of the Subdivider, condominium association, or homeowners association. If the sign is in disrepair or becomes a hazard to public safety, the *Town* shall have the authority to remove the sign and assess the costs as provided for in the agreement.

B. Temporary Signs on land actively being subdivided or developed, provided the sign shall not exceed 32 square feet in area on one side, and 64 square feet in area on all sides, and shall not be closer than 10 feet to a street right-of-way or side or rear lot line. The sign shall be removed at the time development has been completed, as determined by the Zoning Administrator.

6.15 SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS WITH A PERMIT

The following signs are permitted in all Business and Manufacturing Zoning Districts *(or list specific districts)* subject to the following regulations:

- A. On-Premise Awning, Canopy, or Marquee Signs affixed flat to the surface of the marquee, awning, or canopy are permitted provided the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within two feet of the vertical plane formed by the curb of a public street. A sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy or overhang provided that the sign shall be at least 10 feet above the sidewalk.
- B. On-Premise Ground Signs shall not exceed eight feet in height above the mean centerline street grade and shall not exceed 32 square feet on one side or 64 square feet on all sides on lots with a frontage less than 150 feet. On-premise ground signs shall not exceed 10 feet in height above the mean centerline street grade and shall not exceed 50 square feet on one side or 100 square feet on all sides on lots with a frontage of 150 feet or more. Ground signs shall be set back at least 10 feet from a public right-of-way or side or rear lot line [*except in the B-__ (Central Business District)*].
- C. Electronic Message Boards (EMBs) and Changeable Copy Reader Boards. EMBs or changeable copy reader boards may be included as part of ground signs, subject to the following additional requirements:
 - 1. Changeable copy reader boards and EMBs can be included on ground signs; however, the changeable copy area shall not exceed 50 percent of the total sign face area.
 - 2. The changeable copy portion of the sign must occupy a secondary position to the name of the business, development, and/or tenant.
 - 3. EMB may display static images only. No blinking, flashing, moving, scrolling or animated messages are permitted. A message/image on an EMB shall not flash, scroll, twirl, or otherwise move when changing.
 - 4. Text or images, or any portions thereof, on an EMB may change up to, but not more frequently than, once every five seconds.
 - 5. The maximum illumination of any electronic message or manual changeable letter sign shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 24 inches.
 - 6. Each sign shall be placed in such a manner so as to not interfere with, confuse, or present any hazard to traffic or pedestrians.
 - 7. A sign containing an EMB shall not be located closer than 100 feet from a residentially zoned property. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the residential zoning district, in a straight line without regard to intervening structures.
 - 8. Audio speakers and all forms of pyrotechnics are prohibited.
- D. On-Premise Menu Boards, not to exceed two per drive-through or walk-up food establishment.
- E. On-Premise Projecting Signs, subject to the following requirements:
 - 1. The sign shall not exceed 40 square feet in area on one side and 80 square feet in area on all sides for any one building.
 - 2. The sign shall not extend above the top of the wall to which it is attached or above the top of the second floor window, whichever is lower.
 - 3. The sign shall not extend more than six feet into any required yard and shall not be less than 10 feet from all side and rear lot lines.
 - 4. The sign shall not extend more than three feet into any public right-of-way.
 - 5. The sign shall not exceed a height of 20 feet above the mean centerline street grade.
 - 6. The sign shall not be less than 10 feet above the sidewalk or less than 15 feet above a driveway, alley, or other area used by motor vehicles.

- F. [On-Premise Roof Signs] shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 200 square feet on all sides for any one building.]
- G. On-Premise Wall Signs shall not exceed in area 30 percent of the signable area of the building, as defined in Section 6.08 of this Ordinance, or 300 square feet, whichever is less, and shall not extend above the roof line of the building, except those on the face of a parapet. Wall signs shall not extend more than 12 inches from the wall surface. Signs attached to fences shall be considered to be wall signs.
- H. On-Premise Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- I. On- or Off-Premise Pylon Signs, subject to the following requirements:
1. *[Unless meeting the locational requirements in Paragraph 2 below,]* Pylon signs shall meet the following requirements:
 - a. The sign face shall not exceed 32 square feet on one side or 64 square feet on all sides.
 - b. The sign shall not extend into any public right-of-way.
 - c. The sign shall not be less than 10 feet from all side lot lines.
 - d. Shall not exceed 20 feet in height above the mean centerline street grade.
 2. *[Pylon signs on lots located within 150 feet of an interchange providing access to an Interstate Highway may be a maximum of 40 feet in height and shall be set back a minimum of 15 feet from all lot lines. The sign face shall not exceed 100 square feet on one side or 200 square feet on all sides.]*
- J. On- or Off-Premise Wayfinding and Directional Signs provided that no sign shall be placed in a street right-of-way, exceed four square feet in area on one side or eight square feet in area on all sides, or exceed a height of four feet above the ground surface.
- K. Combinations of any of the above signs shall meet all the requirements for that type of sign. The total number of signs shall be limited as follows:
1. Shopping centers may provide one ground or pylon sign for each 500 feet of street frontage. The shopping center may also provide one wall, canopy, and/or fascia sign for each business in the shopping center.
 2. The Town may require the owner of a shopping center or other multi-tenant building to submit a master sign plan for review and approval. The number and size of signs shall conform to the requirements of this Ordinance.
 3. Gasoline and/or service stations may provide a maximum of one ground sign per street frontage and one wall sign. One pylon sign may be substituted for one of the ground signs. Price signs for gasoline or diesel fuel sales required by State or Federal regulatory agencies shall not be subject to the limitations on the number of signs; however, such price signs shall not exceed an additional 20 square feet in area and shall be incorporated into a permanent sign.
 4. For all other free-standing businesses and industries, total signs shall be limited by the following table:
- | <u>Floor Area</u> | <u>Maximum Number Of
Signs Permitted</u> |
|--------------------------|--|
| 0 - 5,000 sq. ft. | 2 |
| 5,001 - 20,000 sq. ft. | 3 |
| 20,001 - 50,000 sq. ft. | 4 |
| More than 50,000 sq. ft. | 5 |
- [Large development with one or more buildings totaling a floor area of 20,001 square feet or greater with multiple arterial street frontages may have an additional ground sign*

to identify the development, subject to Town Board approval following a recommendation from the Plan Commission.]

5. Menu boards, wayfinding/directional signs, and window signs shall not be included in the calculation of the maximum number of signs under Paragraph K.4.

6.16 SIGNS PERMITTED IN INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT

The following signs are permitted in all Institutional and Park Zoning Districts (*or list specific districts*), subject to the following requirements:

- A. One Ground or Pylon Sign, which shall meet the requirements of Section 6.15.B for ground signs or Section 6.15.I.1 for pylon signs.
- B. One Wall Sign, which shall not exceed in area 30 percent of the signable area of the building, as defined in Section 6.08 of this Ordinance, or 300 square feet, whichever is smaller, and shall not extend above the roof line of the building except for those allowed on the face of a parapet.
- C. Bulletin Boards on Ground, Pylon, or Wall Signs, in addition to the signs allowed under 6.16.A and 6.16.B, which shall not exceed 32 square feet in area. Bulletin Boards shall be set back at least 10 feet from any public right-of-way or any side or rear lot lines.
- D. Wayfinding and Directional Signs provided that no sign shall be placed in a street right-of-way, exceed four square feet in area on one side or eight square feet in area on all sides, or exceed a height of four feet.

6.17 SIGNS PERMITTED IN NONMETALLIC MINING AND LANDFILL DISTRICTS WITH A PERMIT

The following signs are permitted in all Non-Metallic Mining and Landfill Zoning Districts (*or list specific districts*), subject to the following requirements:

- A. One On-Premise Ground or Pylon Sign, which shall meet the requirements of Section 6.15.B for ground signs or Section 6.15.I.1 for pylon signs.
- B. One Off-Premise Ground or Pylon Sign. Off-premise ground signs shall not exceed eight feet in height and shall not exceed 32 square feet on one side or 64 square feet on all sides. Off-premise pylon signs shall not exceed 10 feet in height or 16 square feet in area on one side or 32 square feet on all sides. Off-premise ground or pylon signs shall not be located within a public right-of-way or within the vision clearance triangle of any intersecting streets.
- C. Wayfinding and Directional Signs provided that no sign shall be placed in a street right-of-way, exceed four square feet in area on one side or eight square feet in area on all sides, or exceed a height of four feet.

6.18 TEMPORARY AND PORTABLE SIGNS [AND SEARCHLIGHTS]

In addition to the temporary signs allowed under Section 6.05 without a sign permit, the following temporary and portable signs may be allowed subject to review and approval of a sign permit:

- A. Flag Signs, Banners, [or air-activated signs] may be approved on a temporary basis in any district by the Plan Commission following a review and recommendation by the Zoning Administrator. Temporary sign permits shall not be granted for a period of more than three weeks, and each business or organization shall be limited to two temporary sign permits for a flag sign or banner in any 12-month period. Banners displayed above a street shall not exceed 120 square feet in area on each side. Banners attached to a building or other structure shall not exceed 32 square feet in area.
- B. Temporary Signs. A temporary sign other than a flag or banner may be allowed in any district for up to three weeks, provided the sign is not permanently mounted or affixed to the ground. The sign area shall not exceed 32 square feet on one side or 64 square feet on all sides, and shall be at least 10 feet from a property line[, *except in the B-__ (Central Business District) zoning district*].

Only one temporary sign may be located on a lot. Each business or organization shall be limited to two temporary sign permits in any 12-month period.

- C. Moveable Signs. The Plan Commission may permit the use of a moveable sign on sidewalks in the B-__ (Central Business) District. The sign shall not exceed 2.5 feet in width or four feet in height. The sign shall not be permanently attached to the sidewalk and shall not be chained or attached to street trees, street furniture, or other structures or fixtures. The sign shall be displayed only during hours in which the business it advertises is open, and shall be located within 10 feet of the main building entrance. The sign shall be placed to allow at least three feet of sidewalk width for pedestrian movement.]
- D. Searchlights. The Plan Commission may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five days in any six month period.]
- E. Permit Required. The permit required by Section 6.07 shall be required for all temporary [and moveable] signs [and searchlights].

6.19 SIGNS PROHIBITED IN ANY DISTRICT

The following signs are not permitted in any zoning district:

- A. Abandoned Signs. See Section 6.06.
- B. Advertising Vehicles or Trailers. A vehicle or trailer which has attached to or located thereon any sign or device for the purpose of advertising a business, product, or service or for directing people to a business or activity. No person shall park any such vehicle or trailer on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way. This provision is not intended to prohibit vehicle signs that are customarily attached, lettered, or painted on a vehicle or trailer to identify the ownership or function of the vehicle.
- C. Signs Whose Content Violates Town, County, State, or Federal laws or regulations, including but not limited to the obscenity provisions of Chapter 944 of the Wisconsin Statutes.
- D. Signs Painted, Attached, or affixed to trees or other living vegetation.
- E. See Section 6.10 for additional types of prohibited signs.

RELATED DEFINITIONS

(Note: The following definitions should be included in the Definitions section of the zoning ordinance.)

Mural

A picture painted on an exterior surface of a structure.

Shopping Center

A group of commercial establishments planned, constructed, and managed as a unified entity that share a common on-site parking area for customers and employees, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Sign

Any object, device, display, structure, or part thereof which is designed to advertise, announce, direct, identify, or inform by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign, Air-Activated

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Sign, Awning, Canopy, or Marquee

A sign that is mounted or painted on, or attached to an awning, canopy, or marquee (see Illustration No. 2).

Sign, Banner

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or similar method or that may be supported by stakes in the ground. Banners attached to fences shall be considered wall signs.

Sign Copy

The message or advertisement, and any other symbols on the face of a sign.

Sign, Electronic Message

A changeable message sign whose message is electrically activated.

Sign, Externally Illuminated

A sign illuminated by light sources from outside the sign.

Sign Face

The area or display surface used for the message on a sign.

Sign, Fascia

A sign that is mounted or painted on, or attached to, the flat horizontal surface piece of a building typically located directly above the front door, and sometimes referred to as a signboard or nameplate.

Sign, Flag

Devices generally made of flexible materials, such as cloth, paper, or plastic, and supported by a single vertical pole mounted into the ground or on a portable structure. They may or may not contain sign copy (see Illustration No. 2).

Sign, Freestanding

Any sign which is supported by structures or supports in or upon the ground and independent from any building. Freestanding signs include ground signs, pylon signs, and signs less than four feet in height supported by a single pole or post.

Sign, Ground

A low sign independent from any building that is in contact with or in close proximity to the ground and usually supported by posts or pillars on the sides and/or a structural base of not less than 75 percent of the width of the sign face (for example, a sign with a face eight feet wide would require a structural base of six feet or more in width). Also see Illustration No. 2.

[Note: A community may also wish to specifically include monument signs, and require the use of a masonry base such as brick, concrete, or stone. In such cases a distinction should be made in the definitions and ordinance regulations between monument signs and ground signs that are supported by posts or pillars.]

Sign, Illuminated

Any sign which has characters, letters, figures, designs, or outlines illuminated, either internally or externally, by electric lights or luminous tubes.

Sign, Internally Illuminated

A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

Sign, Menu Board

A permanently mounted sign displaying the foods, products, or services for a drive-through or walk-up facility.

Sign, Moveable

A sign that is not permanently attached to the ground or attached to a building or structure, and which is removed and stored inside daily (see Illustration No. 2).

Sign, Noncommercial

Signs expressing personal political, religious, or other opinions, and not advertising any product, service, or event.

Sign, Off-Premise

A sign which is not related to a product sold, a service offered, or identify the property on which the sign is located. This definition does not include noncommercial signs that meet all applicable requirements of this Ordinance.

Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building (see Illustration No. 2).

Sign, Pylon

A freestanding sign permanently affixed to the ground by one or more supports so that the bottom edge of the sign face is eight feet or more above the ground (see Illustration No. 2). A pylon sign includes a sign supported by a single pole, also referred to as a “pole sign.”

[Sign, Roof

A sign mounted on the main roof portion of a building, and which is wholly dependent upon the building for support (see Illustration No. 2).]

Sign, Vehicle or Trailer

A sign permanently or temporarily attached to or placed on a vehicle or trailer and used primarily as a stationary sign.

Sign, Wall

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. This definition includes signs located on a parapet wall of a building and signs composed of individual letters, numbers, or symbols (see Illustration No. 2).

Sign, Window

A sign that is applied, painted, or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window (see Illustration No. 2).

Structure

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

ILLUSTRATION NO. 1
Sign Measurement Options

Option 1: Using smallest geometric figure that includes all sign elements:

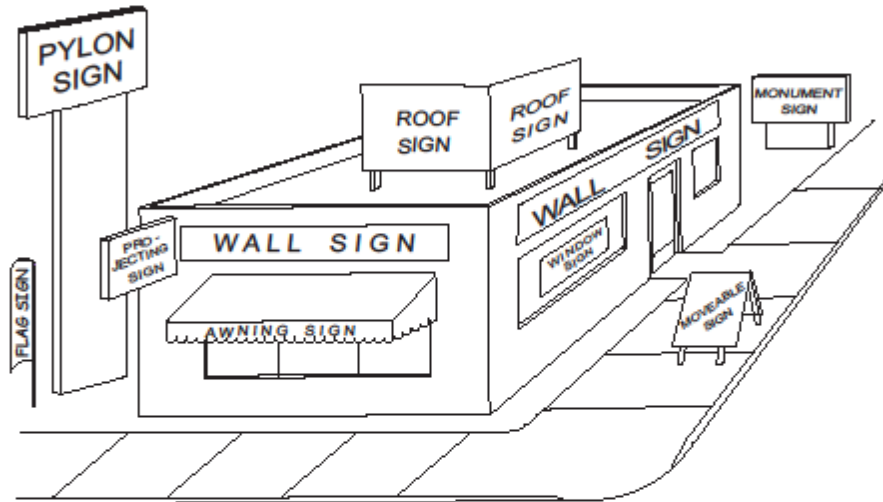


Option 2: Using multiple geometric figures for sign elements:



Source: Alan C. Weinstein, Inc. and D.B. Hartt, Inc., A Framework for On-Premise Sign Regulations, March 2009, and SEWRPC.

ILLUSTRATION NO. 2
Sign Types



Source: Southeastern Wisconsin Regional Planning Commission.

Memorandum

TO: Plan Commission Members
FROM: John Griffith, Code Enforcement Officer
DATE: October 10, 2019
RE: September Property Maintenance Report

<u>ADDRESS-OWNER OR TENANT OCCUPIED (AUGUST AND PRIOR LETTERS/CONTACT)</u>	<u>VIOLATION:</u>	<u>STATUS</u>
4900 Larson Beach Road (Neitzel)	Grass/weeds over 8"	Mowed by owner
5304 Long Street (Moore)	Storage of commercial vehicles on property	Removed by owner
West Open Meadow properties	Maintain and mowing of terrace area	Referred to Public Works to clarify the responsibility
6119 Johnson Street (Deyoe)	Grass/weeds over 8" - 5 day notice posted on 7/15/19 Unlicensed, inoperable vehicles on property Debris, rubbish, garbage stored outside on property – letter posted on 7/15/19	Property rechecked over 30 days – all issues resolved
5608 Glenway St. (Evans)	Grass/weeds over 8" - 5-day notice posted on 7/22/19. Ticketed, court date 8/13/19.	Failure to appear in court, 60 days to pay citation. Due date 10/8/19
5100 Lake Edge Road (Neitzel)	Grass/weeds over 8" - dumping brush on site from other properties	Brush removed – mowed by owner

5915 Exchange St. (Byrne)	Tuck pointing	Letter sent to owner- 10-22-18 No response from owner
6012 Exchange Street (Ford)	Couch on lawn	Removed by owner
4507 Wisconsin Avenue (Herritz)	Grass/weeds over 8"	Mowed by owner
6208 Johnson Street (Torbleau)	Grass/weeds over 8" - 5-day notice mailed on 7/29/19 – returned non-deliverable. Notice posted.	Resident called to explain he will comply – property being checked for compliance
6009 Exchanges Street (Beck)	Furniture stored outside on property 7/22/19	Removed by owner
5906 Main St. (Schneider)	2 nd notice about repairs	Working with fire dept. 4/11/19 Letter from fire dept. was received by owner. 5-9-19 Citation mailed. 7/3/19 Citation returned – Letter not signed for. Reissued ticket on 7/15/19 sent priority mail – received by owner on 7/18/2019. Owner paid ticket.
6208 Johnson Street (Torbleau)	Reposted 5 day notice - Grass/weeds over 8"	Mowed by owner
5802 Leanne Lane (Benink)	Cabinets on front lawn	Removed by owner
6305 Lane, 5608 Glenway, 570 Leanne Lane	Grass/weeds over 8" – follow ups and photos for court	All properties cited and fines paid
5806 Milwaukee Street (Torbleau)	Junk/debris on property – downed tree/firewood front area	Removed from property by owner
Norma Road	Debris & junk stored outside on property	Items located in rear yard, letter sent in September
6305 Lani Lane (Dybus)	Grass/weeds over 8" - 5 day notice posted on 7/8/19	Property owner ticked - mowed by Public Works prior to court date
5106 Black Walnut (Hammerling)	Improper storage of firewood on property –30 day notice mailed 5-6-19	Citation issued on 6-6-19. Court date 7-9-19. Judge gave 60 days to comply. Being checked

5823 Lake Edge Rd (Hammer/Perdew)	Parking vehicles on front lawn	Vehicles relocated – owner called in to apologize
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<u>LETTERS /CONTACT IN SEPTEMBER :</u>	<u>VIOLATION:</u>
6115 Merrill Street (Herritz)	Improper firewood storage
5406 Valley Road (Johnson)	Improper firewood/tree removal storage
Exchange & Renee	Sightline/corner safety in right of way – referred to Public Works
5812 Smith Ridge Road (Strassburg)	Junk on lawn
5905 Smith Ridge Road (Hemp)	Junk/trailer on lawn
5916 Prairie Wood (Smerlinski)	Improper pool discharge
5605 Black Walnut Court	Low hanging tree – referred to Public Work's
5300 Marsh Road (Krenz)	Improper firewood storage
5905 Smith Ridge Road (Hemp)	Expired plats on vehicles stored on site
5406 Norma Road (WABJW Trust)	Backyard storage of items
5410 Valley Drive (Riddle-Reeder)	Vision/safety triangle
5409 Valley Drive (Halsey)	Vision/safety triangle

Memorandum

To: Plan Commission

From: Andrew Bremer, AICP
Village Community & Economic Development Director

Date: October 10, 2019

Re: **September 2019 Community Development Department Highlights**

YTD Building Permits

Community Development Department, Number of Permits Issued					
	2018	5-Year	4-Year	3-Year	2019
Building Permits	Actual	Average	Average	Average	YTD*
SF	71	40	48	58	41
MF	3	1.4	2	2	1
Com	4	3.2	3	4	1
Total	78	45	53	64	43

* As of 9/30, 75% through calendar year

38 total building permits issued in September, two for new single-family construction and one for new duplex construction.

YTD Department Revenues

Community Development Department, Annual Revenues									
Account		2018	5-Year	4-Year	3-Year	2019	2019	YTD % of	2019
		Actual	Average	Average	Average	Budget	YTD*	Budget	Projected
44300-101	Building Permit	\$ 124,577	\$ 67,242	\$ 76,569	\$ 90,333	\$ 95,000	\$ 74,943	79%	\$ 93,679
44300-102	HVAC Permit	\$ 49,645	\$ 26,536	\$ 31,113	\$ 37,782	\$ 45,000	\$ 21,515	48%	\$ 26,894
44300-103	Plumbing Permit	\$ 49,824	\$ 27,647	\$ 32,433	\$ 38,644	\$ 45,000	\$ 22,959	51%	\$ 28,698
44300-104	Electrical Permit	\$ 62,698	\$ 35,377	\$ 39,773	\$ 47,330	\$ 50,000	\$ 29,930	60%	\$ 37,413
44300-108	CD Occupancy Inspection Fee	\$ 10,150	\$ 6,520	\$ 7,725	\$ 9,517	\$ 10,000	\$ 4,805	48%	\$ 6,006
44900-000	Misc. CD Permit Fees	\$ 190,471	\$ 103,611	\$ 127,625	\$ 154,994	\$ 60,000	\$ 71,500	119%	\$ 89,375
46800-000	Community Development Fees	\$ 8,871	\$ 9,001	\$ 9,747	\$ 9,861	\$ 10,000	\$ 6,985	70%	\$ 8,731
47210-000	City - Building Inspection	\$ 6,880	\$ 29,762	\$ 28,043	\$ 25,942	\$ -	\$ -	0%	\$ -
	Total Revenue	\$ 503,116	\$ 305,696	\$ 353,029	\$ 414,403	\$ 315,000	\$ 232,637	74%	\$ 290,796
	Percent Change	6.8%	x	x	x				

* As of 9/30, 75% through calendar year

Summary of Department Activities

- Building construction for Phase 1 of Ezra project on Terminal Drive is underway.
- Various meetings with applicants appearing on the October Plan Commission agenda.

- Meet with representatives from Lakestone Properties to discuss development opportunities and current projects in the Village. The Village Board approved the TIF Development Agreement at their September 23rd meeting. Village staff expect to execute the agreement and land transfer by the end of the month. Lakestone anticipates starting construction in November.
- Continued work with the CDA regarding advancing potential land acquisitions.
- Drafted revisions to the Village Sign Code.
- Coordination of a pending annexation petition for the Village's recently purchased east side community park area. Meetings with adjacent properties regarding annexation petition.
- Meeting with representative of CARPC regarding future 2020 Urban Service Area Amendment.
- Meeting with Cathy Hasslinger and Ben Kollenbroich, Town of Dunn, concerning Elvehjem Acres LLC annexation petition and existing Boundary Agreement.
- Meeting with Village property owner interested in a zoning code amendment to allow accessory dwelling units.
- Working with other Village Staff to complete a report regarding potential changes to the Villages park impact fees and fees in lieu of land dedication.
- Preparation of 2020 Department Budget.
- Completed an analysis of Village population, housing, and income demographics for planned Strategic Planning Workshops to be held September 30th and October 1st.
- Attended Village Strategic Planning Workshops.

Look ahead to potential November Agenda Items

- Public Hearing for rezoning of 4845 Taylor Road & 4900 Larson Beach Road from C-H to PD-I General Plan, MSP 53-unit multi-family development.
- Public Hearing regarding a CSM to split in existing lot, 5624 Lake Edge Road, into two separate parcels. Lot currently contains two primary single family dwellings with two separate addresses.
- Temporary zoning for pending Village Community Park annexation petition.
- Discussion of proposed amendments to the Sign Code.
- Discussion of potential zoning code amendment to allow accessory dwelling units.
- Discussion of potential changes to zoning and building permit fees for 2020.