

Tuesday, January 21, 2025

7:00 PM

McFarland Municipal Center
5915 Milwaukee St, McFarland
Community Room

AGENDA

The public may attend in-person or remotely through the Zoom webinar or telephone options listed below. *Please Note: Virtual attendance is offered as a convenience, but technical difficulties beyond the Village's control may prevent or limit its availability at any meeting. The public is encouraged to attend the meeting in person to assure full access to the proceedings.*

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/85755749643>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 857 5574 9643

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Plan Commission for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Commission about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Commission should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Commission for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to community.development@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the December 17, 2024 Plan Commission meeting.

4. PUBLIC HEARINGS.

- a. Public hearing regarding Ordinance 2025-02: An Ordinance Repealing and Retitling Article 62-III Floodplain Zoning From Chapter 62 Zoning and Creating Chapter 63 Floodplain Zoning Under the McFarland Municipal Code of Ordinances.

5. BUSINESS.

- a. Discussion and action on a Site Design Review Permit requested by Lineage Logistics, LLC for an exterior stair for emergencies exiting from the roof located at 4704 Terminal Drive.
- b. Discussion and action on Site Design Review Permit to renovate an existing barn into a 3-unit apartment building located at 5306 Paulson Road.

- c. Discussion and action on an extension of a conditional use permit for Kwik Trip's gas station and convenience store located at 4015 Terminal Drive.
- d. Discussion and action on extension of a temporary conditional use permit for Kwik Trip's temporary vehicle fleet maintenance at 4015 Terminal Drive.
- e. Discussion regarding a preapplication concept plan submitted by Lakestone Properties for a proposed 170 unit residential subdivision at the northwest intersection of Elvehjem Road and CTH AB, parcel #061002496911.
- f. Discussion and recommendation to the Village Board regarding Ordinance 2025-02: An Ordinance Repealing and Retitling Article 62-III Floodplain Zoning From Chapter 62 Zoning and Creating Chapter 63 Floodplain Zoning Under the McFarland Municipal Code of Ordinances.
- g. Discussion and recommendation to the Village Board regarding Ordinance 2025-03 An Ordinance to Amend Section 8-638 State Electrical Codes.

6. SCHEDULE NEXT MEETING DATE.

- a. Tuesday, February 18, 2025 at 7PM

7. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

Plan Commission Minutes
December 17, 2024
7:00 P.M.

Members Present: Carolyn Clow, Stephanie Brassington, Scott Peters, Chris Reynolds, Karen Pominville

Members Absent: Austen Conrad, Jill Halverson

Staff Present: Andrew Bremer, Karen Knoll

1. CALL TO ORDER, ROLL CALL

Chair Clow called the meeting to order at 7:00 P.M.

2. PUBLIC APPEARANCES.

There were no public appearances either via ZOOM or in person.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the November 19, 2024, Plan Commission meeting.

Clow moved to approve the minutes of the November 19, 2024, Plan Commission meeting. Brassington seconded the motion. Motion passed 4-0-1 with Reynolds abstaining.

4. PUBLIC HEARINGS.

- a. Public hearing on a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way.

Bremer summarized the four lot CSM proposal between the Village of McFarland, Urso Builders, and the McFarland School District with information as included in the packet. This will create four lots, Lot 1 will be retained by the School District for the ball diamonds, Lot 2 will be owned by the Village and Lots 3 & 4 will be owned by Urso Builders and used for the purpose of selling and building a single-family home on each lot. As indicated in packet, there are some conditions of approval which will be discussed in the business portion of tonight's meeting. Bremer reviewed the approval process for this item with Commissioners.

Clow opened the public hearing at 7:06 PM.

With no one wishing to speak either online or in person Clow closed the public hearing at 7:09 PM.

5. BUSINESS.

- a. Discussion and action on a Site Design Review permit requested by Citgo for a proposed detached accessory canopy structure located at 4606 Terminal Drive.

Bremer indicated the Citgo fuel terminal is proposing a small structure be added to their property. It would be over a vault that holds stormwater runoff from the impervious surface. They would like to cover the vault from the elements, reducing the amount accumulated due to weather. The structure would be open for air circulation. Bremer reviewed the application as submitted with Commissioners. Reynolds inquired if a homeowner were to place one on their property would they be required to have site design review. Bremer responded no, due to a homeowner being on residential property, Commercial property requires site design review per the zoning code.

Clow moved to approve a Site Design review permit as submitted requested by Citgo for a proposed detached accessory canopy structure located at 4606 Terminal Drive. Pominville seconded the motion. Motion carried 5-0.

- b. Discussion and action on a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way.

Clow moved to approve a certified survey map for proposed well #5 near the intersection of Prairie Wood Drive and Wiouwash Way conditioned on the following:

1. Approval by the Village Board of Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates.
2. Completion of the associated land sales with the McFarland School District and Kevin Urso.

Brassington seconded the motion.

Reynolds inquired what type of structure would be on the Villages property. Bremer replied it would be similar in size to other well houses in the Village. Clow called for the vote. Motion carried 5-0.

- c. Discussion and action to make a recommendation to the Village Board regarding Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates in the Village of McFarland as a public way.

Bremer summarized the Village Board will be holding a public hearing on resolution 2024-22 at their January 14, 2025 meeting based on the recommendation

from the Plan Commission. Bremer reviewed with Commissioners the information as provided in packets on the transaction.

Clow moved to make a recommendation of approval to the Village Board to approve Resolution 2024- 22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates in the Village of McFarland as a public way. Peters seconded the motion. Motion carried 5-0.

d. Discussion regarding proposed amendments to Article 62-III Floodplain Zoning.

Bremer provided a summary on the agenda item, highlighting deadlines for ordinance adoption and properties impacted by map updates, assistance from the DNR and recommendations. There will be a public hearing at the January 21, 2025 Plan Commission meeting. The current ordinance was adopted in 2008, there are not a lot of substantial changes from the 2008 ordinance to the updated one, which uses the DNR's model ordinance. Bremer also reviewed the updated floodplain maps as included in packet, showing the revisions per FEMA's study of the Pennito Creek. Bremer reviewed optional language included in the draft ordinance related to Act 175 and Community Rating System (CRS). They are part of the model DNR ordinance, but communities can choose whether to include them in their updated ordinance. The Commission members discussed the advantages and disadvantages of the Act 175 and CRS language. Bremer indicated neither is in the current Village Floodplain Ordinance or Dane County Floodplain Ordinance and that staff is not recommending inclusion per the comments in the staff report. The Commission requested Bremer confirm with Dane County whether they were going to include either in their amended ordinance.

6. SCHEDULE NEXT MEETING DATE.

a. Wednesday, January 8, 2025 at 7:00 p.m. – Joint CDA & Plan Commission

Bremer reviewed the agenda item of Redevelopment Districts #1 and #2 and required processes for the Wednesday January 8, 2025 Joint CDA & Plan Commission meeting. Discussion included the public hearing property owner notification letter sent by the Department to all property owners in the two districts. Bremer will provide a copy of the letter to Plan Commission and CDA members. Discussion also included the format for the meeting on January 8, 2025. Bremer reviewed there will be a presentation by the planning consultant, followed the public hearing, once all comments and questions have been taken, they will end the public hearing. There is no action slated to be taken at the meeting. Bremer showed where residents can find additional information, along with the draft materials on the Village's website, and links to the past meetings and draft materials related to the redevelopment district plans.

b. Tuesday January 21, 2025 at 7:00 p.m. – Plan Commission

7. ADJOURNMENT.

Brassington motioned to adjourn; Peters seconded the motion. Motion carried 5-0. Meeting adjourned at 8:13 P.M.

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Public hearing regarding Ordinance 2025-02: An Ordinance Repealing and Retitling Article 62-III Floodplain Zoning From Chapter 62 Zoning and Creating Chapter 63 Floodplain Zoning Under the McFarland Municipal Code of Ordinances.

PREVIOUS ACTION:

August 29, 2023. WDNR held an open house regarding the draft floodplain map revisions at the Municipal Center.

November 19, 2024. Plan Commission discussion regarding project purpose and need.

December 17, 2024. Plan Commission review of the draft ordinance changes.

ISSUE SUMMARY:

The Wisconsin DNR and FEMA have completed an update to the floodplain boundaries surrounding Pennito Creek. This includes land within the Village's northwest and northeast municipal boundary. The floodplain changes within McFarland are minimal mostly impacting the boundary of the 500-year floodplain. Included in the packet is a simplified map showing the changes for portion of McFarland within the Pennito Creek watershed. Proposed map changes can be viewed online at <https://msc.fema.gov/fmcv>.

On October 9, 2024 the Village received official notification of the new Flood Insurance Rate Map (FIRM). This is the start of the required 6-month adoption phase for affected communities. The current Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) will be superseded by these updated FIRMs and FIS and the references to these will need to be updated in the Village's Floodplain Ordinance. The Village's Floodplain Ordinance was last updated in 2008. Given the length of time, and the Village's planned Zoning Code update project, the DNR and Village staff recommend completing a full repeal and recreate so that the ordinance meets state and federal minimum standards. The DNR provides a model ordinance that communities can tailor to suit their particular needs. The DNR also recommends that communities separate the floodplain ordinance as a separate chapter within municipal code of ordinances rather than as a subchapter within the Zoning Code. This can reduce potential issues with conflicts between terms and regulations within the Zoning Code and Floodplain Ordinance, while also eliminating the potential need to notify the DNR and FEMA regarding non-floodplain ordinance amendments.

The new floodplain ordinance must be adopted by the Village Board and approved by the DNR and FEMA no later than April 9, 2025 to avoid the Village and property owners from being



suspended from the National Flood Insurance Program (NFIP). Attached is a draft of the new Floodplain Ordinance for review and discussion using the state model ordinance template. A public hearing will be required to be held by the Plan Commission prior to making a recommendation on the new ordinance to the Village Board.

Within the packet is a draft of the proposed Chapter 63 Floodplain Zoning. As noted above, the draft ordinance:

1. Utilizes the most current model ordinance from the WDNR, adjusted by staff to fit the Municipal Code's numbering system.
2. Incorporates the new Flood Insurance Study maps to be effective April 9, 2025.
3. Would become a new chapter within the Municipal Code separate from the Zoning Code (Chapter 62).

There are two areas of the model ordinance where the Village can choose to adopt new regulations not within the existing floodplain ordinance:

1. Act 175 (Grey Text). This language is currently in the ordinance, but staff is recommending its removal. Information regarding Act 175 (adopted in 2019) is included in the packet. Act 175 addresses the "50% rule" for nonconforming structures and uses. The state's "50% rule" says no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of the local floodplain ordinance. In a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Village is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). Essentially, adoption of Act 175 language would provide greater flexibility to modify a nonconforming structure than currently allowed. Since ultimately it is the goal to not have structures located in the floodplain, staff recommends not incorporating the Act 175 language. Staff also notes that Dane County has not adopted the Act 175 language within its floodplain ordinance. Noting also, that the Village is not precluded from revising the floodplain ordinance in the future to add this language if so desired.
2. Community Rating System (brown text/comment boxes). The Community Rating System (CRS) is a voluntary federal program created in 1990 as a voluntary program for recognizing and encouraging community floodplain management activities that exceed minimum National Flood Insurance Protection standards. The packet includes a summary sheet on the CRS program from the WDNR. There is no fee to participate in the program; however, the Village would have to adopt standards in excess of our current standards and those of Dane County. In addition, the Village would have to participate in up to 19 different activities in order to earn points toward our CRS Class rating. The CRS uses a Class rating system that is similar to fire insurance rating to



determine flood insurance premium reductions for residents. CRS Classes are rated from 9 to 1. Today, most communities enter the program at a CRS Class 9 or Class 8 rating, which entitles residents in Special Flood Hazard Areas (SFHAs) to a 5% discount on their flood insurance premiums for a Class 9 or a 10% discount for Class 8. As a community engages in additional mitigation activities, its residents become eligible for increased NFIP policy premium discounts. Each CRS Class improvement produces a 5% greater discount on flood insurance premiums for properties in the SFHA. According to the WDNR, within the Village there are 10 active NFIP policies covering \$3M of property. Dane County does not participate in the CRS program and the Village of Mazomanie is the only participating municipality in the County. Given there are only 10 properties that might benefit, staff recommends not including the CRS language. Noting also, that the Village is not precluded from revising the floodplain ordinance in the future to add this language if so desired.

Regarding items #1 & 2 above, at the December 17, 2024 Plan Commission meeting the Commission directed staff to reach out to Dane County to see if the County was incorporating Act 175 and CRS into the updated County Floodplain Ordinance. Hans Hilbert, Dane County Assistant Zoning Administrator, indicated that the County was not adopting Act 175 or CRS language. Their opinion is that to best protect people and properties from a flood non-conforming structures should eventually fall into such disrepair or be substantially damaged that they no longer exist. The language in Act 175 allows for this take much longer without reducing the risk of repeated flooding. While the County has a lot of structures in our jurisdiction that have flood insurance, most are adjacent or only partially within the floodplain, so the premiums that the owners are paying on insurance are discounted compared to structures with floors below the flood protection elevation. They've evaluated the amount of time County staff would need to spend to maintain status as a CRS community and have determined it does not outweigh the benefit to the community to further reduce flood insurance premiums. While it may promote more property owners to obtain flood insurance, it ultimately does not reduce flood risk or protect people and property during a flood.

Village staff continue to recommend removal of the Act 175 and CRS language from the new floodplain ordinance.

Public Comments

The Department did not receive any public comments regarding Ordinance 2025-02 prior to publication of the meeting packet.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Chapter 62, Article III - Floodplain Zoning

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:



This item is presented for discussion only.

ATTACHMENTS:

1. 2025-02 Floodplain Ordinance
2. Ordinance 2025-02 Exhibit A_McFarland Chapter 63 Floodplain Zoning_clean
3. ACT 175 guidance Final
4. Floodplain-CRS_011223
5. 2024McFarlandFPOrdAdoptionNoticeFIRM_FIS
6. FEMA Notice of FIRM Update Ltr_10.09.24
7. Pennito Creek FEMA Map Changes in McFarland

ORDINANCE 2025-02

AN ORDINANCE REPEALING AND RETITLING ARTICLE 62-III FLOODPLAIN ZONING FROM CHAPTER 62 ZONING AND CREATING CHAPTER 63 FLOODPLAIN ZONING UNDER THE MCFARLAND MUNICIPAL CODE OF ORDINANCES

Purpose: To repeal and retitle Article 62-III Floodplain Zoning from Chapter 62 Zoning and Creating Chapter 63 Floodplain Zoning under the McFarland Municipal Code of Ordinances.

Sponsor: Andrew Bremer, Community & Economic Development Director

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

WHEREAS, the Village participates in the National Flood Insurance Program (NFIP); and

WHEREAS, the Village received a Letter of Final Determination (LFD) date of April 9, 2025, from the Federal Emergency Management Agency (FEMA) notifying the Village that updated Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) for Dane County must be adopted into the local floodplain ordinance within six months; and

WHEREAS, the Village's Floodplain Ordinance must be updated and approved by the Wisconsin Department of Natural Resources (DNR) and FEMA no later than April 9, 2025 or the Village will be suspended from the NFIP; and

WHEREAS, the Village desires to repeal and retitle Article 62-III Floodplain Zoning from Chapter 62 Zoning and create a new Chapter 63 Floodplain Zoning under the McFarland Municipal Code of Ordinances; and

WHEREAS, Chapter 63 Floodplain Ordinance, herein attached as Exhibit A, has been developed using the DNR's Model Floodplain Ordinance For Non-CRS Wisconsin Communities Effective March 10, 2022 as edited by the Village with community specific information; and

WHEREAS, a public hearing regarding this ordinance was held by the Plan Commission on January 21, 2025; and,

WHEREAS, the Village Board finds that this ordinance is consistent with the Village's Comprehensive Plan; and,

WHEREAS, the Village Board finds approval of this ordinance is in the public interest;

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

1. Article 62-III Floodplain Ordinance, of Chapter 62 Zoning of the McFarland Municipal Code of Ordinance is hereby repealed in its entirety.
2. Article 62-III Floodplain Ordinance, of Chapter 62 of the McFarland Municipal Code of Ordinances shall be retitled Article 62-III Reserved.
3. Chapter 63 Floodplain Ordinance, of the McFarland Municipal Code of Ordinances is hereby created as incorporated in Exhibit A of this ordinance.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Village Board of the Village of McFarland held on the _____ of _____, 2025.

APPROVED:

Carolyn Clow, Village President

ATTEST:

Cassandra Suettinger, Deputy
Administrator/Clerk

ORDINANCE 2025 – 02	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brandt –	Leamy –
Brassington –	Pena –
Clow –	Prill –
Fessler –	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	

CHAPTER 63 FLOODPLAIN ZONING ORDINANCE FOR The Village of McFarland

Effective _____ (enter date of adoption here)

Key for editing:

- Yellow highlights are places where the ordinance needs to be filled in with community specific information
- Grey highlights are ordinance additions for communities that choose to implement Act 175
- Comment bubbles indicate Community Rating System (CRS)-required higher standards. CRS is a voluntary federal program. If you received this ordinance document as a pdf, the comment bubbles containing the CRS language will not show. For more information on CRS go to <https://www.fema.gov/floodplain-management/community-rating-system>. To obtain an editable version of the ordinance that shows the comment bubbles, or to obtain more information about CRS, please reach out to DNRFloodplain@wisconsin.gov

Adoption schedule tracking

1. **Date of Public Hearing:** January 21, 2025
 - a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. **Date of Adoption:** _____
3. **Dates of Publication or Posting:** January 2 and January 9, 2025
 - a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. **Date of Publication or Posting of Notice of Enacted Ordinance:** _____

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ARTICLE 63-I STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

63-1 Statutory Authorization

This ordinance is adopted pursuant to the authorization in Wis. Stats. 61.35 and 62.23, for villages and cities; and the requirements in Wis. Stats. 87.30.

63-2 Finding Of Fact

Uncontrolled development and use of the floodplains and rivers of the Village would impair the public health, safety, convenience, general welfare, and tax base.

63-3 Statement Of Purpose

This ordinance is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

63-4 Title

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of McFarland, Wisconsin.

63-5 General Provisions

- (a) *Areas to be regulated.* This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.
- (b) *Official Maps & revisions.* Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (1) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (2) below. These maps and revisions are on file in the office of the Office of the Community & Economic Development Department.

(1) Official Maps based on Flood Insurance Study's (FIS) approved by the DNR and FEMA:

- a. Flood Insurance Rate Map (FIRM), panel number 55025C0439G dated January 02, 2009;
- b. Flood Insurance Rate Map (FIRM), panel numbers 55025C0439G and 55025C0463H dated September 17, 2014;
- c. Flood Insurance Rate Map (FIRM), panel numbers 55025C0437H, 55025C0441H, 55025C0442H and 55025C0443J dated April 09, 2025;
- d. Flood Insurance Study (FIS) for Dane County, volumes 55025V001E, 55025V002E, 55025V003E, and 55025V004E, dated April 09, 2025.

- (2) Official Maps based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

- a. Flood Storage Maps, Dane County and Incorporated Areas Flood Storage Districts, Panel (s), 9, 20, 26 and 27 effective April 09, 2025, approved by the DNR.

- (c) *Establishment of Floodplain Zoning Districts.* The flood hazard areas regulated by this ordinance are divided into districts as follows:

- (1) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to Wis. Stats. 5.1(5).
- (2) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to Wis. Stats. 5.1(5), within A Zones shown on the FIRM.
- (3) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

- (d) *Locating Floodplain boundaries.* Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (1) or (2) below. If a significant difference exists, the map shall be amended according to Article 63-VIII Amendments. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Section 63-72(d) and the criteria in (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article 63-VIII Amendments.

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.

- (e) *Removal of lands from Floodplain.*

- (1) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article 63-VIII Amendments.

(2) The delineation of any of the Floodplain Districts may be revised by the Village where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The Floodplain Administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

- a. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation; and,
- b. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

(3) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(f) *Compliance.*

- (1) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Article 63-IX.
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Article 63-IX.

(g) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under Wis. Stats. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under Wis. Stats. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(h) *Abrogation and greater restrictions.*

- (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages; or s. 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (i) *Interpretation.* In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the Village and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (j) *Warning and disclaimer of liability.* The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the Village or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
- (k) *Severability.* Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (l) *Annexed areas for cities and villages.* The Dane County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village for all annexed areas until the Village adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the Village's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

ARTICLE 63-II GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

63-20 General Development Standards

- (a) *General development standards.* The Zoning Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.
 - (1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - a. Be designed and anchored to prevent flotation, collapse, or lateral movement of the

structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- b. Be constructed with flood-resistant materials;
 - c. Be constructed by methods and practices that minimize flood damages; and
 - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- (2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
- a. Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - b. Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
- (3) All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in Section 63-70(b).

63-21 Hydraulic And Hydrologic Analyses

(a) No floodplain development shall:

- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (2) Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article 63-VIII Amendments are met.

63-22 Watercourse Alterations

(a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Section 63-21 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

(b) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article 63-VIII Amendments, the community shall apply

for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

63-23 Chapter 30, 31, Wis. Stats., Development

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Article 63-VIII Amendments.

63-24 Public Or Private Campgrounds

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

- (a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (b) A land use permit for the campground is issued by the Zoning Administrator;
- (c) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain Plan Commission or Zoning Administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (d) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- (f) All mobile recreational vehicles placed on site must meet one of the following:
 - (1) Be fully licensed, if required, and ready for highway use; or
 - (2) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - (3) Meet the requirements in either Article 63-III, 63-IV, or Section 63-50 for the floodplain district in which the structure is located;

- (4) A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- (g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with Section 63-24(f) and shall ensure compliance with all the provisions of this section;
- (h) The Village shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (i) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and
- (k) *Standards for structures in a campground:*
 - (1) All structures must comply with Section 63-24 or meet the applicable requirements in Article 63-III, 63-VI, or Section 63-50 for the floodplain district in which the structure is located;
 - (2) Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the Village compliant with Section 63-24(d). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - (3) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
 - (4) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the Village compliant with Section 63-24(d).

- (5) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the Village compliant with Section 63-24(d).
- (l) A land use permit shall be obtained as provided under Section 63-70(b)(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

ARTICLE 63-III FLOODWAY DISTRICT (FW)

63-30 Applicability

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 63-50(e)(5).

63-31 Permitted Uses

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other ordinance; they meet the standards in Section 63-32 and 63-33; and all permits or certificates have been issued according to Section 63-70.

- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 63-32(d).
- (d) Uses or structures accessory to open space uses or classified as historic structures that comply with Section 63-32 and 63-33.
- (e) Extraction of sand, gravel or other materials that comply with Section 63-32(d).
- (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (g) Public utilities, streets and bridges that comply with Section 63-32(c).
- (h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.

- (i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- (j) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- (k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

63-32 Standards For Development In The Floodway

(a) *General.*

- (1) Any development in the floodway shall comply with Article 63-II and have a low flood damage potential.
- (2) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Section 63-21 and 63-70(b)(3). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- (3) Any encroachment in the regulatory floodway is prohibited unless the data submitted for Section 63-32(a)(2) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in Section 63-5(e).

(b) *Structures.* Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (2) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - a. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - b. Have structural components capable of meeting all provisions of Section 63-32(b)(7) and;
 - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 63-32(b)(7).

- (3) Must be anchored to resist flotation, collapse, and lateral movement;
- (4) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- (5) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (6) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Section 63-32(b)(1) through 62-32(b)(5) and meets or exceeds the following standards:
 - a. The lowest floor must be elevated to or above the regional flood elevation;
 - b. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - c. The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - d. The use must be limited to parking, building access or limited storage.
- (7) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - b. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 63-33(d) and (e);
 - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - e. Placement of utilities to or above the flood protection elevation.
- (c) *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Section 63-21.

(d) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of Section 63-21 are met;
- (2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (4) The fill is not classified as a solid or hazardous material.

63-33 Prohibited Uses

All uses not listed as permitted uses in Section 63-31 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE 63-IV FLOODFRINGE DISTRICT (FF)

63-40 Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 63-50(e).

63-41 Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Section 63-42 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in Section 63-70 have been issued.

63-42 Standards For Development In The Floodfringe

Article 63-II shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article 63-VI *Nonconforming Uses*.

- (a) *Residential uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards;
 - (1) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet Section 63-5(e).
 - (2) Notwithstanding Section 63-42(a)(1), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (4).
 - (4) In developments where existing street or sewer line elevations make compliance with subd. (3) impractical, the Village may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a. The Village has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The Village has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- (b) *Accessory structures or uses.* In addition to Article 63-II, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (c) *Commercial uses.* In addition to Article 63-II, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of Section 63-42(a). Subject to the requirements of Section 63-42(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (d) *Manufacturing and industrial uses.* In addition to Article 63-II, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Section 63-74. Subject to the requirements of Section 63-42(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 63-74. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section 63-74.
 - (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (g) *Sewage systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section 63-74(c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- (h) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section 63-74(c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (j) *Deposition of materials.* Any deposited material must meet all the provisions of this ordinance.
- (k) *Manufactured homes.*
- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse, or move laterally during a flood;
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Section 63-42(a).

- (l) *Mobile recreational vehicles.* All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- (1) Fully licensed and ready for highway use; or
- (2) Shall meet the elevation and anchoring requirements in Section 63-42(k)(2) and (3).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE 63-V OTHER FLOODPLAIN DISTRICTS

63-50 General Floodplain District (GFP)

- (a) *Applicability.* The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in Section 63-5(b)(1).
- (b) *Floodway boundaries.* For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in Section 63-5(b)(1), the boundaries of the regulatory floodway shall be determined pursuant to Section 63-50(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Article 63-III. If the development is located entirely within the floodfringe, the development is subject to the standards of Article 63-IV.
- (c) *Permitted uses.* Pursuant to Section 63-50(e) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section 63-31) and Floodfringe (Section 63-41) Districts are allowed within the General Floodplain District, according to the standards of Section 63-50(d) provided that all permits or certificates required under Section 63-70 have been issued.
- (d) *Standards for development in the General Floodplain District.* Article 63-III applies to floodway areas, determined pursuant to Section 63-50(e); Article 63-IV applies to floodfringe areas, determined pursuant to Section 63-50(e).
 - (1) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - a. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - b. If the depth is not specified on the FIRM, two feet (2) above the highest adjacent natural grade or higher.
 - (2) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - (3) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

- (4) All development in zones AO and zone AH shall meet the requirements of Article 63-IV applicable to flood fringe areas.
- (e) *Determining Floodway and Floodfringe limits.* Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Zoning Administrator shall:
 - (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
 - (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - a. A Hydrologic and Hydraulic Study as specified in Section 63-70(b)(3).
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

63-51 Flood Storage District

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

- (a) *Applicability.* The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.
- (b) *Permitted uses.* Any use or development which occurs in a flood storage district must meet the applicable requirements in Section 63-42.
- (c) *Standards for development in Flood Storage Districts.*
 - (1) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
 - (2) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
 - (3) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe

district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Article 63-VIII Amendments of this ordinance.

- (4) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

ARTICLE 63-VI NONCONFORMING USES

63-60 General

(a) Applicability.

- (1) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - (2) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, the Village shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - (3) The Village shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 63-42(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (5) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 63-42(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- (6) If on a per event basis the total value of the work being done under (4) and (5) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 63-42(a).
- (7) Except as provided in subd. (8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

a. Residential Structures:

1. Shall have the lowest floor, including basement, ~~elevated to or above the base flood elevation~~ using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of Section 63-74(b).
2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or

elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
5. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 63-50(d).
6. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential Structures:

1. Shall meet the requirements of Section 63-60(b)(8)a1-6.
 2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Section 63-74(a) or (b).
 3. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 63-50(d).
- (c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 63.32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 63-74 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 63-60(b)(8)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
- (d) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- (1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - (2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - (3) The nonconforming building is permanently changed to conform to the applicable requirements of Article 63-II;
 - (4) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of Section 63-32(a), 63-32(b)(2) through (5), 63-32(c), Section 63-32(d), and Article 63-II. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section 63-50(e). If the encroachment is in the floodway, it must meet the standards in Section 63-32(d);

- (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of Section 63-42 and 63-62;
- (6) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
- (7) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
 - a. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 63-60(d)7 above.
 - b. The Village must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- (8) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
 - a. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - b. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- (9) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

- (10) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- (11) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
- a. Be on site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - c. Meet the elevation and anchoring requirements for manufactured homes in Section 63-60(d)(9) above;
- (12) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (13) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet Sections 63-60(d)(6) through (12) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section 63-50(e). If the encroachment is in the floodway, it must meet the standards in Section 63-32(d). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (14) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section 63-50(e). If the encroachment is in the floodway, it must meet the standards in Section 63-32(d). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- (15) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- (16) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in Section 63-60(d)(7) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

63-61 Floodway District

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of Section 63-60;
 - (3) Shall not increase the obstruction to flood flows or regional flood height;
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 63-74, by means other than the use of fill, to the flood protection elevation; and,
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or

maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Section 63-74(c) and Ch. SPS 383, Wis. Adm. Code.

- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, Section 63-74(c) and chs. NR 811 and NR 812, Wis. Adm. Code.

63-62 Floodfringe District

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village and meets the requirements of Section 63--42 except where Section 63-32(b) is applicable.
- (b) Where compliance with the provisions of subd. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning Appeals, using the procedures established in Section 63-72, may grant a variance from those provisions of subd. (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below  the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, shall not be installed;
 - (4) Flood depths shall not exceed two feet;
 - (5) Flood velocities shall not exceed two feet per second; and
 - (6) The structure shall not be used for storage of materials as described in Section 63-42(e).
- (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section 63-74(c) and ch. SPS 383, Wis. Adm. Code.
- (d) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, Section 63-74(c) and ch. NR 811 and NR 812, Wis. Adm. Code.

63-63 Flood Storage Districts

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in Section 63-51(c) are met.

ARTICLE 63-VII ADMINISTRATION

Where a Zoning Administrator, Planning Commission or a Board of Zoning Appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

63-70 Zoning Administrator

(a) *Duties and powers.* The Zoning Administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations;
 - c. Floodproofing certificates.
 - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. All substantial damage assessment reports for floodplain structures.
 - f. List of nonconforming structures and uses.
- (5) Submit copies of the following items to the Department Regional office:
 - a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of case-by-case analyses and other required information.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this ordinance to the municipal Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (7) Submit copies of amendments to the FEMA Regional office.

(b) *Land use permit.* A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

- (1) *General information.*
 - a. Name and address of the applicant, property owner and contractor;
 - b. Legal description, proposed use, and whether it is new construction or a modification;
- (2) *Site development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and street center lines;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Articles 63-III or 63-IV are met; and
 - i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 63-21. This may include any of the information noted in Section 63-32(a).
- (3) *Hydraulic and hydrologic studies to analyze development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
- a. Zone A floodplains and in AE zones within which a floodway is not delineated:
 - 1. *Hydrology.* The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - 2. *Hydraulic modeling.* The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

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

b. Zone AE Floodplains.

- 1. *Hydrology.* If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

2. *Hydraulic model.* The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - iii. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - iv. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - v. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - vi. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - vii. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - viii. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
3. *Mapping.* Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
 - i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- (4) *Expiration.* All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
- (c) *Certificate of compliance.* No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of Section 63-74 are met.
 - (5) Where applicable pursuant to Section 63-50(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - (6) Where applicable pursuant to Section 63-50(d), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by Section 63-50(d).
- (d) *Other permits.* Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those

required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

63-71 Plan Commission

(a) The Plan Commission shall:

- (1) Oversee the functions of the office of the Zoning Administrator; and
- (2) Review and advise the Village Board on all proposed amendments to this ordinance, maps, and text.
- (3) Publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.

(b) The Plan Commission shall not:

- (1) Grant variances to the terms of the ordinance in place of action by the Board of Zoning Appeals; or
- (2) Amend the text or zoning maps in place of official action by the Village Board.

63-72 Board Of Zoning Appeals

The Board of Zoning Appeals, created under s. 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.

(a) *Powers and duties.* The Board of Zoning Appeals shall:

- (1) *Appeals.* Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (2) *Boundary Disputes.* Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (3) *Variances.* Hear and decide, upon appeal, variances from the ordinance standards.

(b) *Appeals to the Board of Zoning Appeals.* Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the Village affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(c) *Notice and hearing for appeals including variances.*

(1) *Notice.* The Board of Zoning Appeals shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and

- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
- (2) *Hearing.* Any party may appear in person or by agent. The Board of Zoning Appeals shall:
 - a. Resolve boundary disputes according to Section 63-72(c);
 - b. Decide variance applications according to Section 63-72(d); and
 - c. Decide appeals of permit denials according to Section 63-73.
- (3) *Decision.* The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department Regional office within 10 days of the decision;
 - c. Be a written determination signed by the chairman or secretary of the Board of Zoning Appeals;
 - d. State the specific facts which are the basis for the Board of Zoning Appeal's decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board of Zoning Appeals proceedings.
- (d) *Boundary disputes.* The following procedure shall be used by the Board of Zoning Appeals in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
 - (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Zoning Appeals; and
 - (3) If the boundary is incorrectly mapped, the Board of Zoning Appeals should inform the zoning committee or the person contesting the boundary location to petition the Village Board for a map amendment according to Article 63-VIII Amendments.
- (e) *Variance.*
 - (1) The Board of Zoning Appeals may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this ordinance in Section 63-3.
 - (2) In addition to the criteria in subd. (1), to qualify for a variance under FEMA regulations, the Board of Zoning Appeals must find that the following criteria have been met:
 - a. The variance shall not cause any increase in the regional flood elevation;
 - b. The applicant has shown good and sufficient cause for issuance of the variance;
 - c. Failure to grant the variance would result in exceptional hardship;
 - d. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the

- public, or conflict with existing local laws or ordinances;
- e. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(3) A variance shall not:

- a. Grant, extend or increase any use prohibited in the zoning district;
- b. Be granted for a hardship based solely on an economic gain or loss;
- c. Be granted for a hardship which is self-created.
- d. Damage the rights or property values of other persons in the area;
- e. Allow actions without the amendments to this ordinance or map(s) required in Article 63-VIII Amendments; and
- f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(4) When a floodplain variance is granted, the Board of Zoning Appeals shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase.  A copy shall be maintained with the variance record.

63-73 To Review Appeals Of Permit Denials

(a) The Plan Commission (Section 63-71) or Board of Zoning Appeals shall review all data related to the appeal. This may include:

- (1) Permit application data listed in Section 63-70(b);
- (2) Floodway/floodfringe determination data in Section 63-50(e);
- (3) Data listed in Section 63-32(a)(2) where the applicant has not submitted this information to the Zoning Administrator; and
- (4) Other data submitted with the application or submitted to the Board of Zoning Appeals with the appeal.

(b) For appeals of all denied permits the Board of Zoning Appeals shall:

- (1) Follow the procedures of Section 63-72;
- (2) Consider Plan Commission recommendations; and
- (3) Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation the Board of Zoning Appeals shall:

- (1) Uphold the denial where the Board of Zoning Appeals agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article 63-VIII Amendments; and
- (2) Grant the appeal where the Board of Zoning Appeals agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

63-74 Floodproofing Standards

- (a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in Articles 63-II, 63-III, 63-IV, or Section 63-50.
- (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (1) certified by a registered professional engineer or architect; or
 - (2) meeting or exceeding the following standards:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed, as appropriate, to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;
 - (4) Minimize or eliminate infiltration of flood waters;
 - (5) Minimize or eliminate discharges into flood waters;
 - (6) Placement of essential utilities to or above the flood protection elevation; and
 - (7) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.

63-75 Public Information

- (a) Place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) Real estate transfers should show what floodplain district any real property is in.

ARTICLE 63-VIII AMENDMENTS

63-80 Amendments

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 63-81.

- (a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 63-81. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (b) In A Zones increases equal to or greater than 1.0 (one) foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section 63-81.

63-81 General

The Village Board shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Section 63-82 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (c) Any changes to any other officially adopted floodplain maps listed in Section 63-5(b)(2);
- (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (e) Correction of discrepancies between the water surface profiles and floodplain maps;
- (f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village; and
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

63-82 Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages. The petitions shall include all data required by Section 63-50(e) and Section 63-70(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for

the proposed changes.

- (a) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
- (b) No amendments shall become effective until reviewed and approved by the Department.
- (c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.

ARTICLE 63-IX ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village a penalty of not less than \$50.00 and not more than \$100.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to s. 87.30, Stats.

ARTICLE 63-X DEFINITIONS

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

- (d) A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (e) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- (f) AO ZONE – See “AREA OF SHALLOW FLOODING”.
- (g) ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
- (h) ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

- (i) **AREA OF SHALLOW FLOODING** – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- (j) **BASE FLOOD** – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (k) **BASEMENT** – Any enclosed area of a building having its floor sub-grade on all sides.
- (l) **BUILDING** – See STRUCTURE.
- (m) **BULKHEAD LINE** – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (n) **CAMPGROUND** – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- (o) **CAMPING UNIT** – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
- (p) **CERTIFICATE OF COMPLIANCE** – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- (q) **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (r) **CRAWLWAYS or CRAWL SPACE** – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- (s) **DECK** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
- (t) **DEPARTMENT** – The Wisconsin Department of Natural Resources.
- (u) **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage

or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

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

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

- (ee) FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- (ff) FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (gg) FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (hh) FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (ii) FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (jj) FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
- (kk) FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (ll) FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (mm) FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (nn) HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
- (oo) HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(pp)HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(qq)HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(rr) HISTORIC STRUCTURE – Any structure that is either:

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

(ss)INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(tt) LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(uu)LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

(vv)LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).

(ww) MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

(xx)MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

(yy)MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

(zz) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

(aaa) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

(bbb) MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

(ccc) MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(ddd) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(eee) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

(fff) MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(ggg) MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

(hhh) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

- (iii) NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
- (jjj) NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
- (kkk) NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
- (III) NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (mmm) NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (nnn) OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (ooo) OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- (ppp) OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
- (qqq) ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (rrr) PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
- (sss) PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

- (ttt) **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
- (uuu) **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (vvv) **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (www) **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (xxx) **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (yyy) **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
- (zzz) **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- (aaaa) **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(bbbb) UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(cccc) VARIANCE – An authorization by the Board of Zoning Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

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

(eeee) WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

(ffff) WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

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

ACT 175 (s. 87.30 (1d)(d) Stats.) Guidance

The WDNR floodplain model ordinance includes the acceptable regulatory standards required in Ch. NR116, Wis. Admin. Code with supplemental wording intended to ensure that the minimum requirements for participation in the National Flood Insurance Program (44 C.F.R. §§59-72) are met or exceeded in all circumstances. The floodplain model ordinance now includes language for communities choosing to adopt changes consistent with 2019 Act 175.

Act 175 was enacted March 2020 and created § 87.30 (1d) (d), Wis. Stats. This Act changes how Ch. NR116, Wis. Admin. Code may require local governments to regulate nonconforming structures in the floodplain. To participate in the National Flood Insurance Program, however, communities must still adopt and enforce regulations that meet the NFIP's minimum standards, which are unchanged. § 87.30 (1d) (d) creates an exception to the state's "50% rule" for structures in the floodplain. The state's "50% rule" says no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of the local floodplain ordinance.

Essentially, in a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Department is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). It is important to note that structures modified to meet the requirements of § 87.30 (1d) (d) are not transformed into conforming structures. They are still considered nonconforming structures and are subject to all other non-cost-based regulations and restrictions applicable to nonconforming structures.

The NFIP minimum standards require a participating community to regulate all development, including all improvements to all structures in special flood hazard areas. The appropriate minimum standards must be applied to substantial improvements, modifications, additions, and repair or other improvement of substantially damaged buildings, without regard for whether such buildings are "nonconforming" with regard to ordinances adopted to meet Ch. NR116 regulations or other state or local zoning regulations.

Act 175 did not change any city, village, or county floodplain ordinance authority and communities are able to maintain their current ordinance and incorporate higher standards into their floodplain zoning ordinance.

Communities should decide whether to incorporate Act 175 into the floodplain ordinance or maintain their current framework for regulating nonconforming structures based on an assessment of local flood risks. Once the local flood risks are identified and an appropriate zoning approach is determined, some communities may choose to maintain existing floodplain zoning and implement higher standards, while others may modify their ordinances to adopt this new minimum standard. (see [WDNR floodplain model ordinance.](#))

1. When Act 175 is incorporated into an ordinance there is a potential for the community to allow modifications, additions, substantial improvements, maintenance and repairs to existing nonconforming structures in excess of the State's 50% Rule once the minimum requirements of **Appendix A** are met. This creates two classifications of nonconforming structures:
 - a. Class 1: Nonconforming structures that do not meet Appendix A minimum requirements and continued to be subject to the State's 50% Rule.
 - b. Class 2: Nonconforming structures meeting Appendix A minimum requirements and no longer subject to the State's 50% Rule.
2. For ordinances without Act 175 – repair/maintenance/modification/substantial improvement of structures in the floodplain is limited by the 50% rule as expressed in NR116.
 - a. No modification, addition, maintenance, or repair can be made on a structure in the floodway if the cost exceeds 50% of the present equalized assessed value of the structure;
 - b. If a structure in the floodway is substantially damaged by a flood, it must be removed from the floodway;
 - c. No modification, addition, maintenance, or repair can be made on a structure in the floodfringe if the cost exceeds 50% of the present equalized assessed value of the structure unless the structure is modified to conform to the floodplain ordinance;
 - d. In addition all standards for nonconforming structures in the floodplain, listed in Nonconforming Uses in Section 6.0 of the state model, must be followed.

Appendix A

For communities incorporating Act 175 into its ordinance, non-conforming structures not subject to the State 50% Rule must meet the following minimum standards:

- (1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
- (2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
- (3) The nonconforming building is permanently changed to conform to the applicable requirements of the general standards applicable to all floodplain districts;
- (4) The building is permanently changed to conform to all applicable requirements in the community's floodplain zoning ordinance such as Hydraulic and Hydrologic Analyses (H & H), lowest floor elevations, anchoring, mechanical and utility equipment elevations, floodproofing standards, and must not obstruct flow of floodwater or cause any increase in flood levels.

NOTE: Incorporating Act 175 into the local ordinance still requires the zoning administrator to carefully review and apply applicable portions of Nonconforming Uses in section 6.0 of the model ordinance because the structure is still a nonconforming structure.

- (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of the floodfringe district.
- (6) New construction and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation.
- (7) New construction and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - a. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of paragraph vii above.
 - b. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed.
- (8) Fully enclosed areas below the lowest floor of new construction and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the

entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:

- a. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area;
 - b. The bottom of all openings must be no higher than one foot above the adjacent grade;
 - c. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters.
- 9) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 10) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 11) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either
- a. Be on site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - c. Meet the elevation and anchoring requirements for manufactured homes in paragraph ix above.
- 12) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including new construction, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 13) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring new construction, substantial improvement, and other development to meet paragraphs (6) through

(12) (inclusive) above. If floodway data are available, the community must select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

- 14) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, no new construction, substantial improvement, or other development (including fill) may be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- 15) Notwithstanding the requirements of paragraphs (12) and (14) above, the community may permit certain development in zones A1-30 and AE where a floodway has not been delineated, which will increase the water surface elevation of the base flood by more than one foot, or in a regulatory floodway, which will result in an increase in base flood elevations, if the community first obtains a Conditional Letter of Map Revision (CLOMR) from FEMA and fulfills the requirements of Section 65.12 of Title 44, Code of Federal Regulations.
- 16) In zone AO, new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
- 17) In zone AO, new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in paragraph vii above.

Community Rating System At-A-Glance



The **Community Rating System (CRS)** is a voluntary Federal Emergency Management Agency program that recognizes and rewards communities that go above and beyond the bare minimum requirements of the National Flood Insurance Program. There is no monetary cost to join; the only real “cost” is the time and effort of the staff person assigned as the CRS Coordinator.

Communities select activities to do voluntarily that earn that community points. The more points you have, the better rate class your community is in, which gets your community members a corresponding discount on federal flood insurance premiums. To be eligible to join, you must be in good standing with the National Flood Insurance Program.

What are the activities? There are 19 different possible activities you can participate in for CRS points that fall into four categories: Public information, Mapping and Regulations, Flood Damage Reduction and Flood Preparedness. More information on the specific activities can be found at the links below. Your community, when reviewing the creditable activities, will likely be pleasantly surprised to see that you’re already doing some of them.

To join, two items are needed to request a CRS classification: a letter of interest to the FEMA regional office, and a “CRS Quick Check” that shows the community is implementing some CRS activities. Please feel free to engage with the DNR’s floodplain program for assistance or if you have any questions by emailing dnrfloodplain@wisconsin.gov. Please note that as part of the process of joining, an audit will be necessary (a Community Assistance Visit). [A link to the template letter of interest and the quick check form can be found here.](#)

For More Information:

[FEMA Fact sheet on CRS \(2021\)](#)

[FEMA Local Official’s Guide \(2018\)](#)

BENEFITS:

- Discounted flood insurance premiums for community members, up to 45% off.
- Higher standards serve to enhance public safety, reduce damage to property and public infrastructure and avoid economic disruption and loss.
- Communities can evaluate their flood programs against a nationally recognized benchmark.
- Technical assistance in carrying out some activities is available to community officials at no charge.
- Citizens and property owners in CRS communities have enhanced opportunities to learn about their risk, evaluate their individual vulnerabilities and take action to protect themselves, as well as their home and businesses.

COSTS:

- There is no monetary cost to join.
- Time and effort on the part of staff:
 - ☐ A Community Assistance Visit;
 - ☐ Rectify any violations found;
 - ☐ Show that the community has a good permitting system, an organized system for recordkeeping;
 - ☐ And a community may need to update the ordinance, on a case-by-case basis
- It may take a while to complete the process to join.



Wednesday, October 9, 2024

Ms. Carolyn Clow, Village President
Village of McFarland
5915 MILWAUKEE ST
MC FARLAND WI 53558-8962

Electronic delivery via email: carolyn.clow@mcfarland.wi.gov

Subject: Ordinance adoption notice for Village of McFarland. FEMA Community ID: 550086.

Dear Ms. Carolyn Clow,

Recently, the Village of McFarland received a Letter of Final Determination (LFD) date of April 09, 2025, from the Federal Emergency Management Agency (FEMA) notifying the Village that updated Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) for Dane County must be adopted into the local floodplain ordinance within six months. The Village ordinance must be updated and approved by DNR and FEMA no later than **April 09, 2025, or your community will be suspended from the National Flood Insurance Program (NFIP).**

This letter, and the information listed below explain how to set up the ordinance and the ordinance adoption process. This information was provided as attachments to the same email that contained this letter.

- FIRM and FIS Information – lists out the FIRM panels, FIS numbers and the effective dates needed for the official maps section of the local floodplain ordinance.
- [Flood Storage district maps for communities in Dane County](#) -The cities of Edgerton, Fitchburg, Madison, Middleton, Monona, Stoughton and Sun Prairie, villages of Cambridge, Cottage Grove, Deerfield, Maple Bluff, Marshall, McFarland, Oregon and Shorewood Hills and Dane County all have updated flood storage maps to add to their ordinance. DNR staff can assist with the wording in the ordinance. Local floodplain zoning staff from the affected communities are encouraged to download copies of the updated flood storage map panels to have on file for regulatory purposes.

From the [DNR Risk Map Web Page](#), scroll to and select the Pennito Creek -Dane County (PMR) Watershed Project. Then scroll to the maps section and select the flood storage panels for your area of jurisdiction.

- Checklist for standard model ordinance – used to match local sections to state model sections, to ensure all applicable text is included. Completing this document is required if the local ordinance has language that varies from the state model. An editable version in Word format is attached.
- WDNR current standard model ordinance – to be used for the update of your community ordinance. The state standard model meets the minimum requirements of the NFIP and Chapter NR116, Wisconsin Administrative Code. An editable version in Word format is attached.
- [Adopting an ordinance](#)- a step-by-step guide quick guide outlining the adoption process.
- [Checklist for ordinance updates](#)– a checklist describing what is needed for the ordinance adoption process and to receive the DNR approval.
- Ordinance adoption timeline – an outline of steps, with timeframe for each, to receive the DNR approval before the FEMA deadline.

DNR staff are prepared to assist you in the ordinance review and adoption process, provide example public notices and explain state and federal regulatory requirements. Communities are encouraged to have DNR staff review the draft local

floodplain ordinance well before the ordinance is presented to the local governing body for adoption in order to ensure compliance with the NFIP and Chapter NR116, Wisconsin Administrative Code. We advise you to start on this process as soon as possible to allow for the time necessary to complete the adoption process and to allow for any unintentional delays. FEMA will not permit extensions beyond the April 09, 2025, deadline. **If the ordinance is not legally adopted by the community and approved by the DNR and FEMA, the community will be immediately suspended from the NFIP.**

The federal consequences of being suspended from the NFIP are:

1. No resident will be able to purchase a federal flood insurance policy. Those that may have had policies will no longer have coverage after the current policy renewal date, however no flood claims would be paid out until the community rejoins the program.
2. Federal officers and agencies are prohibited from approving any financial assistance for acquisition, construction, repair, or maintenance purposes in an area of special flood hazard in the community.
3. Public facilities and citizen owned structures, during a federally declared flood disaster, are not eligible for the full assistance that normally would be available to communities that are members of the NFIP.
4. Development potential may be affected in your community. FEMA will not approve a Letter of Map Revision based on Fill (LOMR-F) because the community acknowledgement form cannot be signed if the community is not a participant in the NFIP.

The process for amending a local floodplain ordinance is:

- **Ordinance amendment draft (recommended)**- submit draft ordinance to your DNR Floodplain Management contact for review 2-4 weeks prior to the public hearing to ensure it is compliant with the minimum standards of the NFIP and Chapter NR116, Wisconsin Administrative Code before adoption. We advise the Community to adopt the DNR model as it does meet current minimum standards for the NFIP and Chapter NR116. However, the community may be more restrictive than the minimum standards, if desired.
- **Notice of public hearing (Class2)** - the publication or posting of a public hearing notice for two consecutive weeks with the final notice being published or posted **no less than seven (7) days** prior to the public hearing. It is critical that the notice is published/posted correctly because if it is not, it may not be valid, and the community would be required to go through the adoption process again.
- **Decision of governing body**- once an amended floodplain ordinance has been adopted, please submit the following information in electronic format PDF to your DNR Floodplain Management contact within ten (10) days after adoption:
 1. A certified copy of the adopted ordinance.
 2. An affidavit of publication of the notice of public hearing from the newspaper with the notice. If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on the municipality internet site per s. 985.02(2)(a).
 3. An affidavit of publication of the notice of the enacted ordinance from the newspaper with the notice. If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on a municipality internet site per s. 985.02(2)(a).
- Upon receipt DNR staff will review the documents to issue the approval and coordinate the FEMA approval for the community.

If you have any questions concerning this letter or need further information on the ordinance adoption process or the Wisconsin model ordinance, please reach out to the Floodplain Management Program contact identified in the email sent to you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mia A. Van Horn', with a stylized, cursive script.

Mia A. Van Horn
Floodplain Zoning Ordinance Coordinator
Wisconsin Department of Natural Resources
Madison office

Copy to: Mr. Andrew Bremer - Village of McFarland, via andrew.bremer@mcfarland.wi.gov
 William T Disser - Wisconsin DNR, via william.disser@wisconsin.gov



Federal Emergency Management Agency

Washington, D.C. 20472

October 9, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Carolyn Clow
Village President, Village of McFarland
P.O. Box 110
McFarland, WI 53558

Community Name: Village of McFarland,
Dane County,
Wisconsin
Community No.: 550086
Map Panels Affected: See FIRM Index

Dear Village President Clow:

This is to notify you of the final flood hazard determination for Dane County, Wisconsin and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on April 9, 2025. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations

apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These

files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Sarah Rafajko, NFIP State Coordinator for Wisconsin by telephone at (608) 893-8710. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region V at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.
Director, Engineering and Modeling Division
Risk Management Directorate | Resilience

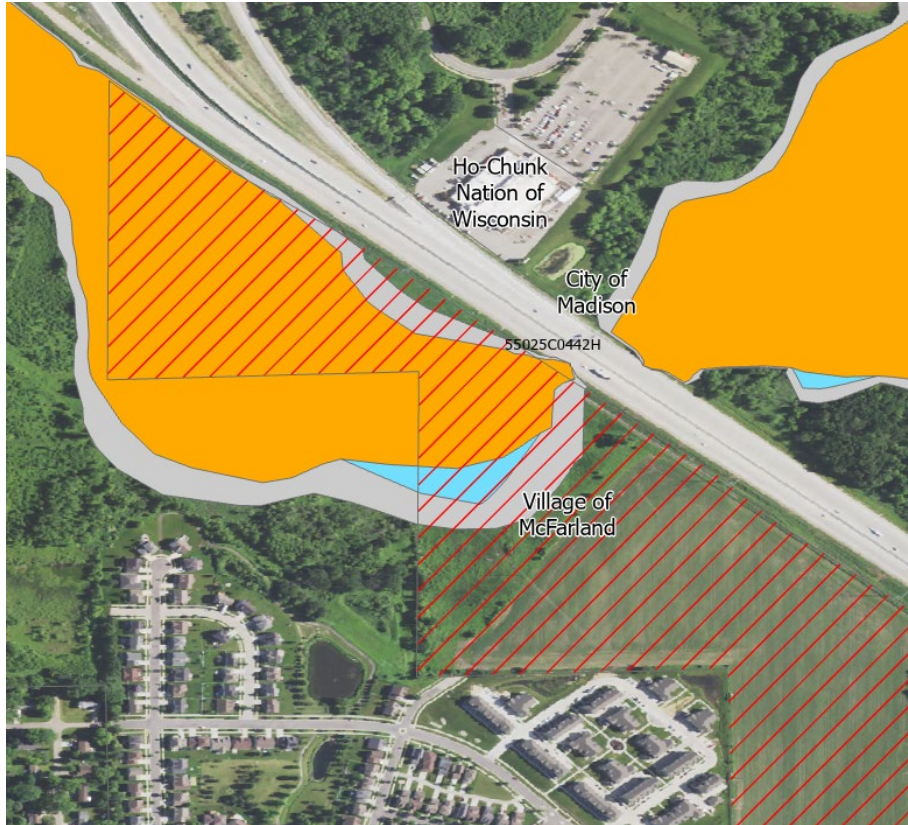
Enclosure:
Final SOMA

cc: Community Map Repository
Andrew Bremer, Community & Economic Development Director, Village of McFarland

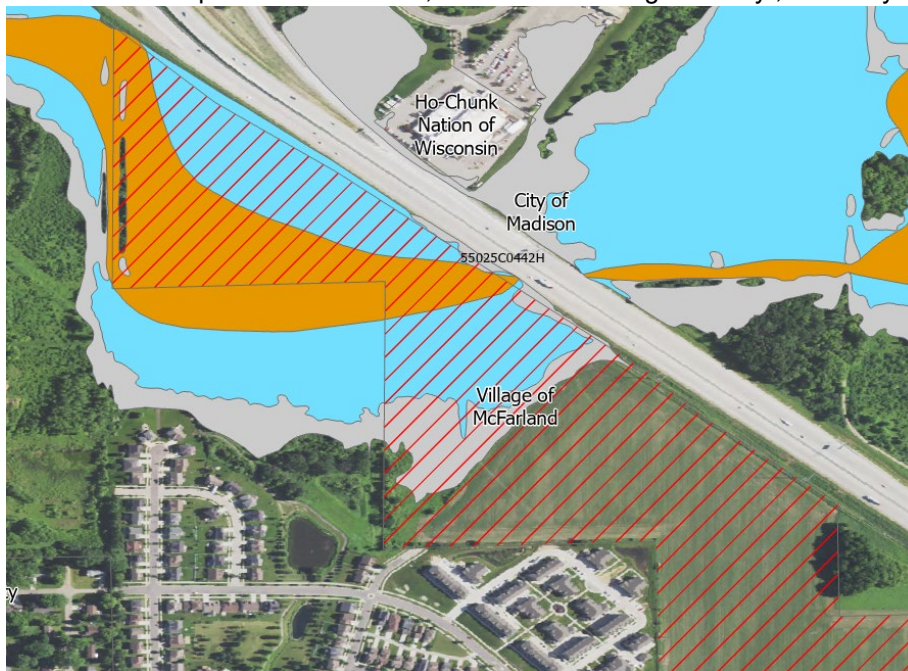
Pennito Creek FEMA Map Changes in McFarland

Orange = floodway, blue = AE (100-year floodplain), gray = 500 year floodplain.

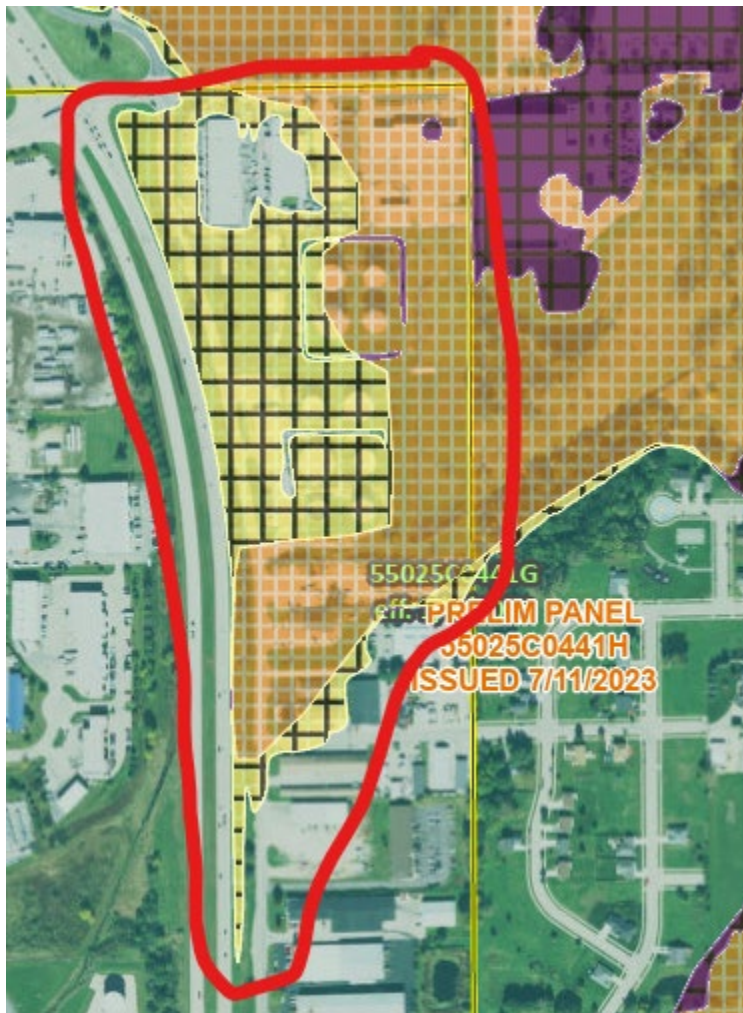
Current effective - SFHA consists mainly of floodway with 500yr surrounding.



Revised – Floodplains more refined, some minor change in 500yr, floodway narrower and more AE.



Revised – Within the Village of McFarland (red line), there is some increase in the Non-Special Flood Hazard Area (yellow/black checkered area). A Non-Special Flood Hazard Area (NSFHA) is an area that is in a moderate-to-low risk flood zone (Zones B, C, X Pre- and Post-FIRM).



VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Site Design Review Permit requested by Lineage Logistics, LLC for an exterior stair for emergencies exiting from the roof located at 4704 Terminal Drive.

PREVIOUS ACTION:

ISSUE SUMMARY:

Lineage Logistics, LLC is requesting a Site Design Review Permit for an exterior staircase for rooftop emergency access to meet OSHA requirements. The proposed staircase will be located at the southeast corner of the building's exterior and anchored to the existing impervious surface area. The location for the staircase previously included a private rail spur which has been removed. The proposed staircase will be 41.5 feet tall to the top of the building's flat roof. The proposed staircase will include yellow safety guardrails and steps. There will be four landings approximately 36" x 75^{7/8} (75.875") in dimensions and anchored to the concrete slab.

EXISTING PROPERTY

The property is approximately 21.5 acres and currently zoned M-IC, Manufactured Intensive Commercial. The properties include a railroad which enters from the southwest corner, traveling east along the south lot line then exits north, splitting to the building's rear and continuing through the property cutting north. There is a single story 195,146 square foot metal building. West of this building is a rainwater retention pond. Further east, closer to Terminal Drive, includes an 11,000 square foot building. Adjacent along Terminal Drive and outside the security fence is Lift Station #4, owned by the Village. Adjacent to the north are two parcels owned by Citgo Petroleum at 4606 Terminal Drive, operating as a petroleum storage and distribution site. These properties are zoned M-IC, Manufactured Intensive Commercial. There are three adjacent properties to the south which include an undeveloped property owned by WI DNR, zoned CO Conservancy, another petroleum storage and distribution at 4516 Siggelkow Road, M-IC and 4712 Terminal Drive, a storage facility zoned C-H Highway Commercial. Adjacent to the east is a multifamily building, zoned PD Planned Development.

Sec. 62-310(e) - Site Design Standards

- Grading. The proposed staircase does not change or alter the existing grading plan. The proposed staircase will be anchored to existing impervious surface area.
- Landscaping. The proposed staircase does not change or alter the existing landscaping plan. There is no new impervious surface proposed that would increase the overall lot



coverage requiring additional landscaping or screening. In Staff's opinion, the deep setback and existing smaller building located in front of the large building, along with existing foliage, provide adequate screening for the location of the proposed staircase from public view.

- **Building Relationship.** The proposed staircase is located along the main building's southeast wall. In staff's opinion, this is the most optimal location compared to the other sides of the building. The north-facing wall includes the building's loading bays. The building's west-facing wall will create an obstruction to the already narrow pathway. The building's south-facing wall is directly adjacent to the railroad and would not be feasible. The building's east-facing wall faces the street and includes office space and a designated parking lot.
- **Lighting.** The proposed staircase does not include new lighting fixtures. A note on Sheet Number S2.0 reads, "Owner to verify additional OSHA requirements for fall protection, guards and illumination on staircase for safety." There will be illuminated emergency exit signs as required by OSHA requirements.
- **Utility Service.** The proposed staircase does not utilize water or sewer connections.
- **Building Design.** The proposed staircase will include yellow guardrails and yellow steps. The bulk of the structure will be stainless steel and dark gray. Staff recommend waiving the minimum requirement for the 15 vertical feet of facade facing the street as the structure is not an enclosed building and does not include siding or walls. Additionally, the proposed structure will serve to meet OSHA requirements and does not function as additional storage space or will be used for that purpose.

Sec. 62-73 - Terminal and Triangle Design Overlay District

The property is located within the Industrial Center of the Terminal and Triangle Design Overlay District. The related uses for this district include Manufacturing, Distribution, Office, and Compatible commercial. The subdistrict's design standards are mostly not applicable as the proposed structure does not include new principal building development, use of the structure for outdoor storage, and the proposed structure does not significantly alter the site's use and function. The proposed project also does not include new lighting, utilities, landscaping, parking, and signage. The design of the staircase utilizes similar metal materials to the existing buildings along with similar colors on the property. The orientation of the staircase is consistent along the existing structure's side and does not create disruptive facades parallel to the primary abutting street.

DEPARTMENT STAFF COMMENTS

No concerns from the Village Engineer, Director of Public Works, Fire Chief or Interim Police Chief.

PUBLIC COMMENTS

The Department did not receive any written comments or concerns prior to the publication of this packet.

FINANCIAL/BUDGET IMPACT:

The Applicant will incur all costs associated with the proposed project.



VILLAGE PLAN REFERENCE:

Terminal and Triangle District Plan, 2005 - The property is located within the Industrial Center of the Terminal and Triangle Design Overlay District. The related uses for this district include Manufacturing, Distribution, Office, and Compatible commercial.. The property maintains its existing use.

Comprehensive Plan, 2017 - Future Land Use Map 6 identifies the property as Industrial. The request does not propose rezoning the property. The current use is consistent with the Future Land Use Map.

ORDINANCE REFERENCE:

Sec. 62-73 Terminal and Triangle Design Overlay District
Sec. 62-227 Accessory Uses, Buildings or Structures
Sec. 62-310 Site Design Review

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to approve the Site Design Review Permit requested by Linage Logistics, LLC for an exterior stair for emergencies exiting from the roof located at 4704 Terminal Drive.

ATTACHMENTS:

1. 4704 Terminal Drive Site Design Review Permit_12.02.2024



Plan Commission Application – 2024

~Application must be completed in full~

Applicant		Applicant's Agent	
Property Owner (if different)		Name	
Address		Address	
Email		Email	
Phone #		Phone #	

Parcel No(s). _____ **Type of Proposal – Please check boxes below that apply**

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ USA/MMSD Annexation	At cost	☐ Final Plat (reapplication)	\$400 +DF
☐ Comprehensive Plan Amendment	\$500+F			☐ Site/Design Review	\$400 + F

+ = 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.

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
☐ Site/Design Review (less than 2,000 sq. ft.)	\$1,000
☐ Site/Design Review (2,000 sq. ft. or more)	\$2,000
☐ All Plats including condominiums	\$5,000

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

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2024 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below 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; potential agenda item materials are required to be submitted per the schedule listed below.

*Submittal Deadline Noon on:	For Scheduled 2024 Meeting date of:
December 5 (2023) -----	January 16
January 9 -----	February 20
February 6 -----	March 19
March 5 -----	April 16
April 9 -----	May 21
May 7 -----	June 18
June 4 -----	July 16
July 9 -----	August 20
August 6 -----	September 17
September 3 -----	October 15
October 8 -----	November 19
November 5 -----	December 17 (Pending)
December 10 -----	January 21, 2025 (Pending)

Applications requiring a public hearing will be scheduled for a hearing according to the schedule above. If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application at the same meeting as the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

- 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. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.
- I understand any fees not paid for (i.e. legal notices, mailings, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing may not be acted on the same night as the Public Hearing.

X _____
Signature of Applicant/Agent

Date

Site and Design Plans

Check List

Date received: _____

Subject property address: 4704 Terminal Dr

Landowner's name: Lineage Logistics LLC

Landowner's address: 4704 Terminal Dr

Landowner's phone/fax: 800-678-7271

Landowner's email: bboodry@onlineage.com

Agent's name:	<u>StrucRite, Inc.</u>
Agent's address:	<u>707 N Grand #102</u> <u>Waukesha, WI 53186</u>
Agent's phone/fax:	<u>262-549-3222</u>
Agent's email:	<u>boydc@srdinc.biz</u>

- X A. Title Block that indicates name and address of the current property owner.
- _____ B. Name and signature of the designer.
- _____ C. Date of original plan and latest date of revised plan.
- X D. North arrow and graphic scale. Said scale shall not be smaller than 1 inch equals 100 ft.
- _____ E. Existing zoning _____ Proposed rezoning ____yes ____no
- X F. All property lines, and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- X G. All required building setback lines.
- X H. The location of all access points and connections to public streets, off-street parking, and loading areas on the subject property including a summary of the number of parking stalls, accessible parking stalls, and labels indicating the dimension of such areas.
- _____ I. All existing and proposed building structures and paved areas, including walks, drives, decks, patios, balconies, fences, retaining walls, utility poles, exterior utility and mechanical equipment, and any accessory structures.
- No
change J. Existing and proposed site and building signage.
- _____ K. Color exterior façade elevations of all proposed buildings including descriptions of materials and colors.
- No
change L. The location of all outdoor storage areas; including proposed screening materials and colors._
- No
change M. The location of existing and proposed drainage facilities including stormwater and erosion control plan.
- No
change N. The location and type of any permanently protected green space areas.
- No
change O. The location and elevation of any wetlands or floodplains.

No
change

P. Grading Plan including existing & proposed topography shown at a contour interval of not more than two (2) ft.

No
change

Q. In the legend, data for the subject property:

- (1) Lot area
- (2) Building area
- (3) Paved area
- (4) Total impervious area
- (5) Landscaping points provided and required for building foundations, gross floor area, street frontage, and paved area.
- (5) Building height
- (6) Existing zoning, proposed zoning
- (7) Number of parking stalls provided and required.

No
change

R. Landscaping Plans including proposed species, quantity and planting size. Refer to Appendix B of the Village's Zoning Code for more information.

No
change

S. Hydrant locations and Fire Department Connection.

As required

T. Lighting Plans including photometrics and description of fixture types, heights and orientation. **emergency exit lighting as required**

No
change

U. Utility plans, including the location of existing and proposed overhead or underground site utilities, including piping and meter sizes and associate appurtenances.

No
change

V. Existing or proposed easements.

_____ W. A legal description of the subject property.

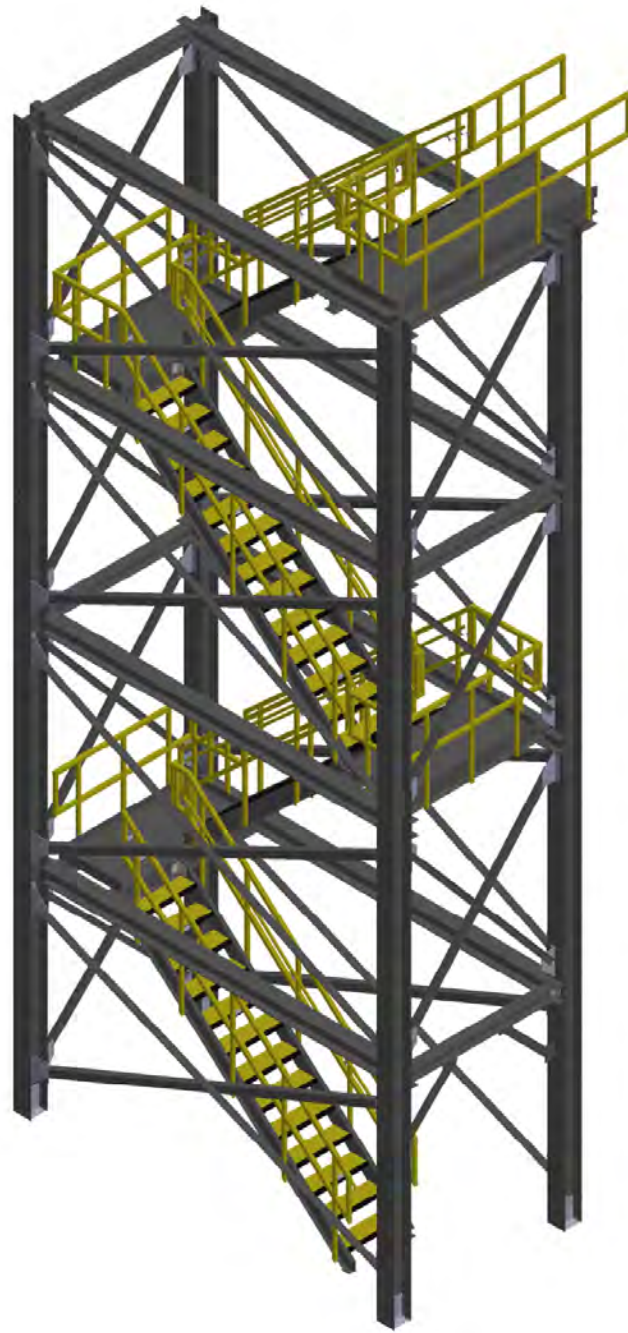
General Comments: Scope is adding an exterior stair only.

Note: In addition to Site and Design Permit approval, a building permit from the Village Building Inspector is required prior to the start of construction of any building, fence, or sign.

Lineage Cold Storage

4704 Terminal Drive
McFarland, WI 53558

FOR CONSTRUCTION



StrucRite

Architectural & Engineering Services

707 N. GRAND AVE. - SUITE 102
WAUKESHA, WI 53186
262.549.3222 - WWW.SRDINC.BIZ

ALL DRAWINGS AND WRITTEN MATERIAL
APPEARING HEREIN CONSTITUTE ORIGINAL
AND UNPUBLISHED WORK OF THE DESIGN
PROFESSIONAL AND MAY NOT BE DUPLICATED,
USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF STRUCRITE, INC.

Lineage Cold Storage

4704 Terminal Drive
McFarland, WI 53558

DESIGNER/
SUPERVISING PROFESSIONAL

StrucRite, Inc.
Boyd E Coleman, P.E.
President, Engineer
707 N. Grand Ave. - Suite 102
Waukesha, WI 53186
262.549.3222

ABBREVIATIONS

AC	AIR CONDITIONING	FGL	FIBERGLASS	PREFAB	PREFABRICATED
ACS	ACCESS PANEL	FHC	FIRE HOSE CABINET	PRELIM	PRELIMINARY
ACT	ACCUSTICAL CEILING TILE	FN	FINISH	PRKG	PARKING
ADDM	ADDENDUM	FIXT	FIXTURE	PSF	POUNDS PER SQUARE FOOT
ADJ	ADJUSTABLE	FL	FLOOR LINE	PT	PAINT
ADO	AUTOMATIC DOOR OPERATOR	FLR	FLOOR	PTD	PAPER TOWEL DISPENSER
AFF	ABOVE FINISH FLOOR	FLUOR	FLUORESCENT	PTDR	PAPER TOWEL DISPENSER WITH
ALT	ALTERNATE	FO	FACE OF (ITEM)	RECF	RECEPTACLE
ALUM	ALUMINUM	FOF	FACE OF FINISH	PTM	PAINT TO MATCH
ANOD	ANODIZED	FOM	FACE OF MASONRY	QT	QUARRY TILE
APPROX	APPROXIMATE	FP	FIRE PROOF, FIRE PROTECTION		
ARCH	ARCHITECT	FR	FRAME		
AUX	AUXILIARY	FT	FOOT OR FEET	R	RADIUS
AVG	AVERAGE	FTG	FOOTING	R	RISER
		FURG	FURRING	RA	RETURN AIR
		FV	FIELD VERIFY	RD	ROOF DRAIN
BD	BOARD			REF	REFRIGERATOR
BITUM	BITUMINOUS	GA	GAGE	REFL	REFLECTED
BLDG	BUILDING	GAL	GALVANIZED	RENF	REINFORCED
BLKG	BLOCKING	GB	GRAB BAR	REQD	REQUIRED
BLKHD	BULKHEAD	GC	GENERAL CONTRACTOR	REV	REVISION
BM	BEAM	GL	GLASS	RFI	REQUEST FOR INFORMATION
BO	BOTTOM OF (ITEM)	GYP BD	GYP SUM BOARD	RM	ROOM
BO	BY OTHERS			RO	ROUGH OPENING
BS	BOTH SIDES			ROW	RIGHT OF WAY
BT_JNT	BUTT JOINT	HB	HOSE BIB	RTU	ROOF TOP UNIT
BTWN	BETWEEN	HDW	HARDWARE		
		HDWD	HARDWOOD	SAB	SOUND ATTENUATION BATTS
CAS	CARD ACCESS SYSTEM	HM	HOLLOW METAL	SAG	SUPPLY AIR GRILL
CB	CATCH BASIN	HORZ	HORIZONTAL	SC	SOLID CORE
CF/CI	CONTRACTOR FURNISHED/CONTRACTOR INSTALLED	HP	HORSE POWER	SCHED	SCHEDULE
CG	CORNER GUARD	HTR	HEATER	SD	SOAP DISPENSER
CH	COAT HOOK	HVAC	HEATING, VENTILATION & AIR CONDITIONING	SECT	SECTION
CJ	CONTROL JOINT			SHR	SHOWER
CL	CENTER LINE	ID	INSIDE DIAMETER	SHT	SHEET
CLG	CEILING	IN	INCH	SHT MTL	SHEET METAL
CLO	CLOSET	INCL	INCLUDE, INCLUDING	SHV	SHELF, SHELVING
CLR	CLEAR	INT	INTERIOR	SIM	SIMILAR
CMU	CONCRETE MASONRY UNIT			S&P	SHELF & POLE
COL	COLUMN	JAN	JANITOR	SPEC	SPECIFICATION
CONC	CONCRETE	JNT	JOINT	SPKR	SPEAKER
CONT	CONTINUE, CONTINUOUS			SQ	SQUARE
CORR	CORRIDOR	KO	KNOCK OUT	SS	SOLID SURFACE
CPT	CARPET	KS	KNEE SPACE	SSK	SERVICE SINK
CRS	COURSE, COURSES			STC	SOUND TRANSMISSION COEFFICIENT
CT	CERAMIC TILE	L	LENGTH, LONG	STD	STANDARD
CTR	CENTER	LAV	LAVATORY	STL	STEEL
CUH	CABINET UNIT HEATER	LBS	POUND(S)	STOR	STORAGE
		LKR	LOCKER	STRUCT	STRUCTURAL
		LT WT	LIGHT WEIGHT	SUSP	SUSPENDED
DBL	DOUBLE			T	TREAD
DEFS	ERECT APPLIED EXTERIOR FINISH SYSTEM	MAS	MASONRY	TEMP	TEMPORARY
DEMO	DEMOLITION	MATL	MATERIAL	T&G	TONGUE & GROOVE
DEP	DEPRESSED	MECH	MECHANICAL	THK	THICKNESS
DF	DRINKING FOUNTAIN	MED	MEDIUM	TLT	TOILET
DI	DIAMETER	MFR	MANUFACTURER	TO	TOP OF (ITEM)
DIAG	DIAGONAL	MH	MANHOLE	TOC	TOP OF CONCRETE
DIM	DIMENSION	HD	MIDDLE	TOF	TOP OF FOOTING
DISP	DISPENSER	MIN	MINIMUM	TOP	TOP OF PAVEMENT
DIV	DIVISION	MIRR	MIRROR	TOS	TOP OF STEEL
DN	DOWN	MISC	MISCELLANEOUS	TOW	TOP OF WALL
DR OPNG	DOOR OPENING	MO	MASONRY OPENING	TPD	TOILET PAPER DISPENSER
DS	DOWNSPOUT	MSB	MOP SERVICE BASIN	TYP	TYPICAL
DT	DRAIN TILE	MTD	MOUNTED		
DW	DISHWASHER	MTL	METAL	UCR	UNDERCOUNTER REFRIG
DWG	DRAWING			UL	UNDERWRITERS LABORATORY
DWR	DRAWER	NIC	NOT IN CONTRACT	UNO	UNLESS NOTED OTHERWISE
EA	EACH	NO	NUMBER	URINAL	URINAL
EFS	EXTERIOR INSULATION FINISH SYSTEM	NOM	NOMINAL		
		NTS	NOT TO SCALE	VAV	VARIABLE AIR VOLUME
EJ	EXPANSION JOINT			VB	VAPOR BARRIER
ELEC	ELECTRICAL/ELECTRICAL	OV	OVER	VCT	VINYL COMPOSITE TILE
ELEV	ELEVATOR	OA	OVERALL	VERT	VERTICAL
EMER	EMERGENCY	OC	ON CENTER	VEST	VESTIBULE
EP	ELECTRICAL PANEL	OD	OUTSIDE DIAMETER	VIF	VERIFY IN FIELD
EQ	EQUAL	OF/CI	OWNER FURNISHED/ CONTRACTOR INSTALLED	VR	VAPOR RETARDER
EQU	EQUIPMENT	MSB	MOP SERVICE BASIN	VWC	VINYL WALL COVERING
ES	ELECTRIC STRIKE	MTD	MOUNTED		
ETR	EXISTING TO REMAIN	OFD	OVERFLOW DRAIN	w/	WITH
EWC	ELECTRIC WATER COOLER	OH	OVERHEAD	WC	WATERCLOSET
EXH FN	EXHAUST FAN	OPNG	OPENING	WD	WOOD
EXIST	EXISTING	OPP	OPPOSITE	WF	WIDE FLANGE
EXP	EXPANSION	PE	PEDESTAL	WH	WATER HEATER
EXPO	EXPOSED	PERIM	PERIMETER	WO	WITHOUT
EXT	EXTERIOR	PL	PLATE	WS	WORKSTATION
		PL	PROPERTY LINE	WWF	WELDED WIRE FABRIC
		PLAM	PLASTIC LAMINATE	WWM	WEEDED WIRE MESH
FA	FIRE ALARM	PLBG	PLUMBING		
FD	FLOOR DRAIN	PLYWD	PLYWOOD	YD	YARD(S)
FE	FIRE EXTINGUISHER	PNL_JNT	PANEL JOINT		
FEC	FIRE EXTINGUISHER CABINET	POC	POINT OF CONNECTION		
FF	FINISH FACE	PR	PAIR		

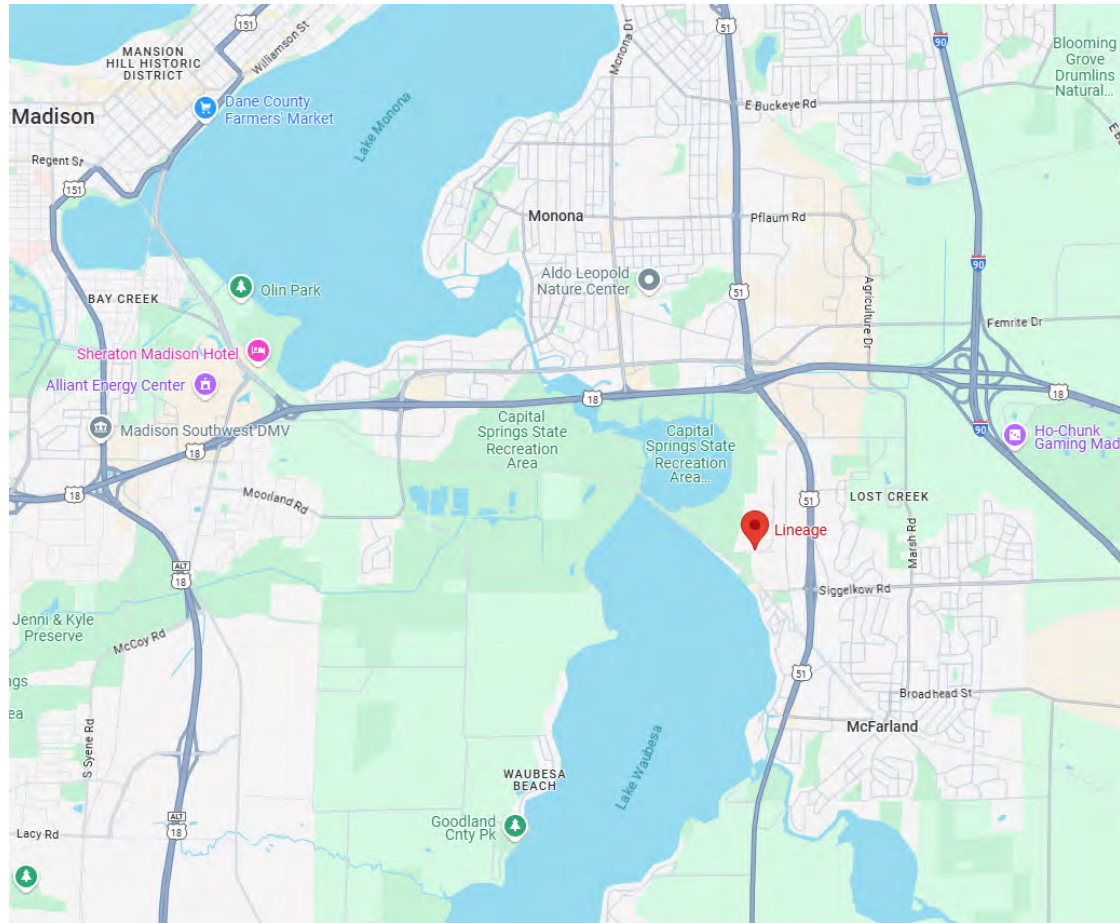
SYMBOLS LEGEND

101	DOOR TAG
1a	WINDOW TAG
e1	WALL TAG
?	PROJECT KEYED NOTE
2	EMERGENCY EXIT SIGN
2A	FIRE EXTINGUISHER
---	EXISTING CONSTRUCTION
---	NEW CONSTRUCTION
6"	TYPICAL DIMENSION
(6")	DIMENSION SHOWING FINISH TO FINISH

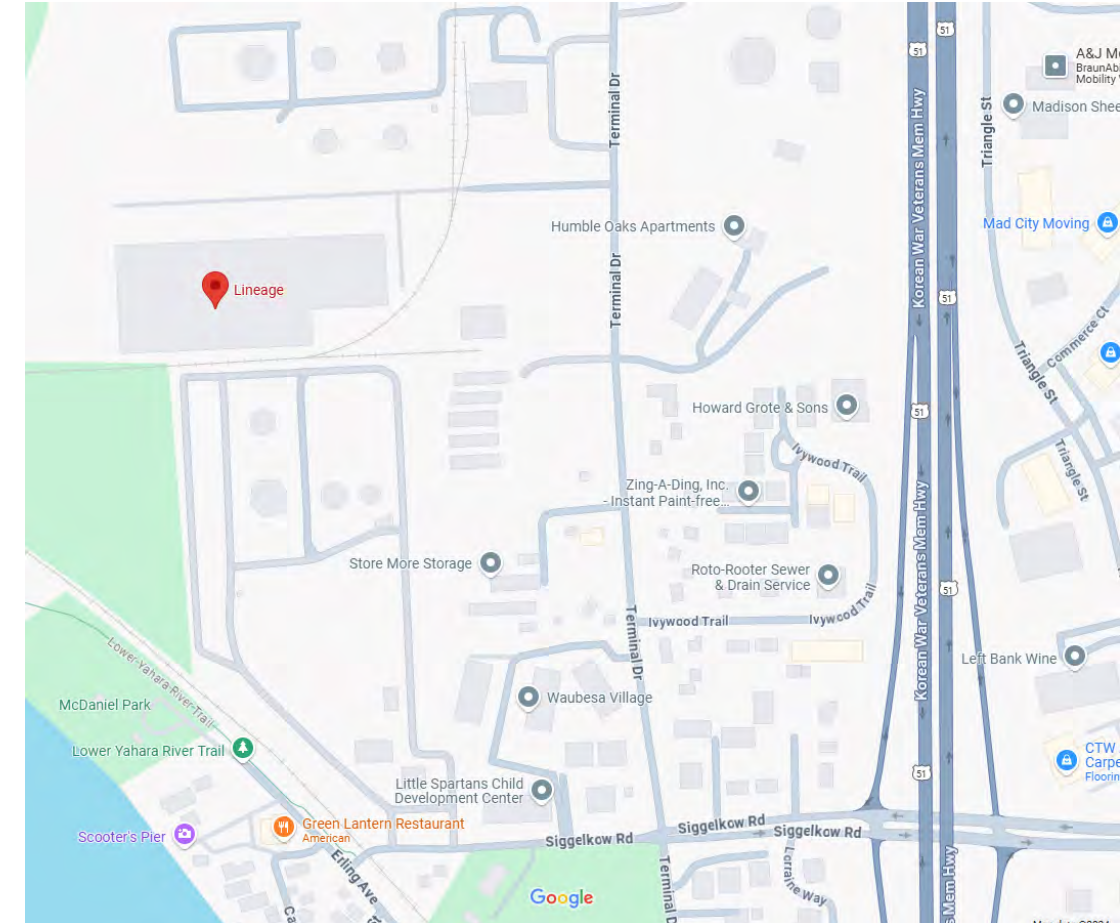
GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE & NATIONAL CODES HAVING JURISDICTION OVER THIS PROJECT.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH BUILDING REGULATIONS AND IN A QUALITY WORKMANSHIP MANNER
3. DO NOT SCALE DRAWINGS
4. SEE GENERAL CONDITIONS OF THE CONTRACT FOR FULL SCOPE OF PROJECT
5. UNLESS NOTED OTHERWISE, ALL DETAILS, SECTION AND NOTES ON THE DRAWINGS ARE INTENDED TO BE TYPICAL FOR SIMILAR SITUATIONS ELSEWHERE
6. THE PLANS AND SPECIFICATIONS ARE INTENDED TO GIVE A DESCRIPTION OF THE WORK. NO DEVIATION FROM THE PLANS AND SPECIFICATIONS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF STRUCRITE, INC.
7. ANY DISCREPANCIES WITHIN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF STRUCRITE, INC. IN WRITING.
8. THE TERMS "NOT IN CONTRACT" OR "BY OWNER" OR "BY OTHERS" DO NOT PRECLUDE OTHER WORK ASSOCIATED WITH THE CONTRACT WHICH MUST OCCUR IN THE VICINITY OF THE AREA OR THROUGH THE SPACE.
9. BEFORE COMMENCING WORK, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD. ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS AND THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF STRUCRITE, INC PRIOR TO BIDDING.
10. IF FIELD CONDITIONS NECESSITATE ANY CHANGES OR MODIFICATIONS, THE CHANGES OR MODIFICATIONS MUST BE APPROVED BY STRUCRITE, INC. PRIOR TO PROCEEDING WITH WORK.
11. ALL CHANGE ORDERS MUST BE APPROVED BY THE OWNER PRIOR TO PROCEEDING WITH ANY WORK. FAILURE TO FOLLOW THIS STEP MIGHT RESULT IN NON-PAYMENT.
12. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL CLEAN-UP.
13. GENERAL AND SUB CONTRACTS SHALL EXERCISE ALL REASONABLE PRECAUTIONS FOR THE PROTECTION OF PERSONS AND PROPERTY ON THE SITE. ALL SAFETY PROVISIONS AND APPLICABLE LAWS FOR BUILDING AND CONSTRUCTION CODES SHALL BE OBSERVED.
14. GENERAL CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO STRUCRITE INC. FOR APPROVAL BEFORE PROCEEDING WITH ANY FABRICATION OR INSTALLATION.
15. MANUFACTURES DIRECTIONS FOR APPLICATION, INSTALLATION AND METHODS SHALL BE FOLLOWED ARE HEREWITH MADE PART OF THE CONSTRUCTION DOCUMENTS.
16. ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY TO BE PRESSURE TREATED

LOCATION MAP



VICINITY MAP



SHEET INDEX

- 1-GENERAL COVER PAGE
- 4-STRUCTURAL
- S1.0 SITE PLAN & ELEVATION
- S2.0 STAIR SUPPORT SLAB



REVISIONS

No.	DATE	DESCRIPTION
-----	------	-------------

FOR CONSTRUCTION

SHEET TITLE:	COVER PAGE
JOB NUMBER:	24051
ISSUED DATE:	09.30.2024
DRAWN BY:	ks
SHEET NUMBER:	S0.0

S0.0

Lineage Cold Storage
4704 Terminal Drive
McFarland, WI 53558

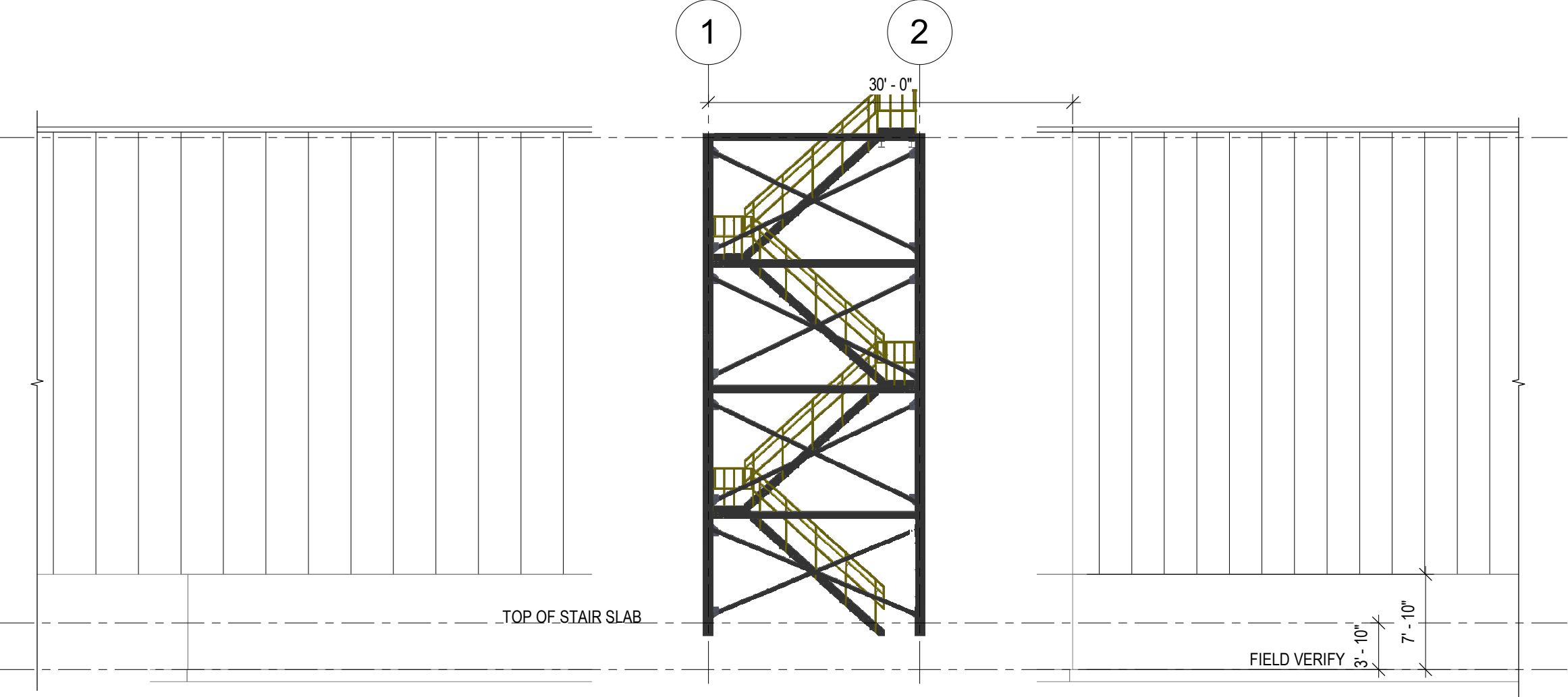
REVISIONS

No.	DATE	DESCRIPTION
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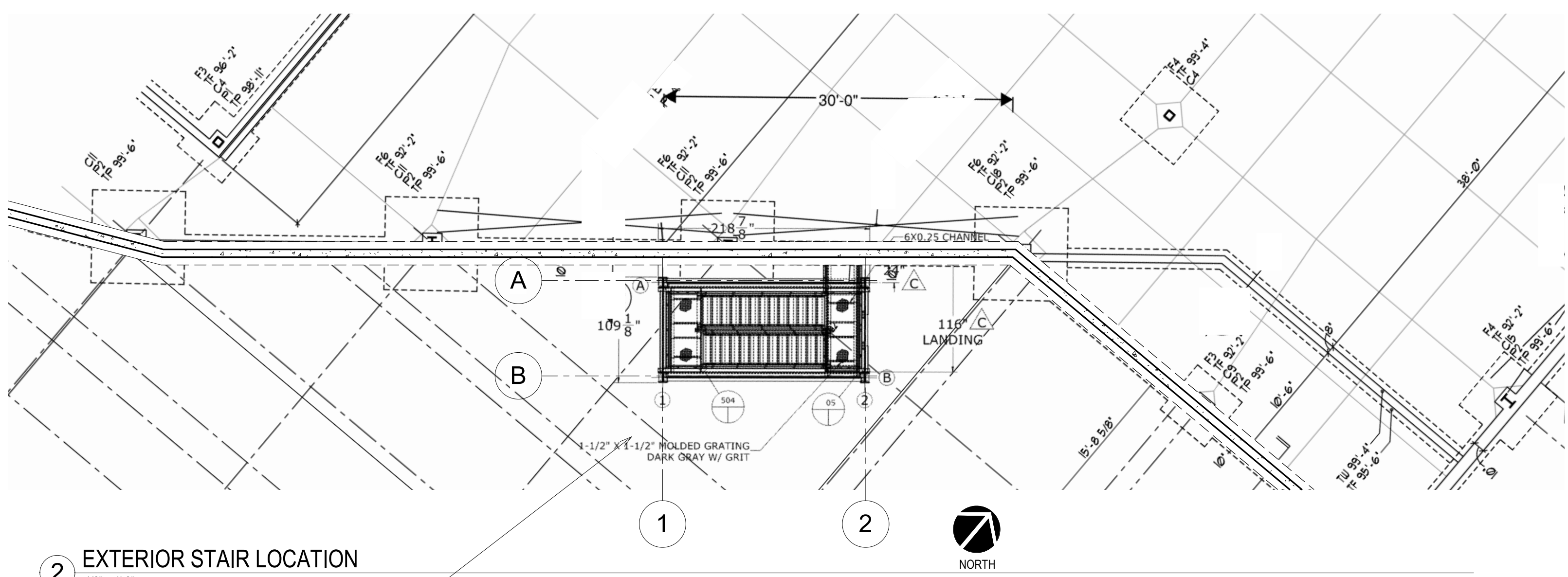
FOR CONSTRUCTION

SHEET TITLE:	SITE PLAN & ELEVATION
JOB NUMBER:	24051
ISSUED DATE:	09.30.2024
DRAWN BY:	ks
SHEET NUMBER:	

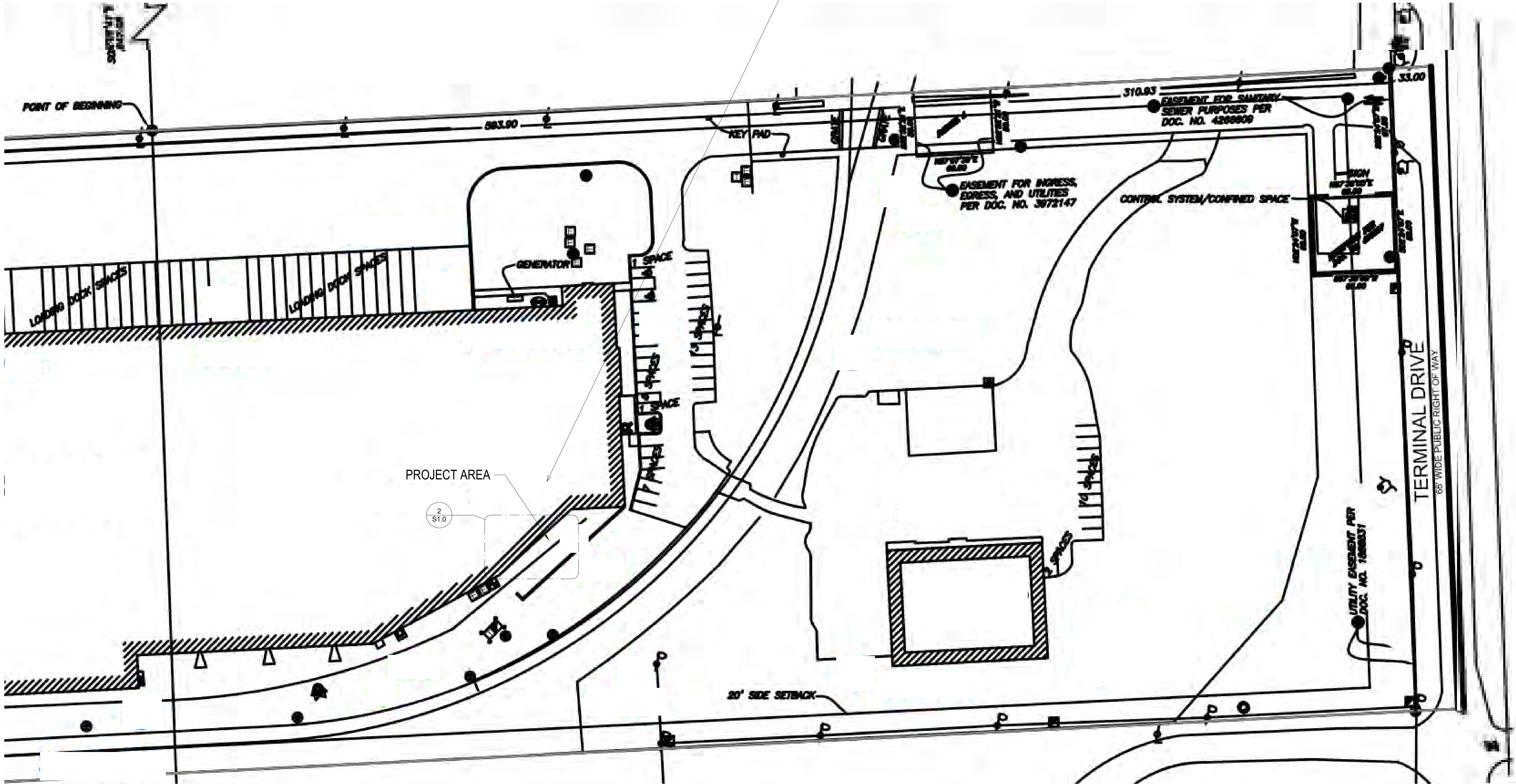
S1.0



3 Elevation 1 - a
3/32" = 1'-0"



2 EXTERIOR STAIR LOCATION
1/8" = 1'-0"



1 Partial Site Plan
1" = 40'-0"

Lineage Cold Storage
4704 Terminal Drive
McFarland, WI 53558

REVISIONS

No.	DATE	DESCRIPTION
-----	------	-------------

1	11.04.2024	Revision 1
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FOR CONSTRUCTION

SHEET TITLE:	STAIR SUPPORT SLAB
JOB NUMBER:	24051
ISSUED DATE:	09.30.2024
DRAWN BY:	JBM
SHEET NUMBER:	

S2.0

CONCRETE:

- A. TRANSIT MIXED CONCRETE SHALL CONFORM TO ASTM C94 SPECIFICATION FOR READY-MIXED CONCRETE.
- B. THE WATER CEMENT RATIO SHALL BE KEPT TO A MINIMUM, AND CONCRETE SLUMP SHALL NOT EXCEED 4 INCHES WHEN TESTED IN ACCORDANCE WITH ASTM C143.
- C. CONCRETE SHALL HAVE THE REQUIRED COMPRESSIVE STRENGTH AT 28 DAYS WHEN TESTED ACCORDING TO ASTM C39 AS FOLLOWS:

SLAB	4000 PSI
FOUNDATION	4000 PSI
TILT UP WALLS	SEE SHOP DRAWINGS
RETAINING WALLS	3000 PSI
GROUT FOR BASE PLATES	4000 PSI
DOCK WALLS	3000 PSI

- D. PORTLAND CEMENT SHALL CONFORM TO ASTM C150 SPECIFICATION FOR PORTLAND CEMENT.
- E. FINE AND COARSE AGGREGATES SHALL CONSIST OF CLEAN, HARD, STRONG AND DURABLE INERT MATERIAL, FREE OF INJURIOUS AMOUNTS OF DELETERIOUS SUBSTANCES AND CONFORM TO ASTM C33 SPECIFICATION FOR CONCRETE AGGREGATES.
- F. MIXING WATER SHALL BE FREE OF ANY ACID, ALKALI, OIL OR ORGANIC MATERIAL THAT MAY INTERFERE WITH THE SETTING OF THE CEMENT.
- G. ALL EXTERIOR CONCRETE SHALL BE AIR-ENTRAINED. THE ENGINEER SHALL APPROVE ALL ADMIXTURES.
- H. REINFORCING STEEL SHALL BE ASTM A615, GRADE 60, BARS TO BE WELDED SHALL BE IDENTIFIED AS GRADE 60W.
- I. WELDED WIRE FABRIC OR GAGE AND SPACING SPECIFIED SHALL CONFORM TO THE REQUIREMENTS OF ASTM A82
1. MANUFACTURING AND WAREHOUSE AREA SLABS: 6x6-W2.9xW2.9
2. OFFICE AREA SLABS: 6x6-W1.4xW1.4
- J. REINFORCING SHALL HAVE THE MINIMUM COVER REQUIREMENTS AS INDICATED IN ACI-318, LATEST EDITION WITH THE FOLLOWING MINIMUM VALUES:
1. CAST AGAINST AND PERMANENTLY EXPOSED TO EARTH: 3"
2. FORM CAST AND PERMANENTLY EXPOSED TO EARTH OR WEATHER: 1-1/2" FOR #5 BAR AND SMALLER, AND 2" FOR #6 BAR AND LARGER.
- K. DIMENSIONS OF THE FINISHED PRODUCT SHALL BE WITHIN THE TOLERANCES OF ACI 117, LATEST EDITION.
- L. ALL CONCRETE SHALL CURE A MINIMUM OF 7 DAYS. IF FORMS ARE REMOVED BEFORE THE END OF THE CURING PERIOD, COAT NEWLY EXPOSED SURFACES WITH LIQUID CURING COMPOUND.
- M. USE CURE-SEAL-HARDENER: ASHFORD FORMULA, ON THE FLOORS, A WATER-BASED CHEMICALLY REACTIVE PENETRATING SEALER AND HARDENER THAT SEALS BY DENSIFYING CONCRETE SO THAT WATER MOLECULES CANNOT PASS THROUGH BUT AIR AND WATER VAPOR CAN, AND ALLOWS CONCRETE TO ACHIEVE FULL COMPRESSIVE STRENGTH, MINIMIZING SURFACE CRAZING AND ELIMINATING DUSTING. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
1. (Specifier note - optional spec info)
2. ABRASION RESISTANCE TO REVOLVING DISKS: AT LEAST A 32.5% IMPROVEMENT OVER UNTREATED SAMPLES WHEN TESTED IN ACCORDANCE WITH ASTM C779.
3. SURFACE ADHESION: AT LEAST A 22% INCREASE IN ADHESION FOR EPOXY WHEN TESTED IN ACCORDANCE WITH ASTM D3359.
4. HARDENING: AS FOLLOWS WHEN TESTED IN ACCORDANCE WITH ASTM C39:
- a. AFTER 7 DAYS: AN INCREASE OF AT LEAST 40% OVER UNTREATED SAMPLES.
- b. AFTER 28 DAYS: AN INCREASE OF AT LEAST 38% OVER UNTREATED SAMPLES.
5. COEFFICIENT OF FRICTION: 0.86 DRY, 0.69 WET, WHEN TESTED IN ACCORDANCE WITH ASTM C1028.
6. REBOUND NUMBER: AN INCREASE OF AT LEAST 13.3% OVER UNTREATED SAMPLES WHEN TESTED IN ACCORDANCE WITH ASTM C805.
7. LIGHT EXPOSURE DEGRADATION: NO EVIDENCE OF ADVERSE EFFECTS ON TREATED SAMPLES WHEN TESTED IN ACCORDANCE WITH ASTM G23.
- N. PROVIDE DOWELS IN WALL FOOTINGS WITH EQUAL SIZE AND SPACING AS VERTICAL WALL, UNLESS NOTED OTHERWISE.
- O. USE NON-SHRINK, NON-METALLIC GROUT UNDER BASE PLATES AS INDICATED ON THE DRAWINGS.
- P. THE CONCRETE CONTRACTOR SHALL COORDINATE ALL OTHER TRADES FOR SIZE AND LOCATION OF OPENINGS IN WALL AND FLOORS. ALL OPENINGS IN STRUCTURAL CONCRETE SHALL BE DETAILED OR APPROVED BY THE ENGINEER.
- Q. PLACE STEEL REINFORCEMENT AS PER CRSI STANDARDS.
- R. STEEL DESIGNATED CONTINUOUS (CONT.) #6 BARS OR SMALLER SHALL USE 33 INCH MINIMUM LAP LENGTH.
- S. PROVIDE SAWCUT CONTROL JOINTS AS SHOWN IN FOUNDATION PLANS OR AT SPACING NOT GREATER THAN 3X THE SLAB THICKNESS. SAWCUTS SHALL BE 1/3 THE SLAB DEPTH. PLACE SAWCUTS 1-1/2 HRS TO 4 HRS AFTER FINISHING BEFORE CONCRETE BEGINS TO COOL.
- T. HAND TOOLED CONTROL JOINTS MAY BE SUBSTITUTED FOR SAWCUT CONTROL JOINTS.
- U. ALL CONSTRUCTION & CONTROL JOINTS THAT ARE REQUIRED TO BE SEALED SHALL BE DONE SO IN ACCORDANCE WITH INSTRUCTIONS OF APPROVED MATERIAL MANUFACTURER. ADJUST CONTROL & CONSTRUCTION JOINTS TO ACHIEVE INSTALLATION PER SEALANT MANUFACTURER'S REQUIREMENTS.
- V. ALL ANCHORS THAT WILL BE EPOXY EMBEDDED NEED TO BE INSTALLED PER THE MANUFACTURER'S SPECIFICATIONS AND STANDARDS. INSTALLER IS RESPONSIBLE FOR PROPER CLEAN OUT OF THE HOLE TO ENSURE THE HOLE IS DRY. INSTALLER IS TO NOTIFY ENGINEER IF VOIDS OR CRACKS ARE PRESENT IN THE DRILLED HOLE.

OWNER TO VERIFY OSHA REQUIREMENTS FOR FALL PROTECTION, GUARDS, ILLUMINATION, ETC

COORDINATE PLATFORM SET BACK REQUIREMENTS WITH STAIR TOWER DESIGNER.

INTERIOR

VERIFY IF FOUNDATION WALL IS IN LINE WITH WALL AND ROOF COPING

4 SECTION
1/4" = 1'-0"

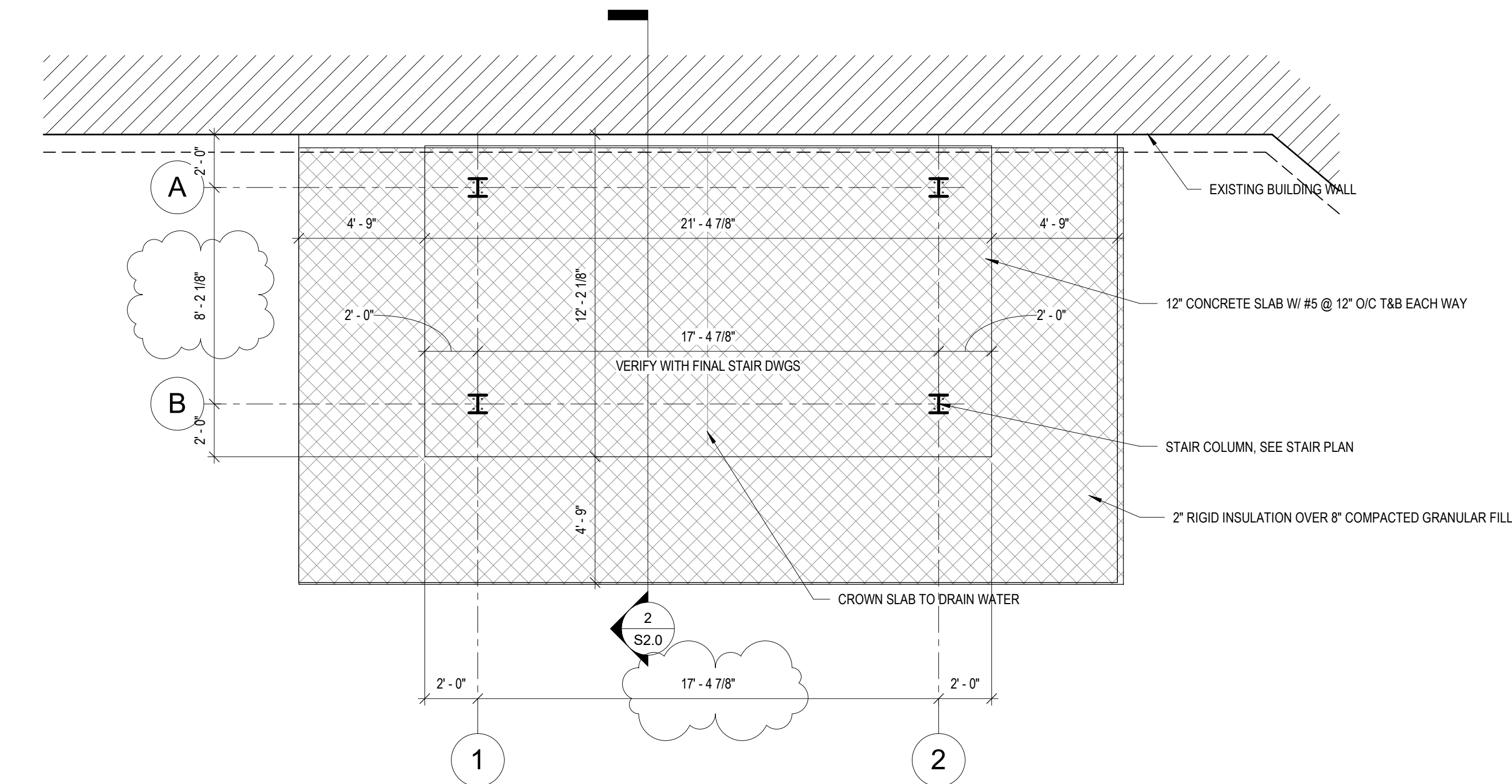
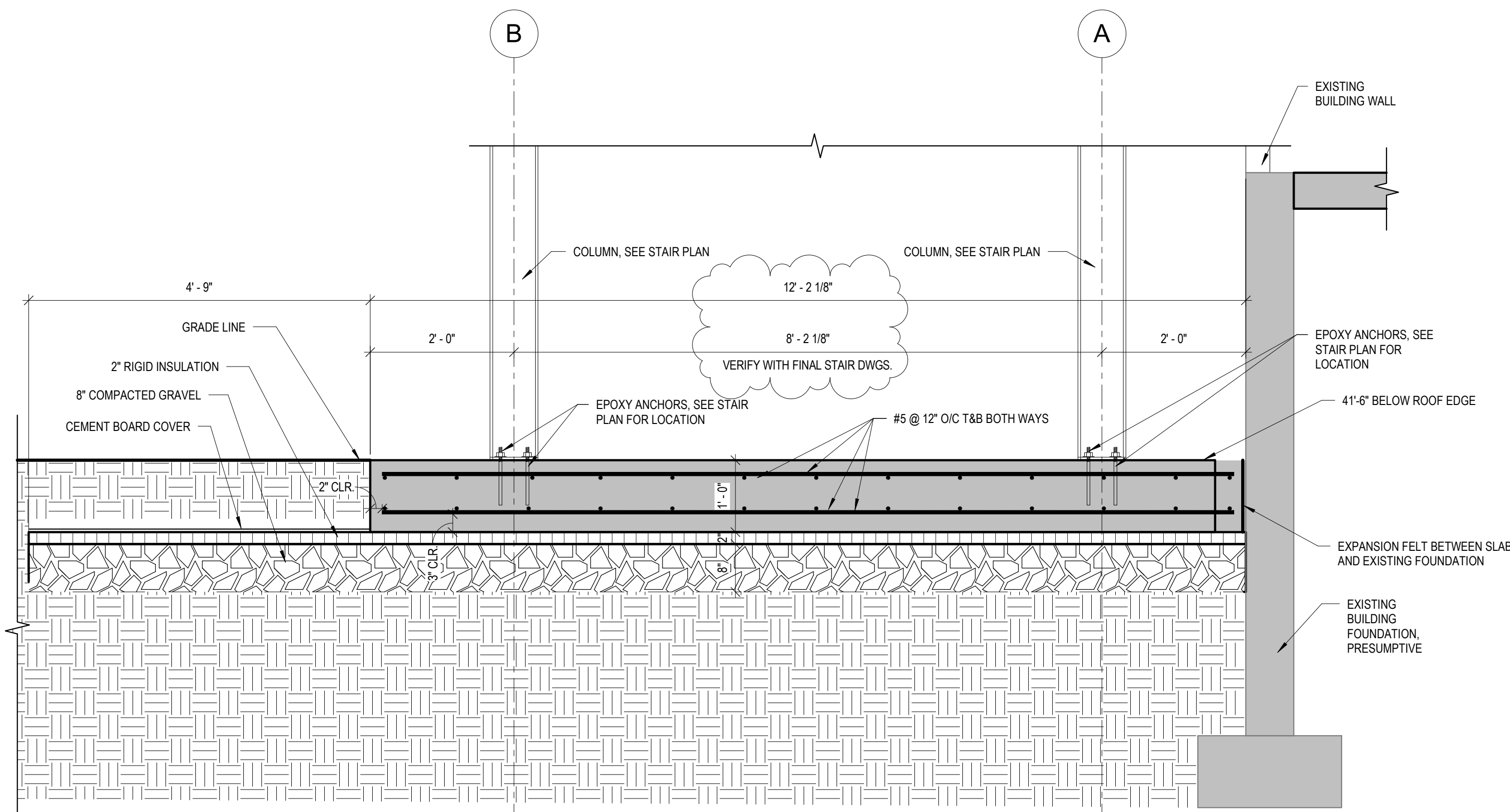
FLOATING SLAB / GRADE BEAM FOUNDATION:

- A. SHALLOW FOUNDATION NOT EXTENDING BELOW THE DESIGN FROST DEPTH SHALL BE PROTECTED AGAINST FROST PER ASCE 32-01 BY ONE OF THE FOLLOWING METHODS:
1. PLACE ON A LAYER OF WELL DRAINED UNDISTURBED GROUND OR FILL TO FROST DEPTH. MATERIAL MUST BE APPROVED BY A SOILS ENGINEER AND IN WHICH LESS THAN 8% OF MASS PASSES THROUGH A #200 MESH SIEVE PER ASTM D422.
2. INSULATE THE GROUND FOR A HEATED OR UNHEATED BUILDING PER ASCE 32-01.

FOUNDATION:

- A. THE SOIL BEARING CAPACITY IS PRESUMED TO BE 2000 PSF. SOIL ENGINEERS TO VERIFY BEARING CAPACITY AND EXPLORE SUBGRADE TO A DEPTH OF 45' FOR UNSTABLE SOIL CONDITIONS.
- B. COMPLETE NORMAL CLEARING AND GRUBBING OPERATIONS OVER THE ENTIRE BUILDING PAD AREA.
- C. REMOVE UNSUITABLE MATERIAL BELOW FOUNDATION. THE DEPTH OF REMOVAL IS DICTATED BY THE UNSUITABLE SOILS ENCOUNTERED SUCH AS SILT, ORGANIC MATTER, ROOTS, VEGETATION AND RANDOM FILL MATERIALS, I.E. WOOD, SCRAP METAL, AND MUCK.
- D. FOUNDATIONS SHALL BEAR ON UNDISTURBED SOIL WITH A CAPACITY OF 2000 PSF, OR ON COMPACTED FILL WITH A BEARING CAPACITY OF NOT LESS THAN 2000 PSF.
- E. FILL MATERIALS REQUIRED SHALL BE PLACED IN LIFTS NOT TO EXCEED 9' AND COMPACTED TO 95% RELATIVE COMPACTION AT OPTIMUM MOISTURE CONTENT WITHIN A DISTANCE OF 5 FEET BEYOND THE BUILDING EDGES.
- F. WHEN USING COMPACTED FILL TO ACHIEVE THE PROPER GRADE FOR FOUNDATIONS, THE COMPACTED FILL SHALL HAVE A SLOPE OF NOT GREATER THAN 2' HORIZONTAL FOR EVERY 1' VERTICAL.
- G. PLACE GRANULAR MATERIAL UNDER FOOTINGS & FLOOR SLABS: MINIMUM 6"
- H. BASEMENT WALLS AND RETAINING WALL DESIGNS ARE PREDICATED ON ALL FINAL RESTRAINTS AS SHOWN IN PLANS COMPLETED BEFORE BACKFILLING OPERATIONS ARE FINALIZED.
- I. DIFFERENTIAL BACKFILLING BETWEEN INTERIOR AND EXTERIOR OF WALL WHERE OCCURS, SHALL NOT EXCEED 2 FEET.
- J. MECHANICAL CONTRACTORS ARE RESPONSIBLE TO COORDINATE PLUMBING AND ELECTRICAL SLAB OPENINGS, CONDUIT AND PIPE RUNS, BLOCKOUTS, AND ALL OTHER SLAB ADJUSTMENTS WITH THE CONCRETE CONTRACTOR.
- K. GENERAL CONTRACTOR SHALL REVIEW ALL CHANGES TO FOUNDATION PLANS AND DETAILS WITH THE STRUCTURAL ENGINEER.

NOTE:
THE STAIR TOWER AND FOUNDATION IS NOT DESIGNED TO SUPPORT RIGGING FOR FALL PROTECTION.

1 STAIR SUPPORT SLAB
1/4" = 1'-0"

NOTES:

- INSULATION: ASTM C578 TYPE IV, V, VI, OR VII
- TYPE X NOT ALLOWED UNDER SLAB. TYPE X MAY BE USED BEYOND SLAB
- EPOXY ANCHORS: HILTI HIT RE 500 V3 HAS-R 1/2" DIA. WITH 8" EMBED OR SIMPSON SET-3G 1/2" DIA. WITH 8" EMBED. ANCHORS SHALL BE STAINLESS STEEL.
- SUPERIMPOSED PRESSURE UNDER SLAB = 810 PSF. OWNER TO VERIFY EXISTING FOUNDATION CAPABLE OF SUPPORTING SUPERIMPOSED LOAD FROM THE SLAB.
- DESIGN BASED ON STAIR REACTIONS PROVIDED BY ULTRA FIBERGLASS SYSTEMS

2 SECTION THROUGH SLAB
3/4" = 1'-0"

COVERSHEET FOR:
FASTENAL

PROJECT: FREE STANDING STAIR TOWER
LOCATION: MADISON, WI 53718

ANCHOR SCHEDULE AS APPLICABLE (U.N.O. IN THE DETAILS):	
1.	U.N.O. ALL ANCHOR BOLTS USED FOR STRUCTURAL CONNECTIONS TO BE 316 S.S. & PROVIDED BY THE CONTRACTOR.
2.	U.N.O. ANCHOR BOLTS ARE ASSUMED TO ATTACH TO CRACKED CONCRETE HAVING A MINIMUM STRENGTH OF 4,000 PSI
3.	FOR ALL STRUCTURAL CONNECTIONS (OTHER THAN GUARDRAIL - POST MOUNTS) REVIEW ENGINEER OF RECORD OR OWNER TO DETERMINE WHETHER EXPANSION ANCHORS OR EPOXY ANCHORS NEED TO BE USED.
4.	FOR EXPANSION ANCHOR BOLTS, WE RECOMMEND HILTI KWIK BOLT TZ2 (OR APPROVED EQUAL) WITH THE FOLLOWING EMBEDMENTS: 3/8" Ø - 2-1/2" EMBEDMENT 1/2" Ø - 3-1/2" EMBEDMENT 5/8" Ø - 4" EMBEDMENT
5.	FOR EPOXY ANCHOR BOLTS WE RECOMMEND HILTI HIT-RE 500 V3 WITH HAS-R THREADED RODS (OR APPROVED EQUAL) WITH THE FOLLOWING EMBEDMENTS: 3/8" Ø - 3-3/8" EMBEDMENT 1/2" Ø - 4-1/2" EMBEDMENT 5/8" Ø - 5-5/8" EMBEDMENT
6.	ANCHOR BOLTS USED IN CONJUNCTION WITH GUARDRAIL POSTS SIDE-MOUNT, S.S. STANCHION BASE OR FRP STANCHION BASE TO BE HILTI HIT-RE 500 V3, WITH 1/2" Ø 316 S.S. HAS-R THREADED RODS WITH 4-1/2" EMBEDMENT

GENERAL NOTES (AS APPLICABLE)

1. ALL GRATING TO BE HELD DOWN WITH SS316 HOLD-DOWN CLIPS (HDCS); 4-8 HDCS PER GRATING PIECE. OPEN MESH SINGLE-SPAN GRATING IN TRENCHES MAY BE LEFT UN-HELD. COVERED GRATING SHOULD BE HELD DOWN IN ALL CASES AND IN ALL SUPPORT CONDITIONS. IN CASE OF CONCRETE-EMBED-ANGLE SUPPORT, CONCRETE-ANCHORS MAY HAVE TO BE USED IN CONJUNCTION WITH HDCS.
2. SQUARE MESH MOLDED GRATING IS BI-DIRECTIONAL. RECTANGULAR MESH MOLDED GRATING IS TO BE TREATED AS UNI-DIRECTIONAL. PULTRUDED GRATING IS UNI-DIRECTIONAL.
3. ALL LOAD-BARS OF STAIR TREADS MUST BE FULLY SUPPORTED.
4. CUT GRATING MAY HAVE OPEN STUB BARS.
5. IF STANDARD GUARDRAIL: ALL HORIZONTAL GUARDRAIL SHOW IS 42" TALL FROM THE TOP OF WALKING SURFACE. ULTRA'S STANDARD SQUARE TUBE GUARDRAIL SYSTEM CONSISTS OF 1-3/4" X 1-3/4" X 1/4" SQUARE TUBE POSTS, 2" X 2" X 1/8" SQUARE TUBE RAILS AND A 4" TALL KICKPLATE.
6. IF HEAVY DUTY GUARDRAIL: ALL HORIZONTAL GUARDRAIL SHOW IS 42" TALL FROM THE TOP OF WALKING SURFACE. ULTRA'S STANDARD SQUARE TUBE GUARDRAIL SYSTEM CONSISTS OF 2" X 2" X 1/4" SQUARE TUBE POSTS, 2" X 2" X 1/4" SQUARE TUBE RAILS AND A 4" TALL KICKPLATE
7. ULTRA'S STANDARD FIXED LADDER SYSTEM CONSISTS OF 2" X 2" X 1/4" SQUARE TUBE RAILS AND 1-1/2" DIAMETER X 1/8" RUNGS. STANDARD RUNGS ARE 18" CLEAR BETWEEN RAILS. SAFETY CAGES ARE PROVIDED WHEN REQUIRED.
8. THE RESPONSIBILITY FOR FULL COMPLIANCE WITH OSHA, IBC AND ANSI REGULATIONS FOR THE FINAL INSTALLATION LIES WITH THE CUSTOMER.
9. SOME FIELD FABRICATION MAY BE REQUIRED.
10. IT SHALL BE THE FIELD'S RESPONSIBILITY TO ASSURE PROPER FIT-UP OF F.R.P. ASSEMBLIES. THIS INCLUDES VERIFICATION OF AS-BUILT CONDITIONS. IN CASE OF CONCRETE MISALIGNMENT INCORRECTLY PLACED OR MISSING EMBEDS. THE FIELD SHALL MODIFY THE F.R.P. SUBASSEMBLIES AND PROVIDE THE REQUIRED ANCHORAGES.
11. CUTTING, FITTING, AND PLACEMENT: PERFORM CUTTING, DRILLING, AND FITTING REQUIRED FOR INSTALLATION OF F.R.P. FABRICATIONS. SET F.R.P. FABRICATION ACCURATELY IN LOCATION ALIGNMENT, AND ELEVATION; WITH EDGES AND SURFACES LEVEL, PLUMB, TRUE, AND FREE OF RACK; AND MEASURED FROM ESTABLISHED LINES AND LEVELS.
12. ALL ANCHOR BOLTS TO BE PROVIDED (BY OTHERS)
13. CONTRACTOR TO ENSURE THAT GRATING IS SUPPORTED AT INTERVALS AS DETERMINED FROM JOB SPECIFICATIONS AND PUBLISHED GRATING-LOAD-DEFLECTION CHARTS.

CONTRACTOR TO VERIFY
ALL DIMENSIONS

REVISIONS			
REV.	DESCRIPTION	DATE	ENG
A	COMPLETE REDESIGN AFTER CHANGE ORDER, HEIGHT WAS 20' CHANGED TO 41.5'	7/31/2024	DJG
B	CONSOLIDATED CONNECTIONS 501-503 TO ACCOMIDATE NEW MEMBERS; ADDED CONNECTION 503; UPDATE CONNECTION 506 TO USE 2 BOLTS AND ANCHORS; UPDATE CONNECTION DETAILS 507-509 PER ENGINEERING MARKUPS; UPDATE CONNECTION 601 TO 10 IN BEAM; UPDATE CONNECTION DETAILS 602-606 PER ENGINEERING MARKUPS; ADDED CONNECTION 701 AND 702	10/16/2024	DJG

ULTRA

FIBERGLASS SYSTEMS™

ISO 9001:2015 Certified
Milwaukee, Wisconsin 53225
ultrafiberglass.com / p 414.461.5051

Customer:

FASTENAL

Project:

FREE STANDING STAIR TOWER

Location:
MADISON, WI 53718

Customer P.O.
MADN30812

DRAWING APPROVAL

☐ APPROVED

☐ APPROVED AS NOTED

☐ REVISION REQUIRED, RESUBMIT

SIGNATURE

DATE

Proprietary and Confidential
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March 2020

Larson

Engineering

2801 E. Enterprise Ave, Suite 200
Appleton, Wisconsin 54913
(O) 920.734.9867
Project No: 31240169.000
LIMITED TO STRUCTURAL CONTENT ONLY

WISCONSIN

CHRISTOPHER G. LARSON

MILWAUKEE

WI

PROFESSIONAL ENGINEER

Material Notes:

1. ALL DIMENSIONS TO BE VERIFIED PRIOR TO FABRICATION

2. ALL MATERIAL ISO F.R. FIBERGLASS REINFORCED POLYMER DARK GRAY COLOR UNLESS NOTED

3. ALL HARDWARE 316 STAINLESS STEEL

4. ALL DIMENSIONS ARE IN INCHES

5. ANCHORS BY OTHERS

	RESIN	COLOR	SURFACE
GRATING	ISOFR	DK. GRAY	GRIT (OPEN MESH)
TREAD	ISOFR	YELLOW W/ BLACK NOSE	GRIT (OPEN MESH)
STRUCTURE	ISOFR	DK. GRAY	---
RAILING	ISOFR	YELLOW	---
LADDER	---	---	---

Drawing Number:

23220774-01

Rev.

B

Date:

7/31/2024

Drawn By:

DJG

Sheet Scale:

1:1

Sheet:

1 OF 8

SHEET FORMAT VERSION: 1

Page 81 of 142

G:\A-CAD-DESIGN\2024\FASTENAL COMPANY\23220774-01\Change Order1



FASTENAL

FREE STANDING STAIR TOWER

MADISON, WI 53718

MADN30812



Larson
Engineering

2801 E. Enterprise Ave, Suite 200
Appleton, Wisconsin 54913
(O) 920.734.9867
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23220774-01

DJG

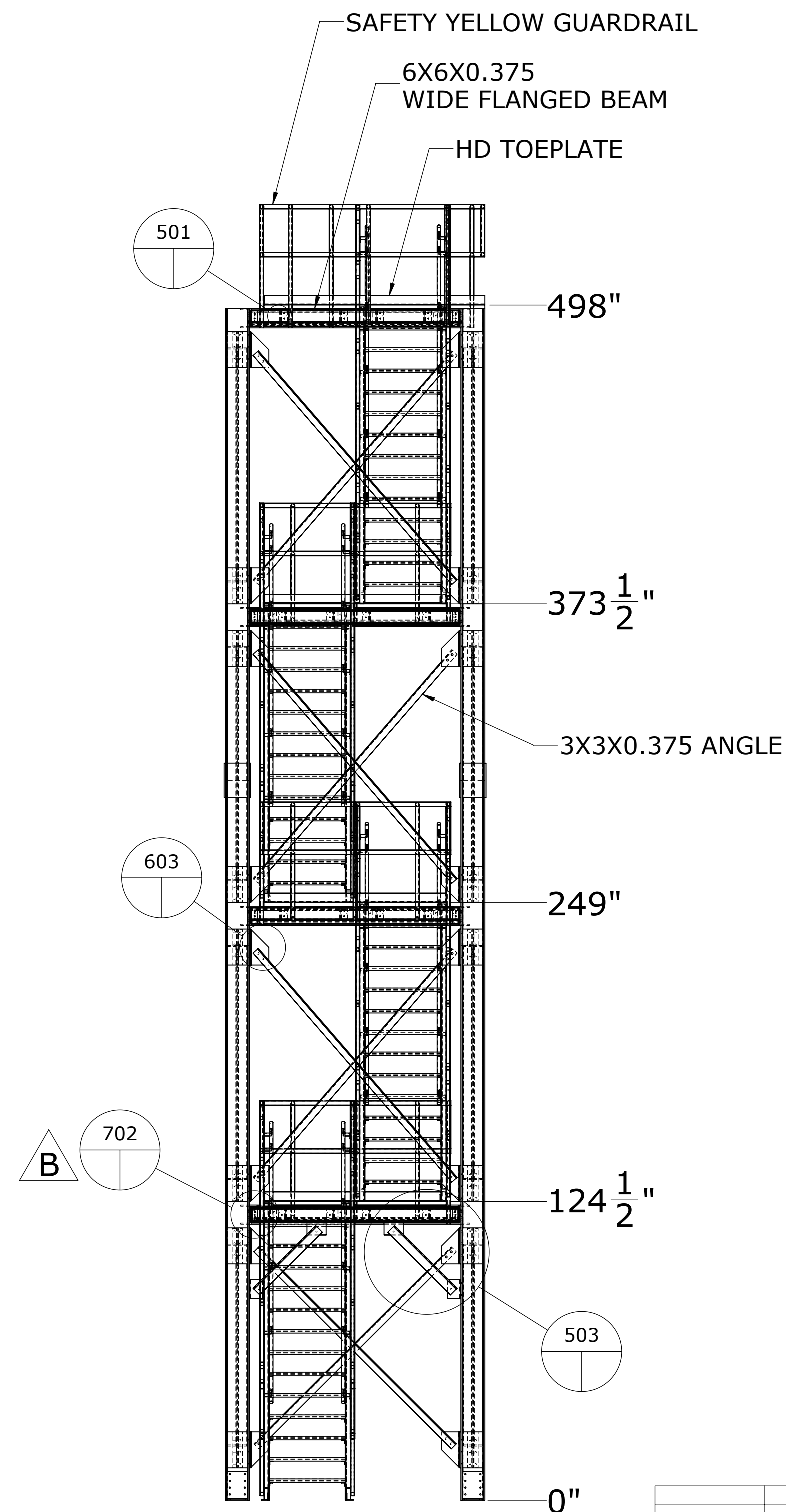
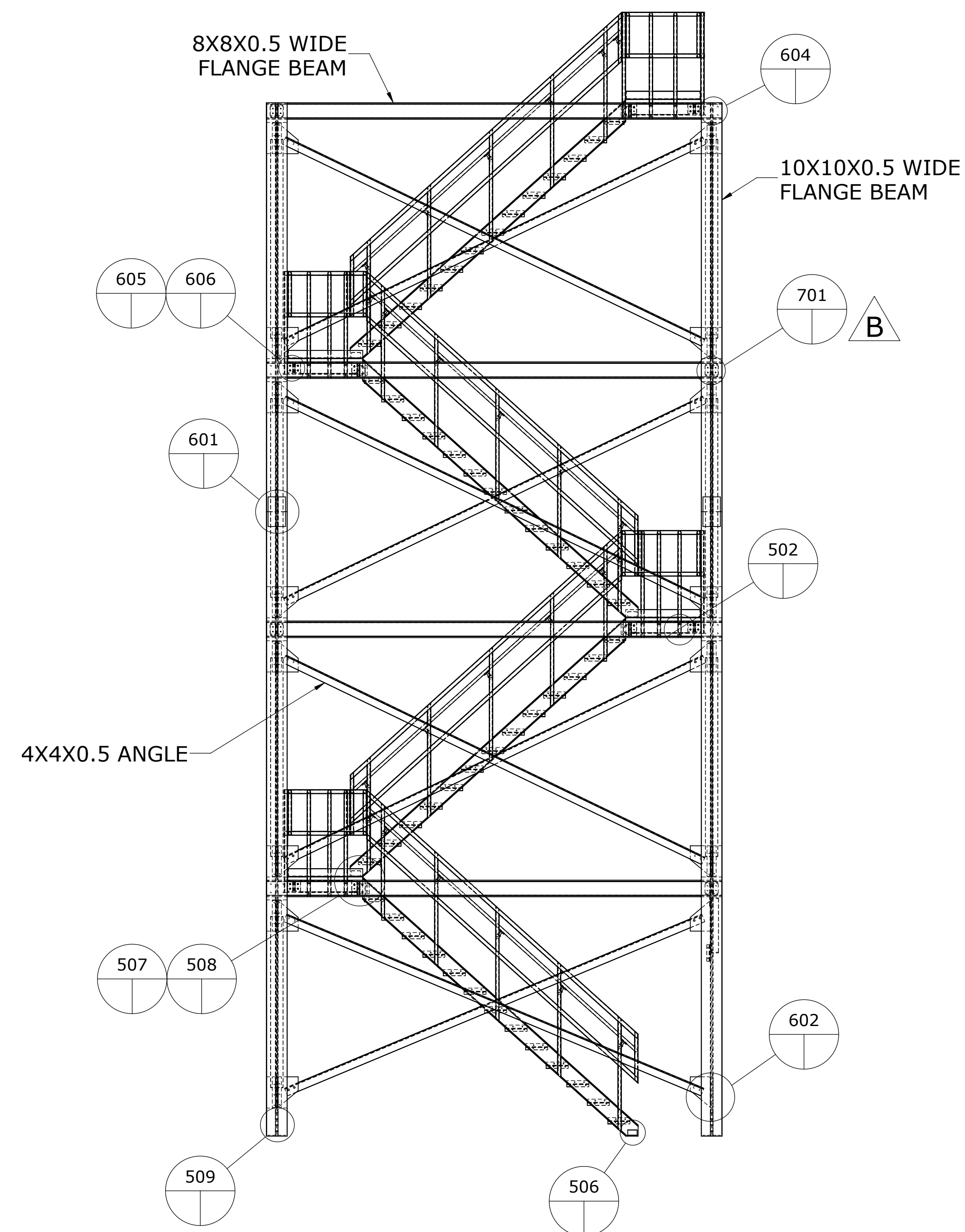
B

7/31/2024

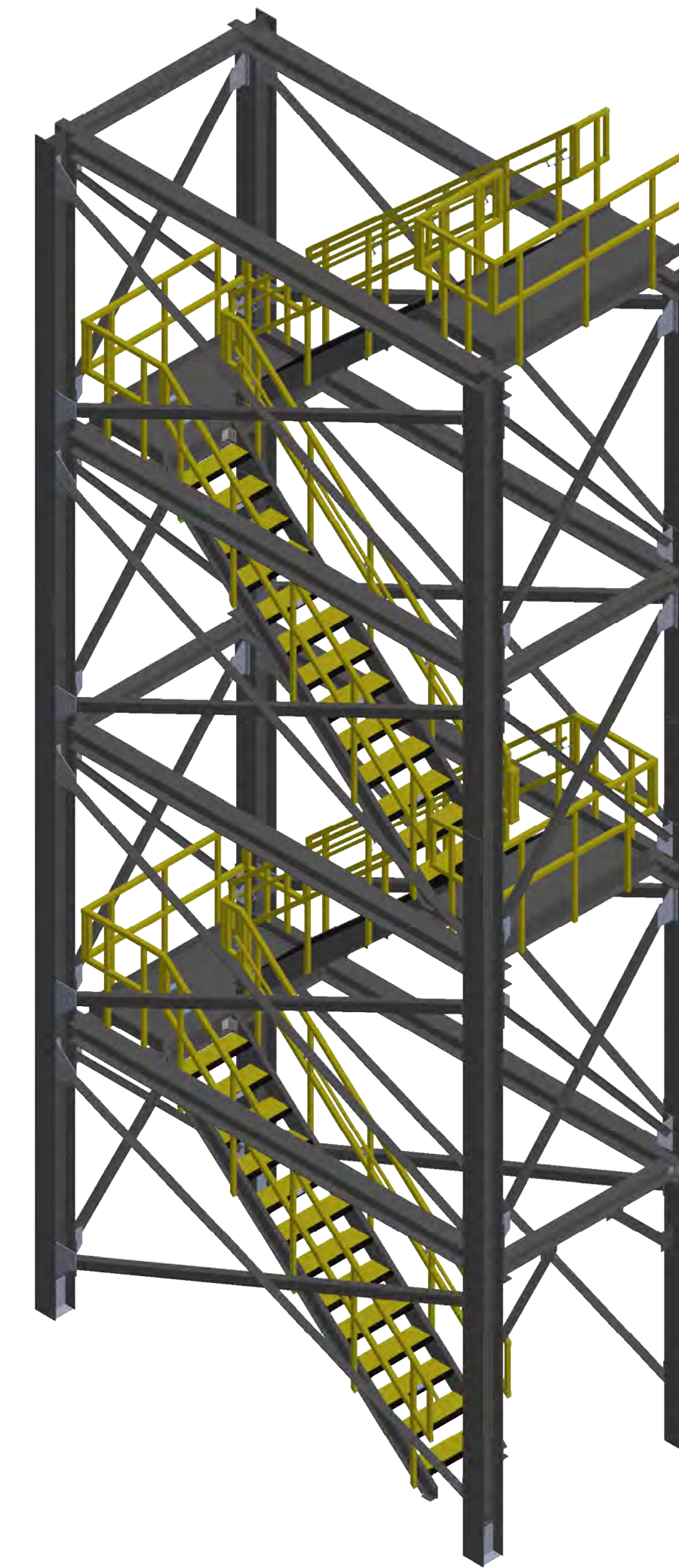
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2 OF 8

	RESIN	COLOR	SURFACE
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TREAD	ISOFR	YELLOW W/ BLACK NOSE	GRIT (OPEN MESH)
STRUCTURE	ISOFR	DK. GRAY	---
RAILING	ISOFR	YELLOW	---
LADDER	---	---	---



	RESIN	COLOR	SURFACE
GRATING	ISOFR	DK. GRAY	GRIT (OPEN MESH)
TREAD	ISOFR	YELLOW W/ BLACK NOSE	GRIT (OPEN MESH)
STRUCTURE	ISOFR	DK. GRAY	---
RAILING	ISOFR	YELLOW	---
LADDER	---	---	---

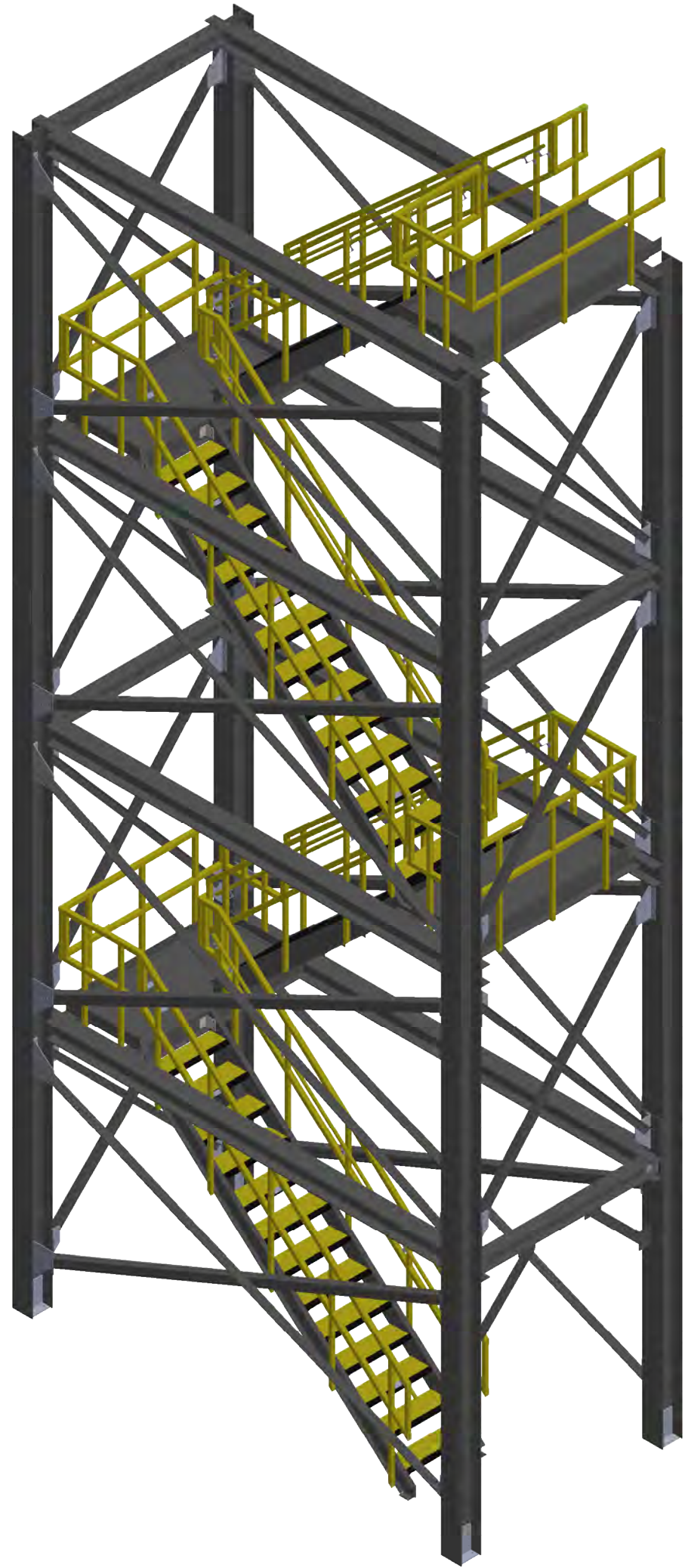
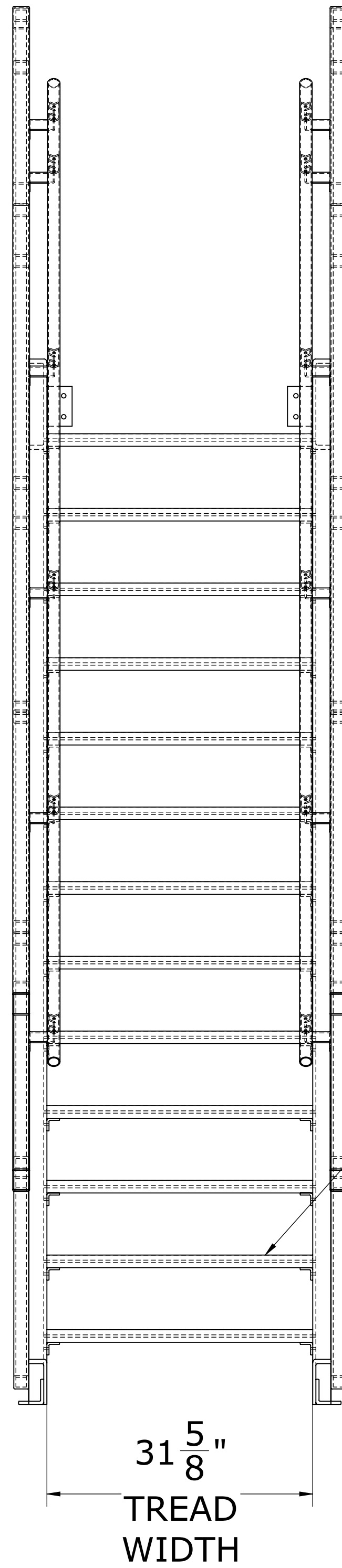
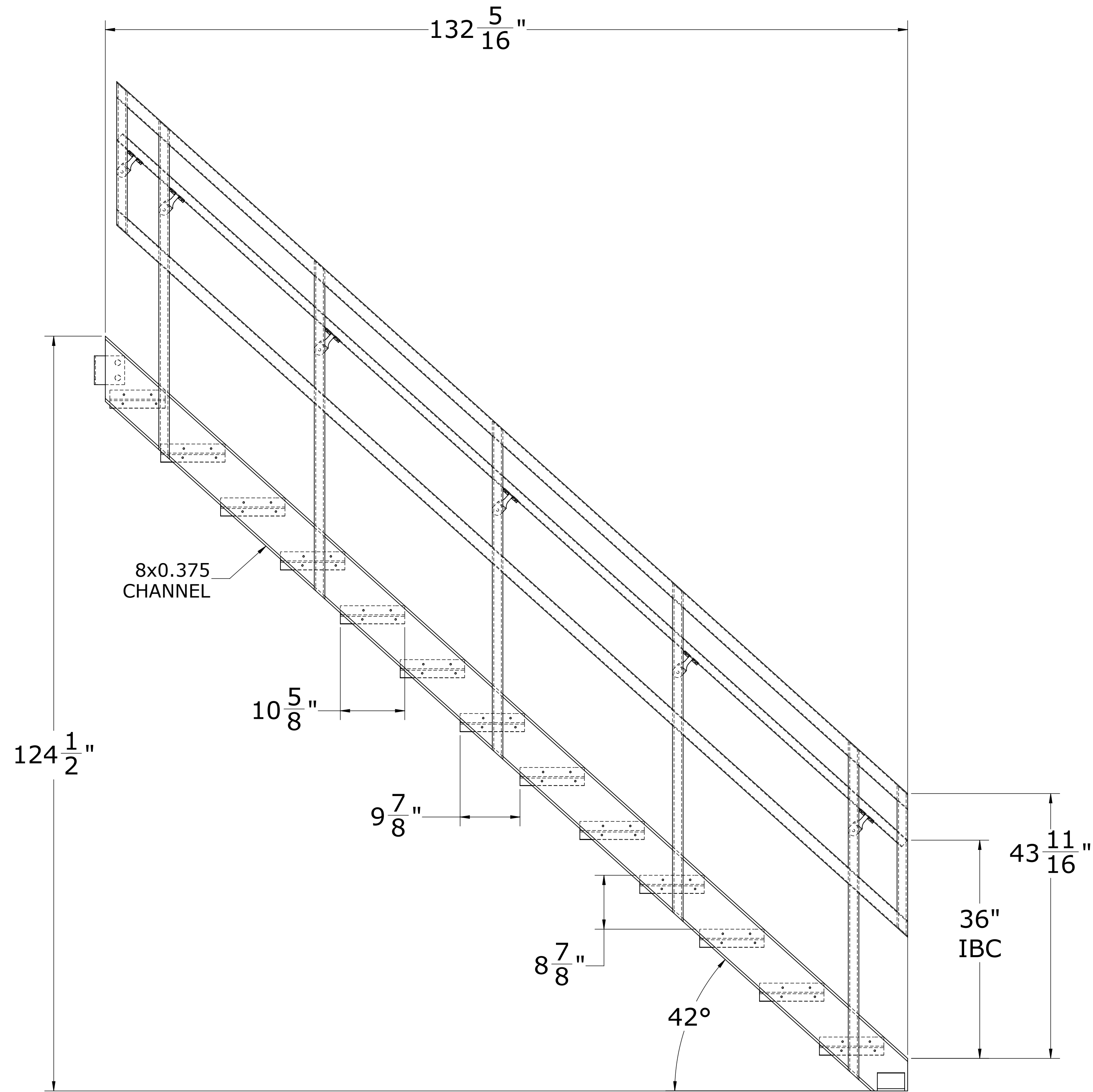


Customer:	FASTENAL
Project:	FREE STANDING STAIR TOWER
Location:	MADISON, WI 53718
Customer P.O.	MADN30812

Material Notes: 1. ALL DIMENSIONS TO BE VERIFIED PRIOR TO FABRICATION 2. ALL MATERIAL ISO F.R. FIBERGLASS REINFORCED POLYMER DARK GRAY COLOR UNLESS NOTED 3. ALL HARDWARE 316 STAINLESS STEEL 4. ALL DIMENSIONS ARE IN INCHES 5. ANCHORS BY OTHERS
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<i>Drawing Number:</i>	<i>Drawn By:</i>
23220774-01	DJG
<i>Rev.</i>	<i>Date:</i>
B	7/31/2024
<i>Sheet Scale:</i>	<i>Sheet:</i>
1:40	3 OF 8





Customer:
FASTENAL

Project:
FREE STANDING STAIR TOWER

Location:
MADISON, WI 53718

Customer P.O.
MADN30812



Larson Engineering
2801 E. Enterprise Ave, Suite 200
Appleton, Wisconsin 54913
(O) 920.734.9867
Project No: 31240169.000
LIMITED TO STRUCTURAL CONTENT ONLY

- Material Notes:**
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 3. ALL HARDWARE 316 STAINLESS STEEL
 4. ALL DIMENSIONS ARE IN INCHES
 5. ANCHORS BY OTHERS

Drawing Number:	23220774-01	Drawn By:	DJG
Rev.	B	Date:	7/31/2024
Sheet Scale:	1:12	Sheet:	4 OF 8

	RESIN	COLOR	SURFACE
GRATING	ISOFR	DK. GRAY	GRIT (OPEN MESH)
TREAD	ISOFR	YELLOW W/ BLACK NOSE	GRIT (OPEN MESH)
STRUCTURE	ISOFR	DK. GRAY	---
RAILING	ISOFR	YELLOW	---
LADDER	---	---	---

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on Site Design Review Permit to renovate an existing barn into a 3-unit apartment building located at 5306 Paulson Road.

PREVIOUS ACTION:

ISSUE SUMMARY:

Matt Wingrove, Applicant and Property Owner, is requesting a Site Design Review Permit to renovate an existing barn on his property into a 3-unit apartment building. The three proposed units all include 2 bedrooms and 1 bath with private entrances. Units 1 and 2 are accessible from the north facing wall and include interior spiral staircase used to access the second floor with private decks. Unit 2's deck is shortened compared to Unit 1 to accommodate for the required 25-foot front yard setback from Paulson Road. Unit 3's entrance is located facing the south lot line while also being the only unit without access to the second floor and decks. Note, within the packet is an updated Site Plan dated January 16, 2025 (Rev. 02). The applicant submitted an updated site plan prior to publication of the meeting packet to address several Department comments. The recommended conditions of approval are based on the updated site plan.

EXISTING CONDITIONS

The property is 1.6 acres and zoned R-3 General Residence. Multi-family dwellings up to 8 dwelling units per acre are a permitted use. The proposed density is 2.5 dwelling units per acre. The existing property includes a detached single-family home, a shed, a barn, a tennis court, and additional accessory structures. Portions of the existing barn is are legal nonconforming located within the minimum front yard setback area. Section 62-150(b) of the Zoning Code allows repairs and alterations, including structural alterations, to a nonconforming building if the use is permitted. The existing barn is 28 feet tall, approximately 936.7 square feet and includes a blue metal roof. To the north is a single story 6-unit multi-family building zoned R-3 General Residence. This property includes the shared private driveway. To the east is the Paulson Road Condominiums which includes four duplex buildings. This parcel is also zoned R-3 General Residence. To the south is 5350 Paulson Road, US Vet General Contracting, a privately owned business. The property is zoned M-IC Manufactured Intensive Commercial. To the west is US Highway 51.

Sec 62-310 Site Design Review



- **Grading.** The proposed project adds approximately 2,917.2 square feet of new paved area. This includes a new pathway from the parking lot to Unit 3 (lower unit) connecting around along the west facing wall to the entrance in the rear. The majority of the new impervious area is for expansion of the existing parking lot and driveway to accommodate three additional parking stalls. This will be installed with new pavers. The proposed additions do not appear to significantly alter the existing grading plan of the property. The amount of new impervious area does not require stormwater management.
- **Landscaping.** The proposed project includes four additional junipers along the existing barn's west facing wall. Staff's site inspection of the property showed adequate mature trees and evergreens on the property along with mature medium evergreens screening the property adjacent to Paulson Road. Per Sec. 62-70, 29 landscaping points are required for the additional paved area. The four proposed junipers will meet this requirement.
- **Building Relationship.** The new dwelling units will be located within an existing building on the property. A portion of the existing barn is located in the 25-foot front yard setback. Additions to the building, such as the decks in the rear and front porch meet setback minimums. Existing vegetation and trees provide adequate screening to all adjacent properties and along adjacent right-of-way. Although the driveway will be widened for addition vehicle access, there remains an adequate amount of screening with vehicle stalls pointed away from the adjacent condominium property to the north. The nearest structure to the barn is an existing shed. Both buildings include similar color themes and exterior building materials (white siding and blue metal roofs).
- **Off-Street Parking.** Per Sec. 62-172(j) Parking Spaces required, the proposed project requires a minimum of nine parking stalls on the property. The existing single-family home requires 2.5 parking stalls. The proposed site plan adds three additional units (two-bedroom each) requiring a minimum of six additional parking stalls. Rounding up, that makes the required minimum parking nine for the site. All proposed parking and existing parking are identified in the site plan. In staff's opinion, this standard has been met.
- **Lighting.** The proposed project will not add or alter the existing lighting plan on the property. The site plan includes one external flood light at the northwest corner of the existing barn. This light is used to illuminate the parking area. The mentioned flood light does not appear to be pointed directly at adjacent properties and do not extend beyond the boundaries of the property. This coverage of this light also includes portions of the proposed pathway for the lower unit.
- **Utility Service.** The proposed project will require utility connections for water, sewer, and gas to the renovated barn. The Director of Public Works recommended a water lateral connection larger than 1.5-inch for fire protection needs for a multi-family building. The water lateral connection would also serve fire safety measures. The Village Fire Chief commented the new building will require a sprinkler system and accessways to meet fire code standards. A emergency personnel accessway opening is recommended between the existing tree line in front of the barn along Paulson Road to be used in the event personnel need to pull hoses from a fire truck parked on Paulson Road. The packet includes photos along Paulson Road.



- **Building Design.** The proposed location for the multifamily units is within an existing structure on the property. The proposed project does not include substantial modifications to the exterior of the building, this includes additions (excluding decks) or siding material. The existing building includes a blue metal roof and vinyl siding. The proposed multifamily building includes three levels, a lower level, first level and second level. Units 1 and 2 are on the first level with private access to the second level. Units 1 and 2 are two-bedroom units with 1.5 baths. Unit 3 is located only in the lower level and is a two-bedroom 1 bath. Mechanical elements for the building are located in the front between Unit 1 and Unit 2's front entrances. A new pathway will be provided for Unit 3's access to their entrance.

DEPARTMENT HEAD COMMENTS

The packet includes Department letters on the proposed site design review permit. Below is a summary of the comments from Department Heads.

- The Village Engineer and Director of Public Works comments include the need for a separate water lateral and meter connection greater than 1.5-inch for the fire suppression system.
- The Village Fire Chief's comments include requirement of automatic sprinkler system complying with NFPA 13R; maintained access to the building from Paulson Road, Knox box key box to be included on property.
- No additional comments from the Interim Police Chief.

PUBLIC COMMENTS

The Department did not receive any written comments or concerns prior to the publication of this packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with the request. The following is an estimated summary of applicable impact fees for the multiple family dwelling units payable at the time a building permit is issued. Note, the final amount of any impact fees will be determined at the time a building permit is submitted according to the current impact fee types and rates established by the Village Board under Appendix A Fees, of the McFarland Municipal Code of Ordinances. The water lateral connections assume 2-inches per the Village Engineer and Director of Public Works comments.

- Public Well = \$8,936 (assuming one new 2 inch meter)
- Public Water Tower = \$2,984 (assuming one new 2 inch meter)
- Park Improvement Impact Fee = \$2,179.27 per DU*
- Fees in Lieu of Parkland Dedication = \$3,317.15 per DU*
- Library Impact Fee = \$431 per DU
- Public Safety Center = \$1,673 per unit



Estimated fee total = \$34,721.26

*Park impact fees are subject to final 2024 inflationary adjustment per Ordinance 2024-27, approved December 10, 2024.

VILLAGE PLAN REFERENCE:

Comprehensive Plan, 2017. Map 6, Future Land Use, identifies the property for Mixed Use/Flex Commercial. Figure 4.1 provides a General Description of Land Uses Allowed which states, *"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."*

The identified Typical Implementing Zoning Districts included, *"Appropriate traditional zoning districts (e.g. C-H, C-P, R-3) or PD or PD-I Planned Development zoning."* The current zoning for the property is R-3 and is not requested to be changed with this request. This applicant's request would be an appropriate use for the property.

ORDINANCE REFERENCE:

Sec. 62-172 Required Off-Street Parking Facilities

Sec. 62-310 Site Design Review

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to approve a Site Design Review Permit, Site Plan dated January 16, 2025, to renovate an existing barn into a 3-unit apartment building with the following conditions of approval:

- 1. Applicant to contact the Village Public Works Department to obtain trash and recycling bins for each unit prior to receiving an occupancy permit for the three-dwelling unit.*
- 2. Applicant to provide individual water lateral and meter for the apartment building, sized to meet sprinkler system requirements.*
- 3. Applicant to meet the requirements provided in Village Fire Chief's letter dated January 9, 2025.*
- 4. Applicant to maintain unobstructed access pathway for fire and rescue personnel from Paulson Road to the apartment building for fire emergencies.*
- 5. Applicant to provide payment for all applicable Village impact fees for the additional three-dwelling unit as part of the building permit.*

ATTACHMENTS:

1. 5306 Paulson Road Site Design Review Permit_12.09.24
2. 5306 Paulson Road Updated Site Design Plan_01.16.25
3. 5306 Paulson Road Site Photos- 1.21.2025
4. McFarland Future Land Use Map_04.25.2023

McFarland

VILLAGE OF
Community & Economic Development

Plan Commission Application – 2024

~Application must be completed in full~

Applicant	Matt Wingrove	Applicant's Agent	
Property Owner (if different)		Name	
Address	5306 Paulson Rd, McFarland WI	Address	
Email	mwingrove@allservicespecialists.com	Email	
Phone #	608.443.6889	Phone #	

Parcel No(s). 154/0710-343-9535-7

Type of Proposal – Please check boxes below that apply

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ USA/MMSD Annexation	At cost	☐ Final Plat (reapplication)	\$400 +DF
☐ Comprehensive Plan Amendment	\$500+F			☒ Site/Design Review	\$400 + F

+ = 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.

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
☒ Site/Design Review (less than 2,000 sq. ft.)	\$1,000
☐ Site/Design Review (2,000 sq. ft. or more)	\$2,000
☐ All Plats including condominiums	\$5,000

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

Converting existing barn into 3 unit apartment building at 5306 Paulson Rd, McFarland WI that is zoned R3

Legal Description is on site map.

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2024 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below 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; potential agenda item materials are required to be submitted per the schedule listed below.

***Submittal Deadline Noon on:**

For Scheduled 2024 Meeting date of:

December 5 (2023)-----	January 16
January 9-----	February 20
February 6-----	March 19
March 5-----	April 16
April 9-----	May 21
May 7-----	June 18
June 4-----	July 16
July 9-----	August 20
August 6-----	September 17
September 3-----	October 15
October 8-----	November 19
November 5-----	December 17 (Pending)
December 10-----	January 21, 2025 (Pending)

Applications requiring a public hearing will be scheduled for a hearing according to the schedule above. If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application at the same meeting as the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

- 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. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.
- I understand any fees not paid for (i.e. legal notices, mailings, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing may not be acted on the same night as the Public Hearing.

X



Signature of Applicant/Agent

12-9-24

Date

Site and Design Plans

Check List

Date received: 12/9/24

Subject property address: 5306 Paulson Rd
McFarland, WI 53558

Landowner's name: Matthew Wingrove

Landowner's address: 5306 Paulson Rd
McFarland, WI 53558

Landowner's phone/fax: 608.443.6889

Agent's name:	<u>Matt Wingrove</u>
Agent's address:	<u>5306 Paulson rd</u> <u>McFarland, WI 53558</u>
Agent's phone/fax:	<u>608-443-6889</u>
Agent's email:	<u>mwingrove@allservicespecialists.com</u>

Landowner's email: mwingrove@allservicespecialists.com

- ☒ A. Title Block that indicates name and address of the current property owner.
- ☒ B. Name and signature of the designer.
- ☒ C. Date of original plan and latest date of revised plan.
- ☒ D. North arrow and graphic scale. Said scale shall not be smaller than 1 inch equals 100 ft.
- ☒ E. Existing zoning _____ Proposed rezoning ____yes ☒ no
- ☒ F. All property lines, and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- ☒ G. All required building setback lines.
- ☒ H. The location of all access points and connections to public streets, off-street parking, and loading areas on the subject property including a summary of the number of parking stalls, accessible parking stalls, and labels indicating the dimension of such areas.
- ☒ I. All existing and proposed building structures and paved areas, including walks, drives, decks, patios, balconies, fences, retaining walls, utility poles, exterior utility and mechanical equipment, and any accessory structures.
- NA J. Existing and proposed site and building signage.
- ☒ K. Color exterior façade elevations of all proposed buildings including descriptions of materials and colors.
- ☒ L. The location of all outdoor storage areas; including proposed screening materials and colors._
- NA M. The location of existing and proposed drainage facilities including stormwater and erosion control plan.
- NA N. The location and type of any permanently protected green space areas.
- NA O. The location and elevation of any wetlands or floodplains.

NA P. Grading Plan including existing & proposed topography shown at a contour interval of not more than two (2) ft.

✓ Q. In the legend, data for the subject property:

(1) Lot area

(2) Building area

(3) Paved area

(4) Total impervious area

(5) Landscaping points provided and required for building foundations, gross floor area, street frontage, and paved area.

(5) Building height

(6) Existing zoning, proposed zoning

(7) Number of parking stalls provided and required.

✓ R. Landscaping Plans including proposed species, quantity and planting size. Refer to Appendix B of the Village's Zoning Code for more information.

NA S. Hydrant locations and Fire Department Connection.

✓ T. Lighting Plans including photometrics and description of fixture types, heights and orientation.

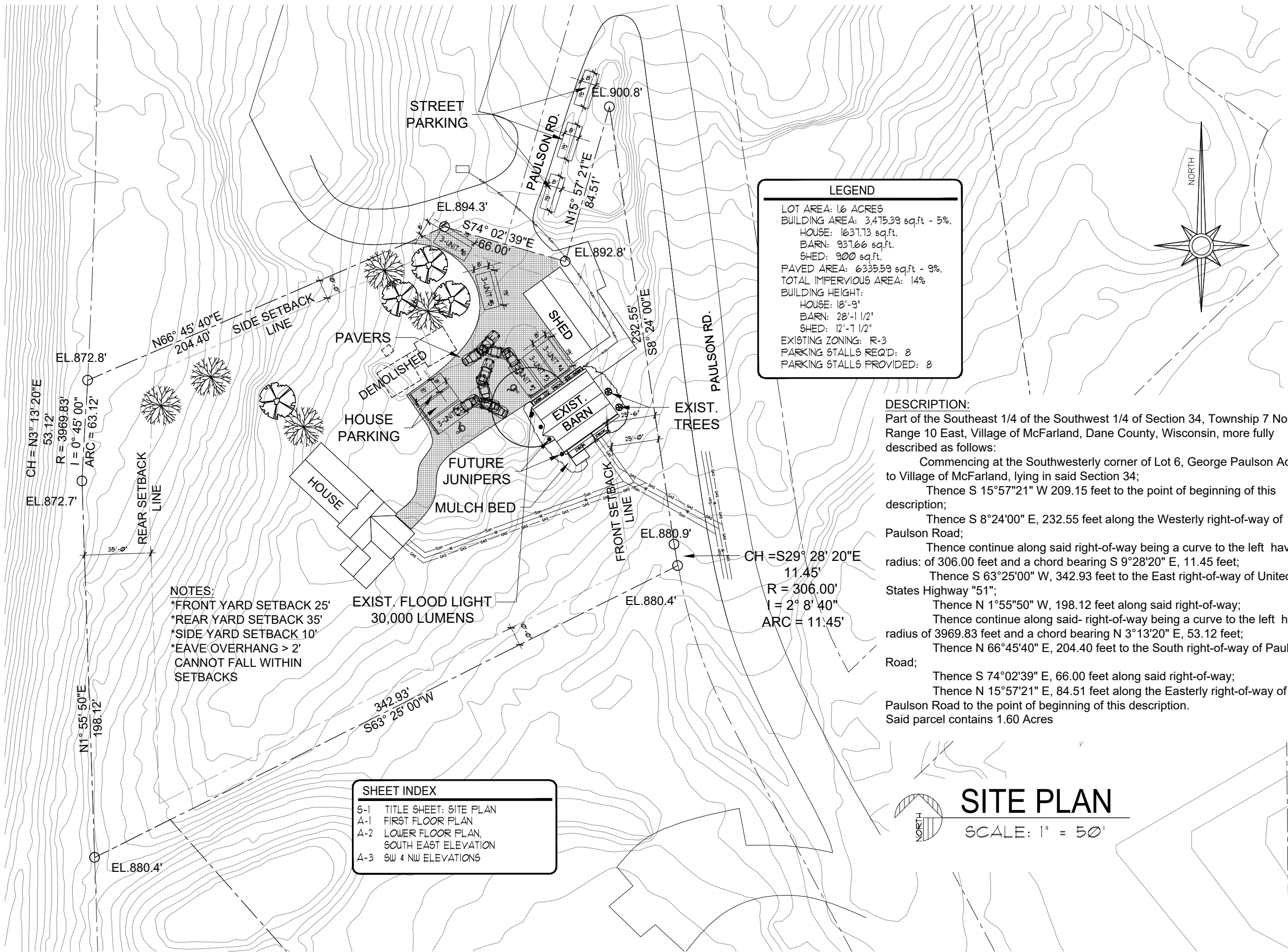
✓ U. Utility plans, including the location of existing and proposed overhead or underground site utilities, including piping and meter sizes and associate appurtenances.

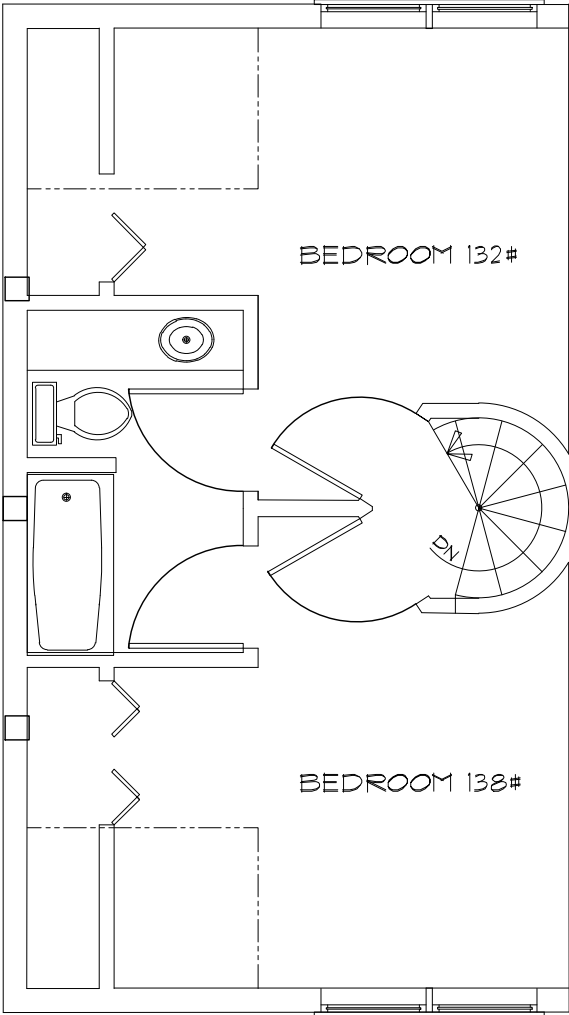
✓ V. Existing or proposed easements.

✓ W. A legal description of the subject property.

General Comments: This is an existing building, not much needs to be done around the building.

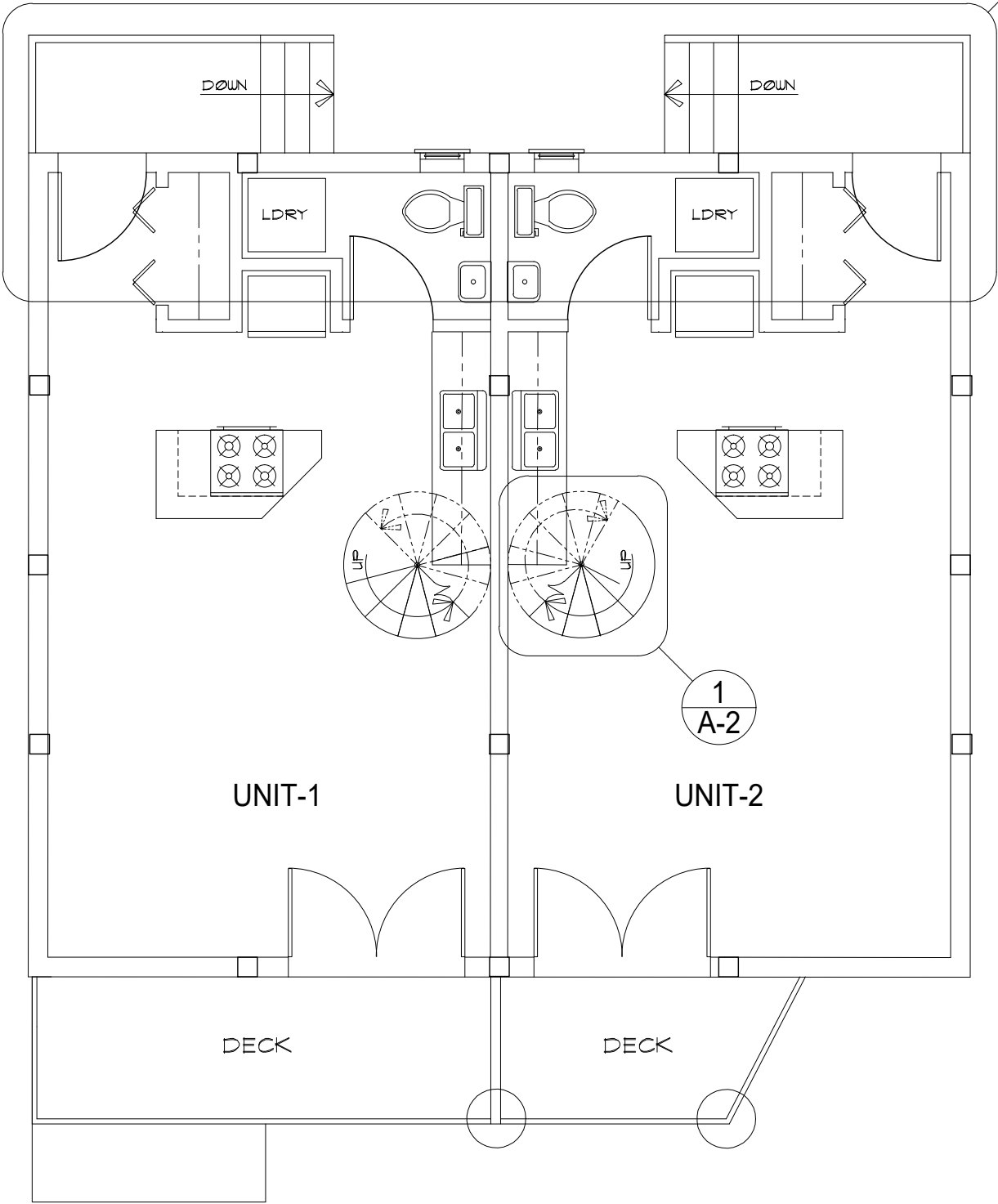
Note: In addition to Site and Design Permit approval, a building permit from the Village Building Inspector is required prior to the start of construction of any building, fence, or sign.





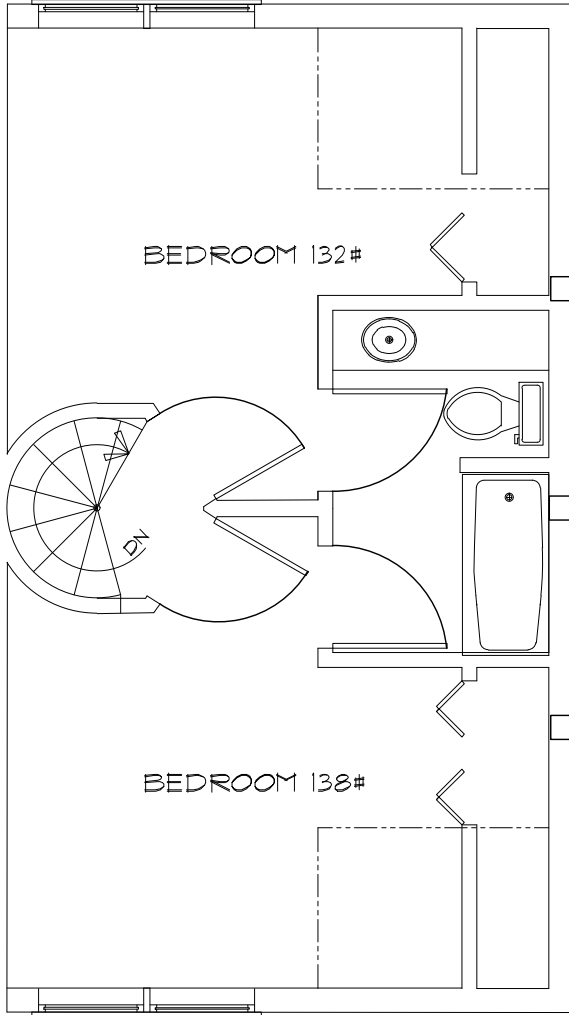
SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"



FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"



SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

DESIGN PROS
KERWIN VINCENT



CLIENT
MATT WINGROVE

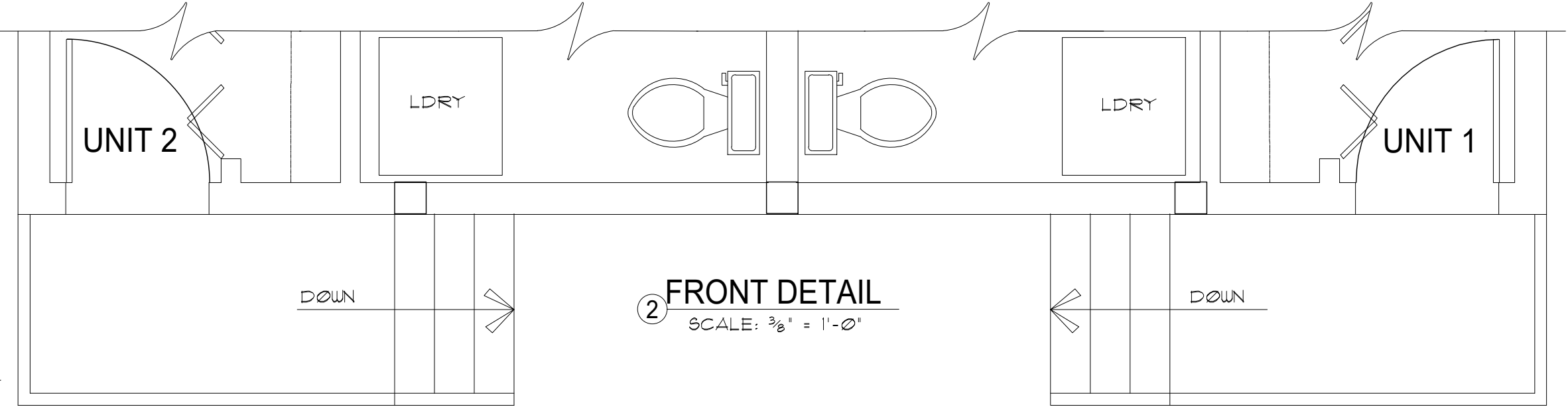
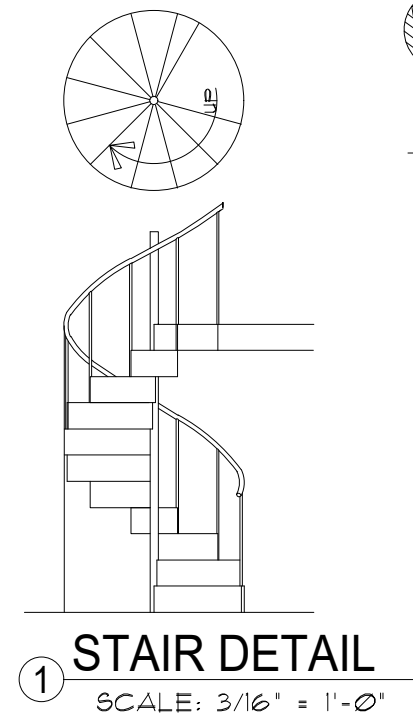
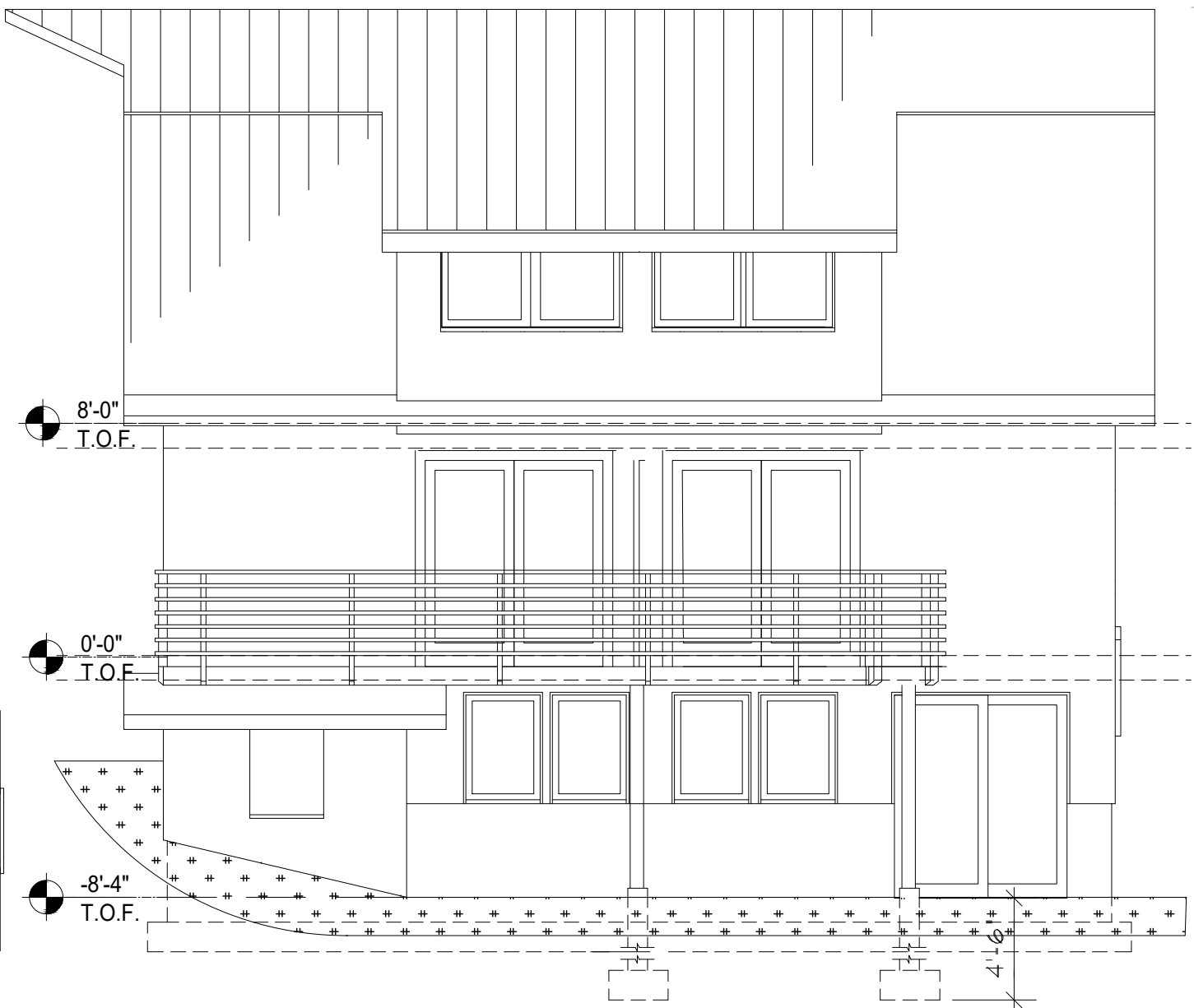
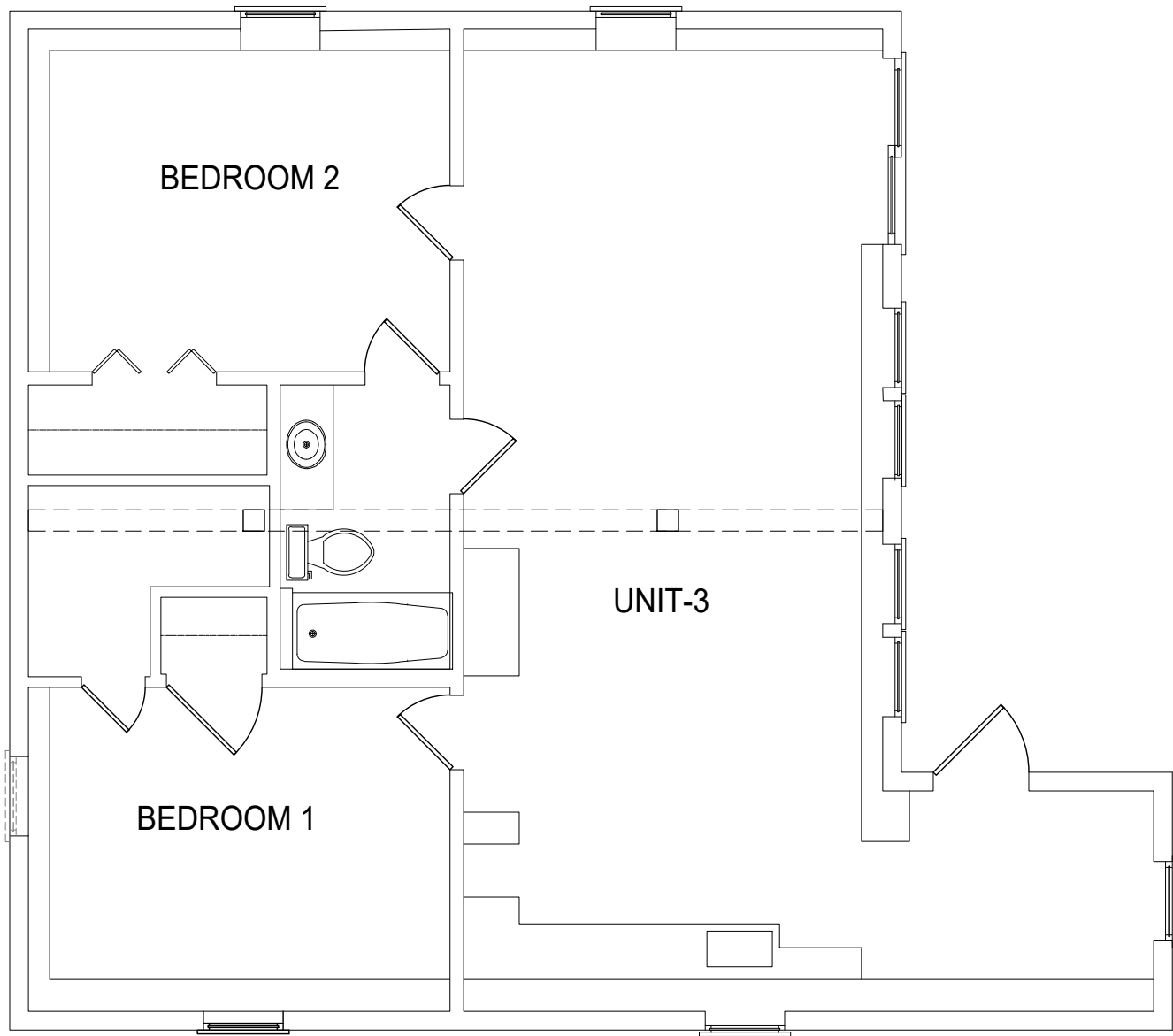
ISSUE
11/13/2024
RE-1541E
12/31/2024

PROJECT NO.
0013
PROJECT
5306 PAULSON RD
MC FARLAND, WI 53588

DRAWN BY
K.V.
DESCRIPTION
FIRST FLOOR PLAN



01



DESIGN PROS
 KERWIN VINCENT

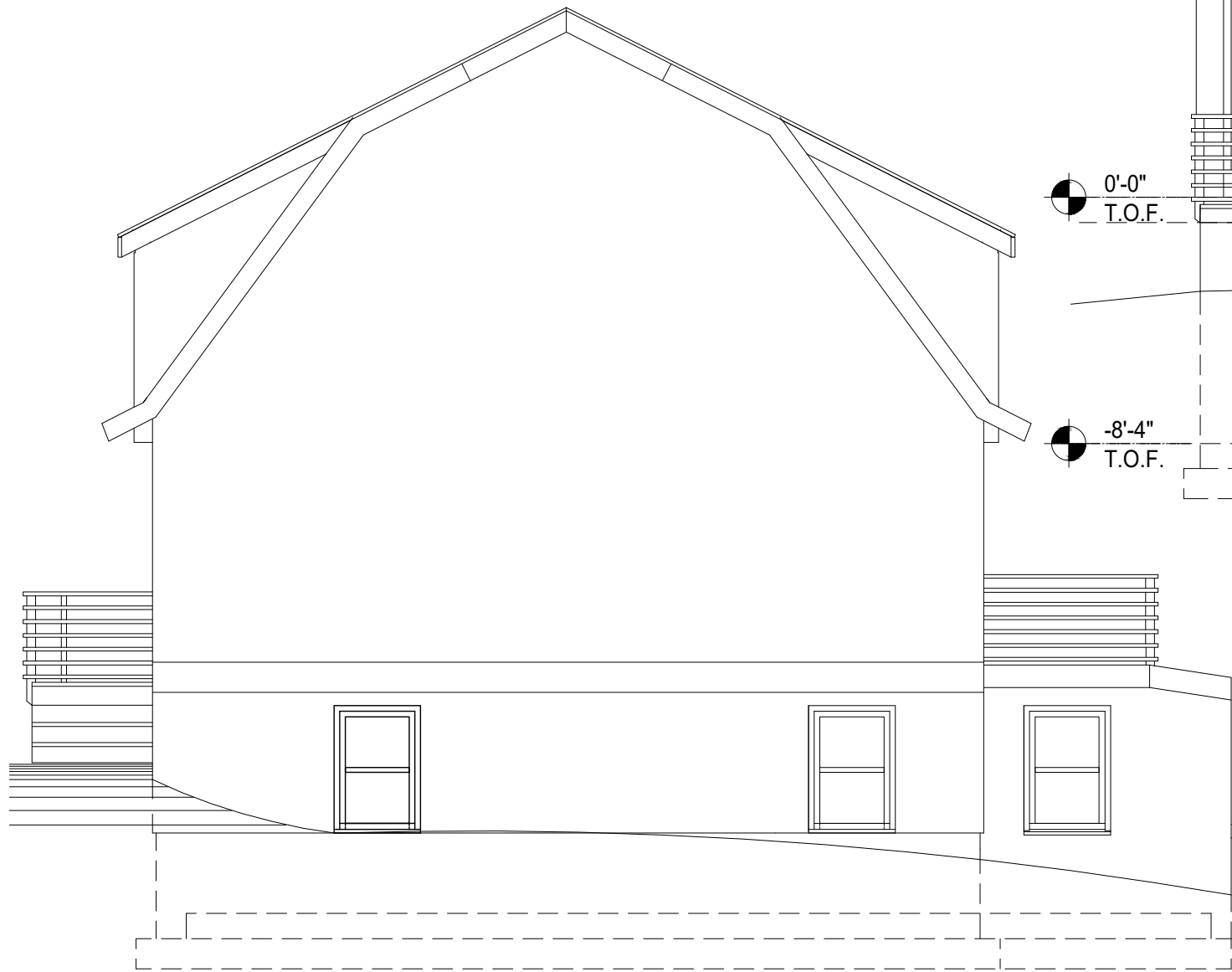
CLIENT
 MATT WINGROVE

ISSUE
 11/13/2024
 RE-1541E
 12/31/2024

PROJECT NO.
 0013
 PROJECT
 5306 PAULSON RD
 MCFARLAND, WI 53588

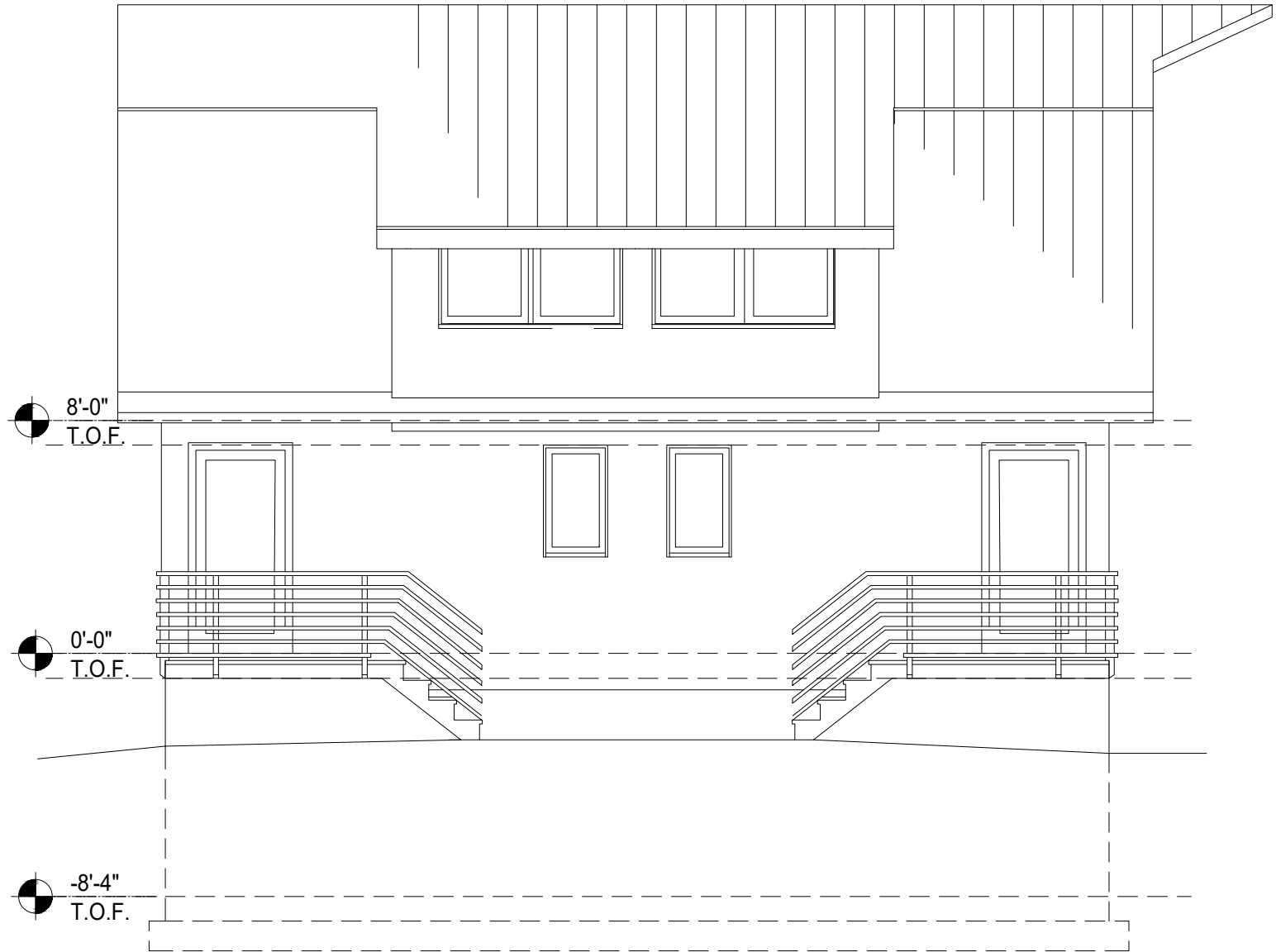
DRAWN BY
 K.V.
 DESCRIPTION
 LOWER FLOOR PLAN
 SE ELEVATION

A
 02



SOUTH WEST ELEVATION

SCALE: 3/16" = 1'-0"



NORTH WEST ELEVATION

SCALE: 3/16" = 1'-0"

DESIGN PROS
KERWIN VINCENT



CLIENT
MATT WINGROVE

ISSUE
11/13/2024
RE-ISSUE
12/31/2024

PROJECT NO.
0013
PROJECT
5306 PALLSON RD
MCFARLAND, WI 53588

DRAWN BY
KV
DESCRIPTION
SW & NW
ELEVATIONS



03

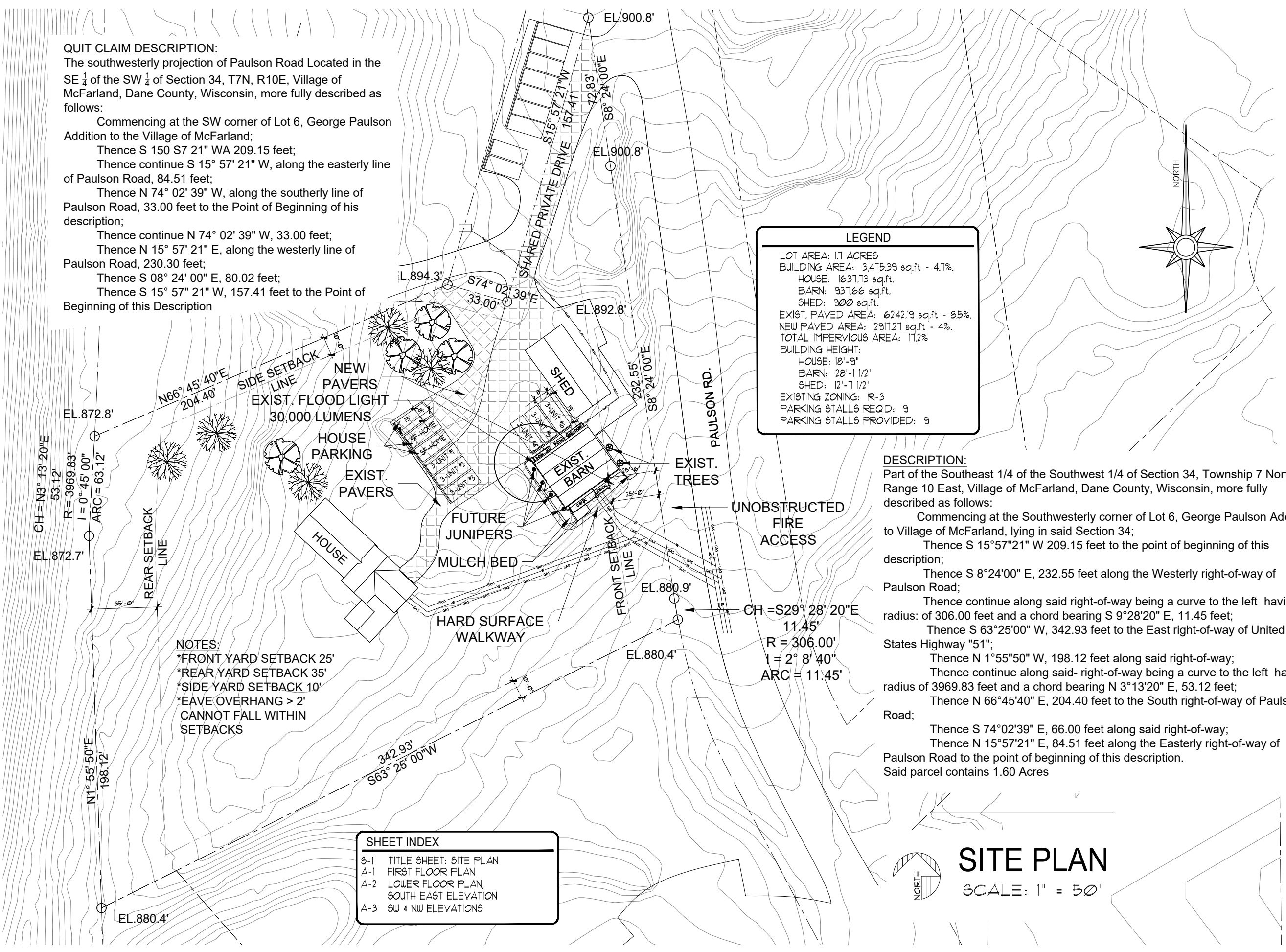


QUIT CLAIM DESCRIPTION:
The southwesterly projection of Paulson Road Located in the SE 1/4 of the SW 1/4 of Section 34, T7N, R10E, Village of McFarland, Dane County, Wisconsin, more fully described as follows:
Commencing at the SW corner of Lot 6, George Paulson Addition to the Village of McFarland;
Thence S 150 S7 21" WA 209.15 feet;
Thence continue S 15° 57' 21" W, along the easterly line of Paulson Road, 84.51 feet;
Thence N 74° 02' 39" W, along the southerly line of Paulson Road, 33.00 feet to the Point of Beginning of his description;
Thence continue N 74° 02' 39" W, 33.00 feet;
Thence N 15° 57' 21" E, along the westerly line of Paulson Road, 230.30 feet;
Thence S 08° 24' 00" E, 80.02 feet;
Thence S 15° 57' 21" W, 157.41 feet to the Point of Beginning of this Description

LEGEND

LOT AREA: 1.1 ACRES
BUILDING AREA: 3,415.39 sq.ft - 4.1%.
HOUSE: 1631.13 sq.ft.
BARN: 931.66 sq.ft.
SHED: 900 sq.ft.
EXIST. PAVED AREA: 6242.19 sq.ft - 8.5%.
NEW PAVED AREA: 2911.21 sq.ft - 4%.
TOTAL IMPERVIOUS AREA: 11.2%
BUILDING HEIGHT:
HOUSE: 18'-9"
BARN: 28'-1 1/2"
SHED: 12'-1 1/2"
EXISTING ZONING: R-3
PARKING STALLS REQ'D: 9
PARKING STALLS PROVIDED: 9

DESCRIPTION:
Part of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 7 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, more fully described as follows:
Commencing at the Southwesterly corner of Lot 6, George Paulson Addition to Village of McFarland, lying in said Section 34;
Thence S 15°57'21" W 209.15 feet to the point of beginning of this description;
Thence S 8°24'00" E, 232.55 feet along the Westerly right-of-way of Paulson Road;
Thence continue along said right-of-way being a curve to the left having a radius: of 306.00 feet and a chord bearing S 9°28'20" E, 11.45 feet;
Thence S 63°25'00" W, 342.93 feet to the East right-of-way of United States Highway "51";
Thence N 1°55'50" W, 198.12 feet along said right-of-way;
Thence continue along said- right-of-way being a curve to the left having a radius of 3969.83 feet and a chord bearing N 3°13'20" E, 53.12 feet;
Thence N 66°45'40" E, 204.40 feet to the South right-of-way of Paulson Road;
Thence S 74°02'39" E, 66.00 feet along said right-of-way;
Thence N 15°57'21" E, 84.51 feet along the Easterly right-of-way of Paulson Road to the point of beginning of this description.
Said parcel contains 1.60 Acres



NOTES:
*FRONT YARD SETBACK 25'
*REAR YARD SETBACK 35'
*SIDE YARD SETBACK 10'
*EAVE OVERHANG > 2'
CANNOT FALL WITHIN SETBACKS

SHEET INDEX	
S-1	TITLE SHEET: SITE PLAN
A-1	FIRST FLOOR PLAN
A-2	LOWER FLOOR PLAN, SOUTH EAST ELEVATION
A-3	SW & NW ELEVATIONS

SITE PLAN
SCALE: 1" = 50'

Presented at the January 21, 2025, Plan Commission Meeting

*Photos were taken on two different days, 12.30.2024 and 01.16.2025

Photo 1: From shared driveway facing southwest



Photo 2: Across from shared driveway facing barn



Photos 3: Facing southwest across Paulson Road



Photo 4: Directly across Paulson Road facing southwest corner of 5306 Paulson Road

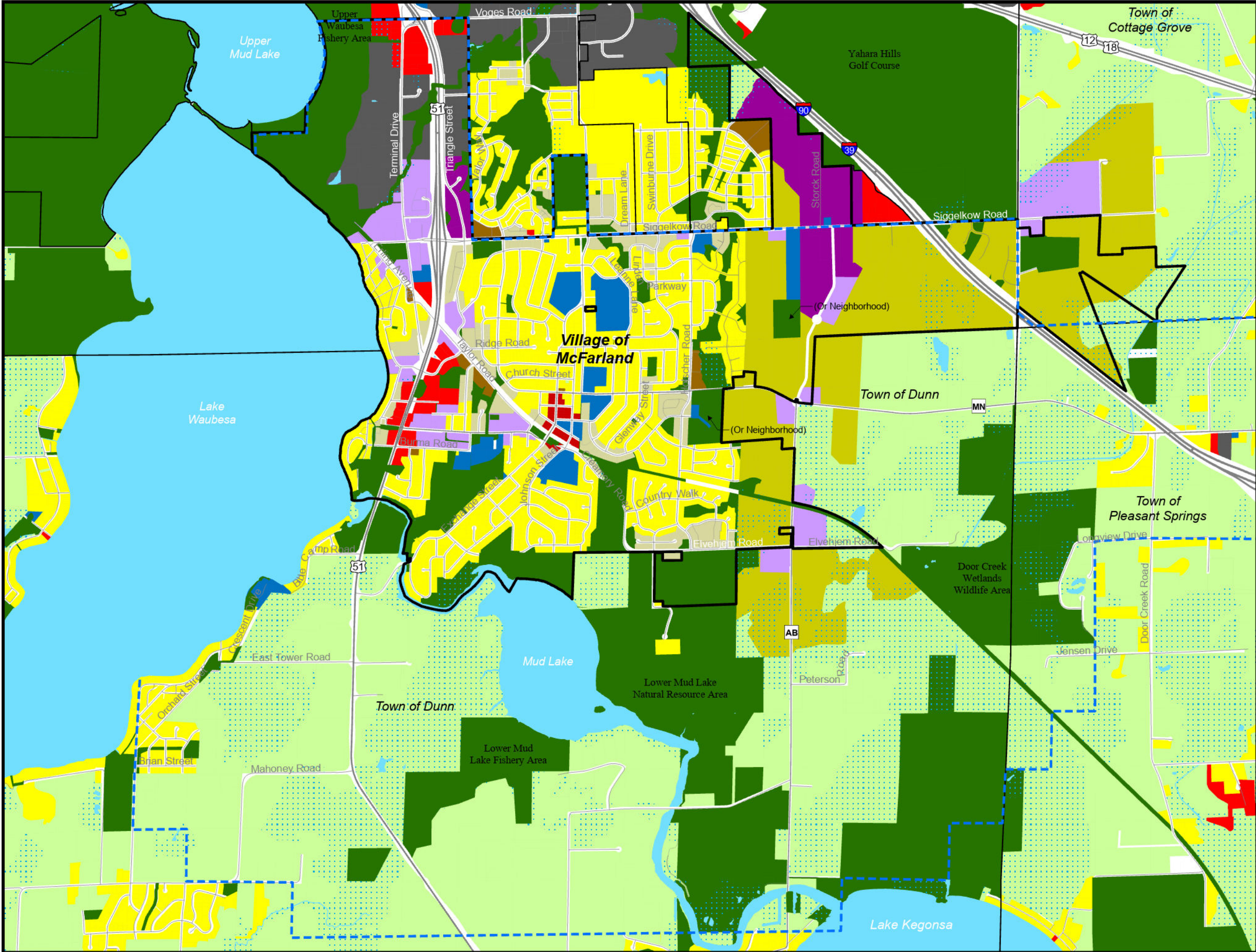


Photo 5: From bike & trail pathway facing northwest



Photo 6: From sidewalk facing barn





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
 - Agricultural Preservation
 - Urban Reserve
 - Rights-of-Way
 - Water
 - DNR Wetlands and Potential
 - Wetland Indicators over Undeveloped Lands
- Village of McFarland Extraterritorial Jurisdiction Boundary
- ⬢ Village of McFarland Limits (11/2022)
- ⬢ Other Municipal Limits (11/2022)

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 Siggeikow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.



Date: February 2023

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

N
W E
S

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on an extension of a conditional use permit for Kwik Trip's gas station and convenience store located at 4015 Terminal Drive.

PREVIOUS ACTION:

November 15, 2021 - Plan Commission held Public Hearing on this item

December 20, 2021 - Plan Commission approved Conditional Use Permit for Kwik Trip to construct a new gasoline station and convenience store at 4015 Terminal Drive.

December 20, 2022 - Plan Commission approved 1-year extension of Conditional Use Permit for Kwik Trip

February 23, 2024 - Plan Commission approved 1-year extension of Conditional Use Permit for Kwik Trip

ISSUE SUMMARY:

Kwik Trip is requesting an additional one-year extension of their previously approved conditional use permit for the construction of a new 24-hour gasoline station and convenience store at 4015 Terminal Drive. The original CUP was approved at the December 20, 2021 Plan Commission Meeting, with two previous one-year extensions granted. The reasoning for the extensions are related to a previous occupying tenant (Gordon Food Service) having a lease agreement through December 31, 2024. Gordon has since vacated the building but Kwik Trip has not yet submitted their building permit for approval. They expect to break ground in the Summer of 2025. Per Sec. 62-115. - Validity of conditional use permit, *"Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit which construction is commenced within six months of the date of issuance. Extensions of up to one year may be granted by the Plan Commission for just cause."*

For informational purposes, staff has provided a recap of the Plan Commission's prior conditions of approval for the CUP as approved on December 20, 2021:

1. Applicant to meet the recommended conditions of approval from the Village Engineer's staff report dated November 12, 2021.
2. Applicant to meet the recommended conditions of approval from the Village Fire Inspector staff report dated November 1, 2021.
3. Applicant to reimburse the Village for costs associated with the completion of a WisDOT Initial Review (IR) and subsequent Traffic Impact Analysis (TIA) necessitated



by their proposed development. Applicant to be responsible for the costs of any improvements to the western leg of the intersection (Terminal Drive & USH 51) recommended as part of the TIA due to their development proposal. Applicant to work in good faith with the Village on completion of the TIA and completion of any recommended improvements to the western leg of the intersection.

4. Applicant to provide to the Village, at no cost, a public road and utility easement along the southern side lot line of approximately 33 feet wide by 400 feet long.
5. Applicant to provide to the Village, at no cost, an easement to place a Village gateway sign, and associated landscaping features, at the corner of Terminal Drive and USH 51, including associated electrical easement to serve the sign. Applicant to work in good faith with the Village to determine the final placement and easement area based on the signage design of the Village. Costs for construction and installation of the gateway sign to be a Village expense.
6. Applicant to revise the landscaping plan to:
 - a. Include a minimum of one swamp white oak and four spruce trees, or similar species, on the east side of the proposed fleet parking area along USH 51.
 - b. Include a minimum of four swamp white oaks, or similar species, in the sod area located between the diesel canopy and the curve along Terminal Drive.
 - c. Include a decorative brick and black iron fence along the Terminal Drive frontage similar to the same feature located at Kwik Trip's Farwell Street location at the intersection of Farwell and USH 51.
 - d. Include a sidewalk connection through the proposed landscape island adjacent to the diesel canopy.
7. Applicant to revise the lighting and photometric plan to meet average illumination levels under gas canopies and mounted to buildings not to exceed 30 footcandles.
8. Applicant to revise the signage plan to:
 - a. Reduce the size of the proposed monument sign along Terminal Drive to no more than 40 square feet.
 - b. Reduce the size of the proposed dual post pylon sign along USH 51 to no more than 100 square feet.
 - c. Wrap the bases of each post of the dual post pylon along USH 51 with brick similar to the pylon supports for the gas station.

STAFF COMMENTS

Relating to #3 of the conditions of approval, the Village's Traffic Engineer completed a traffic impact analysis in August of 2022 that concluded that no improvements to the study area intersections would be necessary to accommodate site traffic. This report was reviewed and accepted by the WisDOT. Staff has received an updated site plan addressing the other conditions of approval 1-3, 6-7. Items 4 & 5 will be deferred until such time as the Village desires to execute this easements. Item 8 will be addressed at the time a sign permit is submitted.

In staff's opinion, the rights of the existing tenant to remain on the property until the lease terminates is a valid justification for providing another one-year extension of the CUP under Sec. 62-115.



FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

Terminal Triangle District Plan, 2005 - The property is included in the Beltline-Oriented Commercial Subdistrict. Recommended potential future land uses include gas stations/convenience stores.

Comprehensive Plan, 2017 - The Future Land Use Map identifies the property as Highway and General Commercial future land use category. Figure 4.1 describes the general description of land uses allowed as *"A range of retail, commercial service, office, restaurant, lodging, health care, outdoor sales, and institutional uses, with limited outdoor display and storage. Mapped mainly along Highway 51. All uses served by public sanitary sewer and water services."*

ORDINANCE REFERENCE:

Sec. 62-115. - Validity of conditional use permit

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to approve a one-year extension of a conditional use permit requested by Kwik Trip to construct a 24-hour per day gasoline station and convenience store located at 4015 Terminal Drive, including all prior conditions of approval from the December 20, 2021 Plan Commission meeting.

ATTACHMENTS:

1. 4015 Terminal Drive - Kwik Trip CUP Extension_01.02.2025



Store Engineering

1813 Kramer Street
La Crosse, WI 54603

www.kwiktrip.com

January 2, 2025

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

RE: Kwik Trip #1210 – extend CUP

Dear Mr. Bremer,

Please accept this as our request to extend our approved CUP for the proposed Kwik Trip at 4015 Terminal Drive. The current temporary conditional use permit for the fleet maintenance operations will need to be in place until the new store construction will start. The application for the building permit will follow this spring with the planned construction of the project to start in June.

Thank you for your consideration

Sincerely,

Bradford Fry, PE
Project Manager
Store Engineering
bfry@kwiktrip.com
(608) 793-6414

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, coworkers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on extension of a temporary conditional use permit for Kwik Trip's temporary vehicle fleet maintenance at 4015 Terminal Drive.

PREVIOUS ACTION:

February 21, 2023 - Plan Commission held a public hearing for the temporary conditional use permit for temporary vehicle maintenance at 4015 Terminal Drive.

March 21, 2023 - Plan Commission conditionally approved a temporary conditional use permit for temporary vehicle maintenance at 4015 Terminal Drive.

ISSUE SUMMARY:

Kwik Trip is requesting a one-year extension of their existing temporary conditional use permit to utilize the existing building for vehicle fleet maintenance. Tasks performed on vehicles at the site include fluid change, greasing, and preventative care and inspection of reefer units and tanker units. The reasoning for the extensions are related to a previous occupying tenant (Gordon Food Service) having a lease agreement through December 31, 2024. Gordon has since vacated the building but Kwik Trip has not yet submitted their building permit for approval. They expect to break ground in the Summer of 2025. Per Sec. 62-115. - Validity of conditional use permit, *"Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit which construction is commenced within six months of the date of issuance. Extensions of up to one year may be granted by the Plan Commission for just cause."* The original temporary conditional use permit was conditioned on on-site washing of fleet equipment to be limited to the area within the existing wash bay and termination of the temporary fleet maintenance operations with construction of the new gas station and convenience store. In staff's opinion, the rights of the existing tenant to remain on the property until the lease terminates is a valid justification for providing another one-year extension of the CUP under Sec. 62-115.

FINANCIAL/BUDGET IMPACT:

The applicant will be responsible for all costs associated with the proposed use of the property.

The applicant is not seeking any financial assistance from the Village related to the proposed use of this property.

VILLAGE PLAN REFERENCE:

Terminal Triangle District Plan, 2005 - The property is included in the Beltline-Oriented



Commercial Subdistrict. Recommended potential future land uses include gas stations/convenience stores.

Comprehensive Plan, 2017 - The Future Land Use Map identifies the property as Highway and General Commercial future land use category. Figure 4.1 describes the general description of land uses allowed as "*A range of retail, commercial service, office, restaurant, lodging, health care, outdoor sales, and institutional uses, with limited outdoor display and storage. Mapped mainly along Highway 51. All uses served by public sanitary sewer and water services.*"

ORDINANCE REFERENCE:

62-111. - Conditional Use Standards

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to approve a one-year extension of a temporary conditional use permit requested by Kwik Trip for temporary vehicle fleet maintenance at 4015 Terminal Drive, including all prior conditions of approval from the March 21, 2023 Plan Commission meeting.

ATTACHMENTS:

1. 4015 Terminal Drive - Kwik Trip CUP Extension_01.02.2025



Store Engineering

1813 Kramer Street
La Crosse, WI 54603

www.kwiktrip.com

January 2, 2025

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

RE: Kwik Trip #1210 – extend CUP

Dear Mr. Bremer,

Please accept this as our request to extend our approved CUP for the proposed Kwik Trip at 4015 Terminal Drive. The current temporary conditional use permit for the fleet maintenance operations will need to be in place until the new store construction will start. The application for the building permit will follow this spring with the planned construction of the project to start in June.

Thank you for your consideration

Sincerely,

Bradford Fry, PE
Project Manager
Store Engineering
bfry@kwiktrip.com
(608) 793-6414

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, coworkers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion regarding a preapplication concept plan submitted by Lakestone Properties for a proposed 170 unit residential subdivision at the northwest intersection of Elvehjem Road and CTH AB, parcel #061002496911.

PREVIOUS ACTION:

ISSUE SUMMARY:

Lakestone Properties have requested to appear before the Plan Commission for a voluntary preapplication meeting to discuss a preliminary concept for a 170-unit multi-phased residential subdivision which includes 12 buildings. The applicant has an option to purchase the property contingent on obtaining necessary subdivision and zoning permits from the Village.

Purpose of a Preapplication Meeting

This is a pre-application meeting for discussion only. No official permit application has been submitted to the Village and no permit approval action will be taken at the meeting.

Preapplication meetings are voluntary and provide an opportunity for the developer to share their initial concept plans for a property to receive non-binding feedback from the Plan Commission and interested residents. Pre-application meetings are encouraged within the Village's Comprehensive Plan (Figure 4.2) and within the Village's Zoning Ordinance. The pre-application meeting provides an opportunity for the Plan Commission to ask questions of the development team and to provide non-binding feedback regarding the proposed use of the property, permitting requirements, conceptual site and building designs including parking and vehicle circulation, roadway improvements, park dedication, pedestrian and bicycle amenities, site amenities, stormwater management, erosion control, sewer and water utilities, building orientation, building massing, building setbacks, building materials, lighting, and landscaping. Per Sec. 62-67(c), 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.

Proposed Development Characteristics

The concept includes 12 buildings with a variety of housing types composed of four duplexes, one three unit building, one four-unit building, townhomes, and multifamily apartments totaling



170 units. The property is 17.92 acres in size including right-of-way along Elvehjem Road and CTH AB. The gross density of the proposed development is 9.5 dwelling units per acre.

Excluding existing and proposed ROW and outlots, the estimated net acreage is 12.42, or 13.7 dwelling units per acre. The concept labels 8 lots made up four duplexes, one three-unit building, one four-unit building, two 11-unit townhouse buildings (two-story), one 13-unit townhouse building (two-story), and three 40-unit garden style apartment buildings (three-story). The concept includes 319 off-street parking stalls for a ratio of 1.9 parking stalls per unit. The concept continues the existing right of way from Devil's Lake Way east connecting through the property then exiting south towards Elvehjem Road. The location of buildings on Lots 2 through 7 all appear to meet the minimum 75 feet setback from wetlands, as indicated in orange on the plan. The concept includes two detention pond systems adjacent to the identified wetlands located on the property. The developer anticipates the townhouses and apartment buildings will be rental properties while the duplexes could be zero lot line duplexes to provide some owner occupied units, to be determined. All units are anticipated to be market rate at this time. The developer anticipates construction over multiple phases and years.

Existing Property & Neighborhood Conditions

- **Property Size:** 15.6 acres (680,186 square feet), excluding Elvehjem Road and CTH AB right-of-way. The property is within the Village's urban service area.
- **Current Use:** Undeveloped farmland
- **Current Zoning:** A1 Agricultural Transition
- **Existing Features:** An existing bike and pedestrian trail border the property's perimeter along the west and north lot lines. The parcel block is entirely used as farmland and surrounds 2921 County Highway AB, a separately owned ~0.9-acre lot with a single-family home located in the Town of Dunn.
- **Natural Features:** Separating the bike and pedestrian trail from the property along this same border are wetlands and a treeline.
- **Adjacent Uses:**
 - North - Parcel #061002495301 is a 15.7-acre lot, used as farmland and open space. The parcel is zoned A1 Agricultural Transition.
 - East - The parcel wraps around 2921 County Highway AB, a separately owned ~0.9-acre lot with a single-family home located in the Town of Dunn, zoned SFR-1 under the Dane County Zoning Code. East of CTH AB is 3418 and 3408 Elvehjem Road, located within the Village of McFarland. The property is mostly undeveloped open space. The 22.3-acre lot is zoned A1 Agricultural Transition.
 - West - Properties to the west include a variety of residential properties in the Park View Estates subdivision, separated by a 50-foot wide Village parcel contain an existing recreational trail that connects to the Lower Yahara Trail to the Rosewood subdivision to the north. The existing residential properties are composed of single-family homes, duplexes and townhomes. The mentioned properties include zoning within districts: R1, R-1A, R-2, R-3, and PD Planned Development. West of Perrot Place is the Skaalen Village Condominiums include 57 dwelling units, ~12.47 units per acre, 1-story senior residential properties, buildings include 3- and 4-unit townhomes with a shared clubhouse



building.

- South - To the south are two lots, 2891 County Highway AB, a 3.4-acre lot with a single-family home zoned RR-2 (Dane County) and a 36.6-acre lot used for farmland zoned FP-35 (Dane County). Both lots to the south are located in the Town of Dunn and privately owned.

Review of Comprehensive Plan, 2017

The Village Comprehensive Plan Future Land Use Map identifies the proposed development site for future "Neighborhood" uses and wetlands. Page 33 of Volume 2, describes that *areas planned for "Neighborhood" development include a range of housing choices compatible with the Village's current and desired character are permitted, along with parks and smaller-scale institutional uses like senior housing and churches....see the Village's separate East Side Neighborhood Plan for further conceptual guidance for future land uses in this area.* Figure 4.1 lists the Typical Implementing Zoning Districts in Neighborhood areas include R-1 Residence District, R-2 Single- and Two-Family Residence, R-3 General Residence, R-E Elderly Residence, PD, PD-I Planned Development

Comprehensive Plan Review - Figure 4.1 (page 35)

Figure 4.1 (page 35) includes the following development policies for the Neighborhood and DNR Wetlands and Potential Wetland Indicators. Staff comments on the proposed conceptual development are included.

1. *Unless the developer is following the Village's East Side Neighborhood Growth Area Plan, require preparation of detailed neighborhood plans in advance of development applications in planned Neighborhood areas. Neighborhood development plans specify the arrangement of different land uses, environmentally sensitive areas, roadways, parks and trails, and other major infrastructure investments.* Additional comments on the integration of East Side Plan are provided in the following section. The concept includes a variety of housing types among the lots indicated, working to preserve environmentally sensitive areas and offer a range of housing options.
2. *Accommodate a mixture of housing types, costs, and densities, while maintaining the predominance of single-family housing in the community. The Village policy is that at least 65% of new housing units in the planned Neighborhood area as a whole should be single family residences.* The housing types presented do not include single-family residences but offer a range of housing choices. In 2023, the Village amended the Comprehensive Plan to adopt and incorporate the policies of the 2023 East Side Plan and the need for single-family dwelling units should be viewed through the lens of the East Side Plan policies. The applicant is not required to provide details of housing costs estimates or construction details for a preapplication meeting. This detail will be required at later points of the planning process as concept plans are revised and the project progresses further.
3. *Promote neighborhoods that instill a sense of community with their design – including gathering places, parks, open spaces, pedestrian and bicycle access, schools, and churches.* The concept includes sidewalks on both sides of Devils Lake Way extended. The concept does not include a public park at this time. Existing public parks are in



close proximity including Urso Park within 100 feet to the southwest providing dog exercise equipment and passive recreational trails. This also includes the tail-end of Dane County's Lower Yahara River Trail. To the north is a recently added public park located in the Rosewood Field subdivision. In lieu of a public park, the developer could also consider private outdoor amenities for residents.

4. *Refer also to policies applicable to Single Family Residential, Two Family and Townhouse Residential, Multiple Family Residential, and other future land use categories that comprise each Neighborhood area. Applicable future land use categories include Two Family and Townhouse Residential and Multiple Family Residential. Both development policies encourage dispersing housing uses throughout the Village, avoiding clustering of similar or like buildings in one location. Along the west lot line, the concept includes smaller scale housing types to the existing neighborhood, transitioning to larger residential type buildings with higher units counts to the east along CTH AB consistent with the intent in the 2023 East Side Plan.*

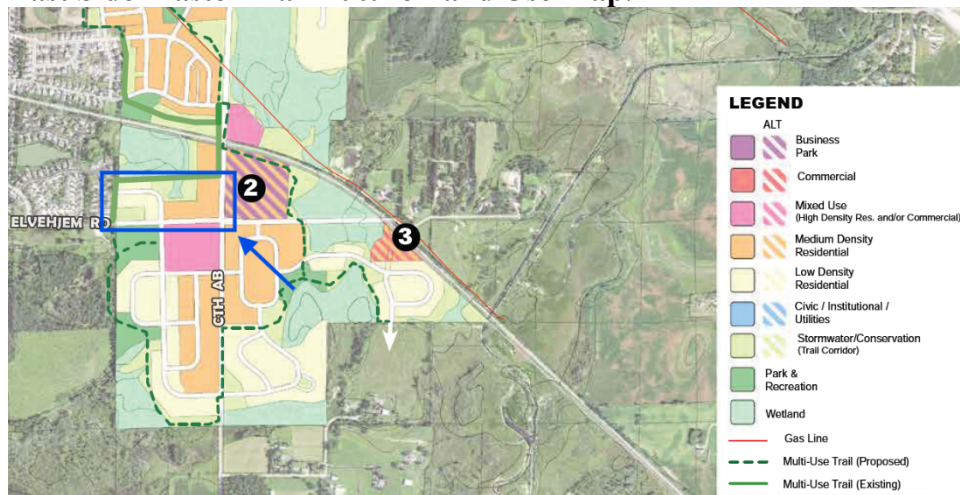
East Side Plan, 2023

The East Side Master Plan Concept ([Chapter 4](#)) identifies multiple uses for the property (see image below). The uses include Low Density Residential, Medium Density Residential, Stormwater/Conservation, and Wetlands. The following land use category descriptions are as provided. As stated, *"these policies shall be enforceable through the generalized future land map in the Village's Comprehensive Plan."*

- Stormwater & Conservation (SC) *includes conservation areas, cemeteries, stormwater management, greenways, major public trails, and land recommendations for preservation.* The location of wetlands shown in the 2023 East Side Plan was based on available WDNR aerial data. The property owners had a wetland delineation completed for the property in 2022 that showed considerable less wetland areas than the WDNR aerial data. The Village requires a minimum 75-foot building setback from wetland boundaries.
- Low Density Residential (LDR) *primarily consists of single-unit detached homes with strategically located 2-unit attached, 3-/4-unit buildings (triple and fourplex, respectively). Typical net densities should average 2-5 units per acre, with individual developments up to 10 units per acre. Three and 4 unit structures are most appropriate as a transition use when facing or next to more intensive institutional, residential or commercial uses.* Lots 2-7 have net densities ranging from 4.7-9.5 dwelling units per acre. While the concept does not include any single family homes, it does provide a transition from the single family homes and duplexes along Perrot Place. These existing residential buildings are more than 150 feet from Lots 2 and 3. Physical barriers from the existing bike and pedestrian path, existing tree line, wetlands, create added separation between the existing residential homes and the proposed dwelling units.
- Medium Density Residential (MDR) *includes detached single-unit homes and attached housing units such as duplexes, triplexes, townhomes, small and mid-sized multi-unit buildings. Developments in MDR areas should provide the greatest diversity of housing unit types, forms, and prices. Typical net densities should average 5-15 units per acre, with individual developments up to 20 dwelling units/acre...densities greater than 20*

DU/AC for legally restricted affordable housing units. The uses in Lot 1 and 8 are consistent with the description and provide net densities of 19.9 DU/AC and 15.1 DU/AC. While the location of Lot 1 appears to be within the LDR area of the map below, page 62 of Chapter 4 of the East Side Plan states that *while the general pattern of land uses and major streets shown in this concept should be reflected in actual development, it is recognized that more detailed elements within the concept, such as the locations of minor streets, location/sizing of stormwater management areas, precise boundaries of land uses, or the specific dimensions of blocks, are only concepts."* In Staff's opinion the concept provides a consistent layout with the intent of the Master Plan Concept from the East Side Plan.

East Side Master Plan Future Land Use Map.



Preliminary Department Head Comments

Included in the packet are the letters from Department Heads on the preliminary concepts.

Below is a summary of the comments received by topic. These comments cover a range of topics that the Plan Commission may want to discuss as part of the preapplication meeting.

Please remember these are only preliminary comments. As more detailed plans are developed additional staff review will be required.

- **Elvehjem Road.** Elvehjem Road is scheduled for reconstruction in 2030 within the Village's Capital Improvement Plan. This would reconstruct the road from a rural to urban cross section (i.e. curbs installation, pavement replacement, etc.). The construction date for this project is adjustable. The developer could contribute (escrow) their proportional costs for their 1/2 of the frontage they would own.
- **CTH AB.** Refer to preliminary Dane County Highway Department comments below. During platting a chamfered right-of-way corner should be provided similar to the parcel across Elvehjem Road. In addition consideration should be given to removing the jog in the Elvehjem Road intersection. This may occur through land dedication for properties east of CTH AB. Costs associated with this potential improvement would not be the sole responsibility of Lakestone, but proportional escrowed costs should be



considered. There is no scheduled date for this improvement.

- **Devils Lake Way Extended.** The existing stub of Devils Lake Way is a 60 foot right-of-way with 32 feet curb to curb, and on-street parking on both sides. The developer's concept assumes a similar design; however, given the number of driveways on the north side of the proposed road between Lots 3-7, on-street parking will be challenging on this side of the street. This may provide an opportunity to restrict parking to the south/west side of the road. This may include an opportunity to narrow the roadway to reduce the amount of impervious surfaces that contribute to stormwater runoff, while still meeting fire access requirements. Place fire hydrants on the north/east side of the road is further recommended to avoid conflicts with parked cars.
- **Utilities.** Water main is currently available at the end of Devils Lake Way and near the SW corner of the property. Water main is expected to be looped between these two mains and also extended east down Elvehjem Road and north along CTH AB to serve the three apartment buildings. Sanitary sewer main is expected to connect to the existing main at the end of Devils Lake Way. Details regarding utilities will be considered when the development progresses into preliminary and final platting.
- **Bicycle and Pedestrian Improvements.** Addition of a bike path along the south and east side of the property to connect with existing trails.
- **Parks.** There may be potential that a public mini-park between Lot 7 and Lot 8 on the east side of Devils Lake Way extended, provided the conceptual infiltration pond can be moved further east on the site. Private recreational amenities could also be considered.
- **Parking.** The concept includes 319 off-street parking stalls for a ratio of 1.9 parking stalls per unit across the entire development. Traditional zoning requirements are two spaces for one and two bedroom units, and 2.5 for three bedroom units. Using PD Planned Development zoning provides an opportunity to adjust the off-street parking to meet the needs of the development.
- **Public Safety.** Refer to Chief Dennis letter regarding initial comments for required fire suppression systems in buildings with 3 or more units, fire hydrant placement, Knox key boxes, emergency responder radio coverage, etc. Many of these comments relate to final building designs but it is good to make applicants aware of these requirements early in the concept phase. For example, the Fire Chief recommends a second emergency access only driveway from Elvehjem Road to the eastern apartment building. No additional comments or concerns from the Interim Police Chief at this time.
- **Building Layout and Design.** The packet includes some representative images of the unit types as provided by the developer based on similar developments they have completed. Details regarding building materials and colors is not required at this stage of the project. The applicant is encouraged to review the site and building design guidelines found in Chapter 2 of the 2023 East Side Plan as the project progresses deeper into the design phase.
- **Landscaping and Lighting.** Details regarding landscaping and lighting are not required at this stage of the project.
- **Unit Affordability.** Information on monthly rental ranges for various types of units is not available at this time in the planning process but the developer anticipates market rate units. Some discussion could include the feasibility of developing one of the apartment buildings as a Low Income Housing Tax Credit project to provide legally restricted



affordable units. Under the policies of the East Side Plan the Village could consider a density bonus and waiving or reducing impact fees to provide an incentive for this type of development.

- **Zoning.** Staff anticipate a request for a rezone changing the designation from A1 Agricultural Transition to PD Planned Development District to best achieve the scope of the concept. Considerations for the use of traditional zoning districts (e.g. R-2 and R-3) was analyzed; however, traditional density and bulk standards may become difficult to apply as some lots could not meet the maximum density a conditional use permit could provide at 15 dwelling units per acre (DU/AC) under R-3 zoning. In addition, some of the buildings don't meet traditional setback requirements within the R-2 and R-3 districts, in part due to the required wetland setbacks along the north and west lot line. Below are some examples for several conflicts within traditional R-2 and R-3 zoning that merit consideration for PD Planned Development zoning. PD zoning is allowed as a typical implementing zoning district for this area and provides an opportunity for the developer and Village to agree to the layout, uses, density, and setback standards within the development.
 - Lot 1. The lot is 1.76 acres and includes 35 units for a density of 19.8 DU/AC, which would exceed the traditional R-3 CUP maximum of 15 DU/AC. Minimum R-3 front setback standards of 25 feet would impact the building on the northeast corner along Devil's Lake Way. Minimum lot size for a PD Planned Development (non-infill) is 3 acres of contiguous land under the same owner. Alone, this property would not have been able to be rezoned as PD Planned Development.
 - Lots 2 - 7. Adjustments to meet minimum wetland setbacks created limitations to utilize R-2 and R-3 zoning as the minimum front yard setbacks are 30 feet for R-2 and 35 for R-3 (buildings with snout garages which is applicable given the proposed building designs). As proposed, front setbacks for Lots 2-6 range from 22-28 feet. Lot 7 would appear to meet the 35-foot minimum front setback.
 - Lot 8. The lot density is 15.1 DU/AC, just over 15 DU/AC for a R-3 CUP. The eastern apartment building does not meet traditional R-3 20-foot side yard setbacks to the existing single family home at 2921 CTH AB. As shown the setback is 18.1'. It may be possible to move the apartment two feet south to meet this traditional setback.

Preliminary Dane County Highway Department Comments

The property abuts County Highway AB, therefore the preliminary plat will be referred to the Dane County Highway for review. Village staff have provided the County Highway Department with a copy of the initial concept. Initial County Highway staff comments:

- When a new access point is approved and the expected trip generation in the peak hour is >100 then a Traffic Impact Analysis (TIA) is required to help determine the expected increase in traffic at nearby intersections and if any geometric alterations are needed at the intersection to accommodate the new development.
- If the conclusion from the TIA is that a right-turn lane is required, then a 5-foot bike lane through the intersection should be constructed.



- With the review of the CSM, we ask that the highway easement be expanded to 40-feet from centerline
- Provide a Vision triangle at the intersection following WisDOT FDM 11-10 Attachment 5.10
- Evaluate intersection sight distance and determine if any vertical curve corrections are needed

Public Comments

Notices to adjacent property owners are not required under Village ordinance for a preapplication meeting. The Department provided notice of the pre-application meeting to all property owners within 300 feet of the property. The Department also included notice of the preapplication meeting within the monthly subscribed department email announcement regarding pending projects. One public comment was received prior to publication of the meeting packet as provided in the packet.

Permit Requirements & Next Steps

Assuming the project progress further, the followings official zoning applications will be required. There is no specific timeline for submittal of official applications at this time.

However, the process as described below is typically a minimum of six months, spanning multiple public meetings.

- Rezoning (Zoning Map Amendment). The applicant will be required to petition the Village to rezone the property from A1 Agricultural Transition to PD Planned Development. The rezone petition will require a public hearing by the Plan Commission, recommendation to the Village Board, and approval by the Village Board. A General and/or Detailed Plan is to be submitted and considered. Detailed Plans may be submitted individually for each phase of the development.
- Site Design Review Permit. The process for a site design review permit will be included in the review of the Detailed Plan submitted.
- Preliminary Plat. The division of land into five or more lots requires approval of a Preliminary and Final Plat. A preliminary plat requires a public hearing by the Plan Commission, recommendation to the Village Board, and approval by the Village Board. If the preliminary plan is approved, the final plat requires Plan Commission recommendation and Village Board approval.

FINANCIAL/BUDGET IMPACT:

Estimated construction costs for the project have not been provided as part of the preapplication to calculate potential property tax revenues from the proposed development. The developer would be responsible for all project costs, including payment of applicable building permit and impact fees.

VILLAGE PLAN REFERENCE:

[Comprehensive Plan, 2017](#)

The following chapters from the Comprehensive Plan (Volume 2) relate to the concept



presented.

- Chapter 2 - Natural and Agricultural Resources of the Comprehensive Plan includes Initiative 3, Refine and Protect Environmental Corridors stating, *"The layering of areas and building limitations comprise environmental corridors. Corridors serve multiple stormwater management, groundwater protection and recharge, erosion control, wildlife habitat, passive recreation, and scenic functions. McFarland's easterly expansion will be characterized by a thoughtfully protected and connected environment corridor network."* Previously mentioned, the concept includes wetland areas along the west and north lot lines with Lots 3 through 7 appearing to be beyond 75 feet of the wetland boundary. Additional wetlands identified are located at the parcel's southwest corner and adjacent to the northcentral retention pond.
- Chapter 6 - Housing and Neighborhoods provides guidance on new housing and neighborhood development, while maintaining existing homes and neighborhoods. Policies 3, *"Integrate two and multiple family developments into the fabric of neighborhoods and the community, rather than isolating and concentrating them."* and Policy 5, *"Promote affordable housing through allowing modest lot sizes and higher suburban densities, revisiting certain public improvement requirements (e.g., street widths), appropriately planned and located multiple family housing, incentives where practical, and continued participation in County and State housing programs"*. The mentioned policies encourage the development for a variety of affordable housing and growth opportunity. Initiative 2 from Chapter 6 includes the following statement, *"Encourage Neighborhood Development on the Village's East Side."* This is further expanded in Staff comments in the East Side Plan Summary.

[Housing Needs Assessment, 2023](#)

This plan identified a shortage of renter-occupied housing units in the Village, including market rate apartments. The proposed concept includes 170 new units, ranging from duplex, townhomes, and multifamily buildings. The Housing Needs Assessment provides low and high projections on rental housing demand by 2030 based on 2020 data. Population projections and target vacancy rate for low projections show the total rental units needed by 2030 is 117, or approximately 15 net new units constructed per year. For high projections, a total of 293 rental units is needed by 2030, or approximately 37 net new units constructed per year. The plan calculates a 0.0% vacancy rate between rental and owner-occupied units. This would indicate that there is a high demand for additional housing opportunity for both rental and owner-occupied units. Typically, a 1-2% vacancy rate would indicate a healthy range. The plan also identified an under supply of rental units at 80% or more of the County median income.

Housing Goal #1 (page 67) states *"increase the supply of ownership and rental units."* The concepts within Housing Goal #3, create healthy neighborhoods is also applicable including *"varied housing types, size and price points, including both owner- and renter-occupied units. This enables more people to stay in the neighborhood through shifting housing needs, and it limits future instability due to changes in the housing market."* It is unknown at this time if some buildings will be owner-occupied. There were no new apartments built in McFarland in 2023 or 2024.



Dane County Regional Housing Strategy

From September 2022 to August 2023, an 80-person Housing Advisory Committee (HAC), including representatives from McFarland, joined together through a strategic planning process to create the Dane County Regional Housing Strategy (RHS). The RHS Action Plan identified five housing priorities to guide future efforts around housing:

1. Increase the number of housing units attainable to low-income and moderate-income households.
2. Increase the overall number of housing units.
3. Provide housing, resources and protections for the most vulnerable populations.
4. Rehabilitate and preserve affordability of existing housing.
5. Provide more pathways to homeownership.

Capital Area Regional Planning Commission, 2050 Regional Development Framework, 2022

The 2050 Regional Development Framework is a nonbinding regional advisory land use guide for the Dane County region. This plan identifies six strategies to guide regional development patterns:

1. Focus growth in centers and along corridors.
2. Prioritize growth in already developed areas.
3. Plan areas for quality business growth.
4. Plan complete neighborhoods.
5. Preserve stewardship areas.

East Side Plan, 2023

Other applicable policies within the East Side Plan include policies and site and building design guidelines in [Chapter 2](#):

- Chapter 2, Policy 1.1. *Ensure that a variety of housing types are included within the East Side growth area, including requiring each subdivision to consider 2-4 housing types/forms and encouraging every development to provide a unit mix that supports varying household sizes.*
- Chapter 2, Policy 1.2. *Use the design guidelines in this Plan to encourage building and site design that provides transition and compatibility between low-intensity residential development and more intensive multi-unit residential, office, and mixed-use developments.*
- Chapter 2, Policy 1.4. *Encourage site and building design strategies that provides comfortable, safe and attractive waling environments (e.g. decreased setbacks, front porches, balconies, etc.)*
- Chapter 2, Policy 1.5. *The Village encourages developments that incorporate "missing middle" (3-8 unit buildings) development types supporting both rental and homeownership.*



ORDINANCE REFERENCE:

Sec. 56--35 Preliminary Plat Consultation

Sec. 62-67(c) PD Planned Development District Preapplication Procedures

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This item is for discussion only.

ATTACHMENTS:

1. Lakestone Properties Elvehjem Road Land Concept_01.03.25
2. Lakestone Representative Images
3. Lakestone Elvehjem Concept Site-Design Review - Public Works Comments 01.11.2025
4. Lakestone Elvehjem Concept Site-Design Review - Fire Rescue Comments 01.10.2025
5. McFarland Future Land Use Map_04.25.2023
6. Pease_Lakestone Comments_01.15.2025

January 3, 2025

Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

RE: Land Development

Dear Mr. Bremer:

Lakestone Properties is excited to discuss the potential development located at the corner of County Highway AB and Elvehjem Road. We have the property under contract and have received some initial direction from village staff. We are currently working with an architect and engineer on potential site designs.

Location details

- Tax Parcel 0610-024-9691-1
- 17.92 acres

Project details

- Mix of different housing options.
- Construction of public road connecting Devils Lake Way to Elvehjem Road
- Approximately 170 units
- Construction would be phased based on market demand. Estimated timeline would be 3-5 years.
- No TIF (tax incremental financing) is being requested
- This plan follows the Village of McFarland's master plan for this location.

Low Density (Lots 2-7)

- 4 duplexes, 1 Three Unit, 1 Four Unit
- Total Units = 15
- 2 – 4 bedrooms homes
- Could be sold as zero lot line condominiums or as market rate rentals. To be determined at a later date.

Low / Medium Density (Lot 1)

- 2, Two story, 11 unit apartments complexes
- 1, Two story, 13 unit apartment complex
- 1 - 2 bedrooms
- Total Units = 35
- Private entrances & private garages

Medium Density (Lot 8)

- 3, Three Story, 40 unit apartments complexes
- Studio, 1 & 2 bedrooms
- Total Units = 120
- Underground parking garage, community & fitness rooms
- Potential to construct another building (see site plan “future building”)

Potential Phasing

- **Phase I**
 - 2 duplex lots
 - 2, 11 units
 - 1, 40 unit
- **Phase II**
 - Remaining duplex lots, 3 unit, 4 unit
 - 1, 13 unit
 - 1, 40 unit
- **Phase II**
 - 1, 40 unit

McFarland Market

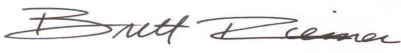
- Apartment vacancy in McFarland is at 2%. Lakestone vacancy is 0%
- Additional units are needed to support the growth of the Village.

Attachments

- Site Plan
- Building Examples
 - Duplex, 2 Story, 3 Story

We are looking forward to the discussion and feedback from the community and Plan Commission members.

Sincerely,

By: 

Brett Riemen, CCIM
Lakestone Properties & Management LLC

By: 

Brian Spanos
Lakestone Properties & Management LLC



Lot #	Lot Area (sq.ft.)	Proposed Impervious Area	Percent Impervious	Units	Parking Stalls
1	76781	46485	60.54	35	70
2	13787	5991	43.45	3	6
3	16422	5017	30.55	2	4
4	16624	5134	30.88	2	4
5	16649	5131	30.82	2	4
6	17377	5379	30.95	2	4
7	37323	11602	31.08	4	8
8	346262	84696	24.46	120	219
Outlot 1	76497	0	0.00	0	0
Outlot 2	14377	0	0.00	0	0
Street ROW	50030	35836	71.63	0	0
TOTALS	682129	169434	24.84	170	319
Avg. #Parking Stalls per Unit				1.88	

LAKESTONE PROPERTIES – VILLAGE OF MCFARLAND
CONCEPT PLAN
PAGE: 1 OF 1
DATED: JANUARY 3, 2025

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







January 11, 2025

Re: Concept Site Design Review of Lakestone Properties Elvehjem Road

Public Works has completed their review of the site / design plan of the Lakestone Properties concept plan. The following are items that we would like to see considered with the development during the project design.

1. Looped water main, down Elvehjem and west of the property back to Devils Lake Way. Or some other configuration that achieves the same thing, preventing the water line from dead ending at Elvehjem.
2. Addition of a bike path on the south and east side of the property, making connections with the existing path on southwest and northeast corners of the property.
3. We recommend the restriction of on-street parking with the narrow width of the road and high density. We would not support a variance of off-street parking requirements.
4. With the high density and proximity to other parks, we recommend a private playground or minimum a green space be added to the site, or high and dry land dedicated to the Village in lieu of park fees.
5. Further Utility review will be needed when more details are provided. I.e. Water meters, fire hydrants, etc.

January 10, 2025

Re: Concept Site Design Review of Lakestone Properties Elvehjem Road

We completed our review of the site/design plan of the Lakestone Properties Elvehjem Road Concept dated 12/12/2024. We recognize that the project is in the conceptual phase of development and many aspects are subject to change. We hope that our review provides insight into what may or may not be a concern as the project moves forward. Below is a list of items that we noted that aren't displaying compliance with applicable codes or should be considered during the design of the project.

- Roadways appear to be 24' in width which meets the standard fire department access road width requirements, but not for aerial fire apparatus roads (buildings exceeding 30' in height) or within 20' of a fire hydrant location.
- With the width of the roadway being near the minimum, on-street parking will be prohibited, and signage will be required to ensure compliance.
- The four-unit building on Lot 8 will be required to be provided with an automatic fire sprinkler system. The riser will need to be readily accessible and not located within an individual unit. Additionally, the current access to the building doesn't comply with the 150' hose pull requirement of the IFC.
- While reviewing the buildings on Lots 1 and 9 we are assuming access for the 150' hose pull will be available from Elvehjem Road and County Highway AB. The percentage of grade of the east of Lot 9 appears to be significant and may not support access to the building.
- When considering the Lot 9 units as a multi-family development the IFC requires (2) separate access roads unless all buildings are equipped with approved automatic fire sprinkler systems. It would be preferable to add a second access road to Elvehjem between the two east (40) unit apartment buildings. If not

added, any building on the lot will require approved automatic fire sprinklers including a shed or an accessory building that is constructed in the future.

- Additionally, fire hydrants have not been indicated on the plans but will be required. There shall be a hydrant located within 400' of any exterior point of any building. For buildings equipped with approved automatic fire sprinkler systems the distance can be increased to 600'.
- The required turning radius for fire department access roads is 28' for turns greater than 60 degrees and 26' for turns of 60 degrees and less (Based on IFC figure D103.1. The entrances to Lot 1 and Lot 9 don't appear to meet the requirement.
- Any buildings with 3 units or more will require a Knox key box. It is encouraged to provide Knox key boxes on all buildings and especially any buildings that are rented.
- The buildings will need to comply with IFC section 510 for emergency responder radio coverage.
- Any building that is deemed to require an aerial access road, the aerial access road will be required to be located within 15 to 30 feet of the building.

SPS 362.0903 (5)(a) Except as provided in pars. (b) to (cm), an automatic sprinkler system installed in accordance with IBC section 903.3 shall be provided throughout all buildings with a Group R fire area.

IBC 509.1 Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.

IBC 916.1 Emergency responder radio coverage shall be provided in all new buildings in accordance with Section 510 of the International Fire Code.

IFC 503.1.1 Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

IFC 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

IFC 503.2.4 The required turning radius of a fire apparatus access road shall be determined by the fire code official.

IFC 503.3 Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

IFC 504.1 Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

IFC 507.5.1 Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route

around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

IFC D105.1 Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

IFC D105.2 Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

IFC D105.3 At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

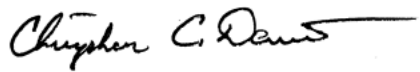
IFC D106.1 Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

VOM 26-146 (a) Required. Newly constructed commercial buildings and residential buildings containing three or more dwelling units, or when access to

or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Fire/EMS Chief may require that a key box be installed in an accessible location. The key box shall be a type approved by the Fire and Emergency Medical Services Department and shall contain those keys found to be necessary to provide emergency access.

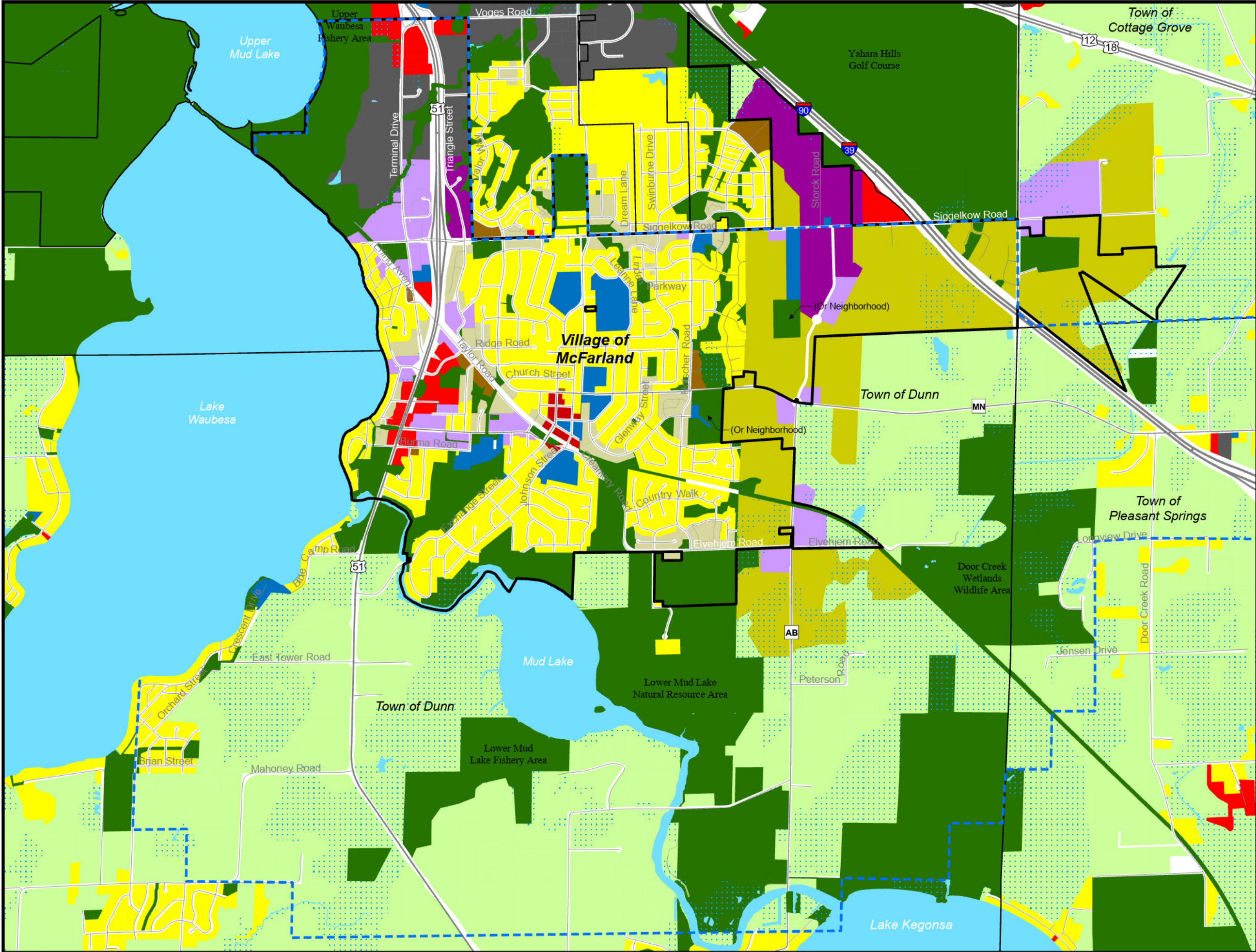
Please note that the Village of McFarland is a delegated agent for the State Wisconsin to perform fire protection and fire alarm systems reviews. Before installation of any fire protection system a work permit is required to be issued by McFarland Fire & Rescue.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher C. Dennis", with a long horizontal stroke extending to the right.

Christopher C. Dennis, Chief
Fire & Rescue Department
Village of McFarland

CC:
McFarland Fire & Rescue Department Prevention



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
- Agricultural Preservation
- Urban Reserve
- Rights-of-Way
- Water
- DNR Wetlands and Potential
- Wetland Indicators over Undeveloped Lands

----- Village of McFarland Extraterritorial Jurisdiction Boundary

Village of McFarland Limits (11/2022)

Other Municipal Limits (11/2022)

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 Siggeikow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.

0 500 1,000 2,000
Feet

Date: February 2023

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

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From: [Katharine Pease](#)
To: [Andrew Bremer](#)
Cc: [Carolyn Clow](#); [Stephanie Brassington](#); [Scott Peters](#); [Matt Schuenke](#)
Subject: Elvehjem Road Development
Date: Wednesday, January 15, 2025 8:11:31 PM

To McFarland Plan Commission,

Since I cannot attend the Plan Commission meeting January 21 due to our being out of town, I am writing in regard to the proposed development at the NW corner of County AB and Elvehjem Roads. I have concerns as follows:

1. While most of us agree more housing in McFarland is needed, I think more AFFORDABLE housing is needed. I would like to know if these units will be affordably priced for single income persons/families, the elderly who are retired, those on Medicaid or other public assistance, or will they be priced way over the incomes of these potential buyers/renters? We don't need any more \$400,000+ "starter" homes or monthly rents in the thousands.

2. The East Side is lacking in any services for those who live at this end of McFarland—no small restaurant, coffee shop, hair salon/barber, laundry, pharmacy, dry cleaning, gas station or convenience store. I know small businesses like these are in the plans, but have not materialized in the 20+ years we have lived here. This space may not be best suited for these businesses, but high density housing will certainly create a greater demand for them. Where and when will these services be built? Presently, anyone wanting any services has to drive through McFarland to get to the other side of the village. With 170 units proposed for this corner, and no mass transit options in the village, that's 170 - 250 more vehicles if everyone has 1 car and half the households have 2(which is common these days). That's way too many vehicles to funnel through the village via Elvehjem Road or onto County AB. Building some services on this side of town may take some of the traffic pressure off other village roads.

Therefore, regardless of the merits of the development, I feel it cannot be considered alone without also considering the direct effects on Elvehjem Road and County AB, pedestrians, and cyclists. Once those units are built, the village will be forced to widen/improve/change these roadways. We should not be considering the development alone but should also have a traffic plan and needed services built into it.

3. Elvehjem Road has many pedestrian crossings—to the dog park, to the bike path entrance across from the dog park, to Orchard Ridge Park and the disc golf course, to Lower Mud Lake Natural Resource Area and it's hiking paths, and to Grandview Conservancy's foot and bike paths. There is also a lot of bike traffic on Elvehjem Road itself as well as on the bike path.

As Elvehjem morphs into Creamery Road, it then passes Egner Park where I frequently have to brake suddenly for errant basketballs and young kids chasing them across the street. It then passes the elementary and preschool campuses where traffic is already a nightmare during drop off and pick up as is the intersection of Exchange, Main, Farwell, Bashford. Beyond the 4 way intersection is Gingerbread Preschool and the high school. I think it is problematic and unsafe to funnel more traffic into this already congested pedestrian/bike corridor where there are many pedestrian crossings, bikes, and small children. It is not a good road for a main corridor.

4. County Trunk AB via Elvehjem Road is currently the only bike route from McFarland to the Lower Yahara River Trailhead at Fish Camp Park. Even now AB is not a safe place to bike and will be less safe with even more vehicles. If more traffic is to be funneled onto this road, then a dedicated bike path needs to be established off road, either by the village or by the village working with the county to speed up completion of Phase 4 of the Lower Yahara River Trail. This should be completed now, before any more traffic occurs. Painting a white line on a busy road and calling it a bike path is not adequate. Drivers are free to ignore it and often do.

So the bottom line is—how will these corridors be made safe for pedestrians and bikers with the increased number of vehicles, keeping in mind that this will not be the sole development beyond the current residential end of Elvehjem Road?

5. If this development proceeds, widening of Elvehjem Road will almost certainly be asked for. How will the village accomplish this without taking down the 10 - 11 oak trees, the majority being over a hundred years old, that currently line Elvehjem Road? Even if the road is widened to only go close to these trees, they will surely be affected by the stress of soil compaction, machine digging, and damaging of roots. At least 2 huge oaks succumbed to disease at the corner of Elvehjem and Creamery after that corner was dug up for placement of a new culvert. If

increased development means cutting down or damaging these trees, I cannot support it.

I am open to more residential units in this area, but as currently proposed, I feel it is too ambitious and too dense and needs to be scaled back considerably. This will still not eliminate the safety and environmental concerns, but may make them more manageable. I hope the village will seriously consider these concerns before proceeding and will incorporate a plan to address them at the time of development. We need to know what the entire package entails which includes management of increased traffic.

Sincerely,
Kathy Pease

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and recommendation to the Village Board regarding Ordinance 2025-02: An Ordinance Repealing and Retitling Article 62-III Floodplain Zoning From Chapter 62 Zoning and Creating Chapter 63 Floodplain Zoning Under the McFarland Municipal Code of Ordinances.

PREVIOUS ACTION:

August 29, 2023. WDNR held an open house regarding the draft floodplain map revisions at the Municipal Center.

November 19, 2024. Plan Commission discussion regarding project purpose and need.

December 17, 2024. Plan Commission review of the draft ordinance changes.

ISSUE SUMMARY:

A copy of Ordinance 2025-02 is provided with agenda item 4.a.

The Wisconsin DNR and FEMA have completed an update to the floodplain boundaries surrounding Pennito Creek. This includes land within the Village's northwest and northeast municipal boundary. The floodplain changes within McFarland are minimal mostly impacting the boundary of the 500-year floodplain. Included in the packet is a simplified map showing the changes for portion of McFarland within the Pennito Creek watershed. Proposed map changes can be viewed online at <https://msc.fema.gov/fmcy>.

On October 9, 2024 the Village received official notification of the new Flood Insurance Rate Map (FIRM). This is the start of the required 6-month adoption phase for affected communities. The current Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) will be superseded by these updated FIRMs and FIS and the references to these will need to be updated in the Village's Floodplain Ordinance. The Village's Floodplain Ordinance was last updated in 2008. Given the length of time, and the Village's planned Zoning Code update project, the DNR and Village staff recommend completing a full repeal and recreate so that the ordinance meets state and federal minimum standards. The DNR provides a model ordinance that communities can tailor to suit their particular needs. The DNR also recommends that communities separate the floodplain ordinance as a separate chapter within municipal code of ordinances rather than as a subchapter within the Zoning Code. This can reduce potential issues with conflicts between terms and regulations within the Zoning Code and Floodplain Ordinance, while also eliminating the potential need to notify the DNR and FEMA regarding non-floodplain ordinance amendments.



The new floodplain ordinance must be adopted by the Village Board and approved by the DNR and FEMA no later than April 9, 2025 to avoid the Village and property owners from being suspended from the National Flood Insurance Program (NFIP). Attached is a draft of the new Floodplain Ordinance for review and discussion using the state model ordinance template. A public hearing will be required to be held by the Plan Commission prior to making a recommendation on the new ordinance to the Village Board.

Within the packet is a draft of the proposed Chapter 63 Floodplain Zoning. As noted above, the draft ordinance:

1. Utilizes the most current model ordinance from the WDNR, adjusted by staff to fit the Municipal Code's numbering system.
2. Incorporates the new Flood Insurance Study maps to be effective April 9, 2025.
3. Would become a new chapter within the Municipal Code separate from the Zoning Code (Chapter 62).

There are two areas of the model ordinance where the Village can choose to adopt new regulations not within the existing floodplain ordinance:

1. Act 175 (Grey Text). This language is currently in the ordinance, but staff is recommending its removal. Information regarding Act 175 (adopted in 2019) is included in the packet. Act 175 addresses the "50% rule" for nonconforming structures and uses. The state's "50% rule" says no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of the local floodplain ordinance. In a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Village is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). Essentially, adoption of Act 175 language would provide greater flexibility to modify a nonconforming structure than currently allowed. Since ultimately it is the goal to not have structures located in the floodplain, staff recommends not incorporating the Act 175 language. Staff also notes that Dane County has not adopted the Act 175 language within its floodplain ordinance. Noting also, that the Village is not precluded from revising the floodplain ordinance in the future to add this language if so desired.
2. Community Rating System (brown text/comment boxes). The Community Rating System (CRS) is a voluntary federal program created in 1990 as a voluntary program for recognizing and encouraging community floodplain management activities that exceed minimum National Flood Insurance Protection standards. The packet includes a summary sheet on the CRS program from the WDNR. There is no fee to participate in the program; however, the Village would have to adopt standards in excess of our current



standards and those of Dane County. In addition, the Village would have to participate in up to 19 different activities in order to earn points toward our CRS Class rating. The CRS uses a Class rating system that is similar to fire insurance rating to determine flood insurance premium reductions for residents. CRS Classes are rated from 9 to 1. Today, most communities enter the program at a CRS Class 9 or Class 8 rating, which entitles residents in Special Flood Hazard Areas (SFHAs) to a 5% discount on their flood insurance premiums for a Class 9 or a 10% discount for Class 8. As a community engages in additional mitigation activities, its residents become eligible for increased NFIP policy premium discounts. Each CRS Class improvement produces a 5% greater discount on flood insurance premiums for properties in the SFHA. According to the WDNR, within the Village there are 10 active NFIP policies covering \$3M of property.

Dane County does not participate in the CRS program and the Village of Mazomanie is the only participating municipality in the County. Given there are only 10 properties that might benefit, staff recommends not including the CRS language. Noting also, that the Village is not precluded from revising the floodplain ordinance in the future to add this language if so desired.

Regarding items #1 & 2 above, at the December 17, 2024 Plan Commission meeting the Commission directed staff to reach out to Dane County to see if the County was incorporating Act 175 and CRS into the updated County Floodplain Ordinance. Hans Hilbert, Dane County Assistant Zoning Administrator, indicated that the County was not adopting Act 175 or CRS language. Their opinion is that to best protect people and properties from a flood non-conforming structures should eventually fall into such disrepair or be substantially damaged that they no longer exist. The language in Act 175 allows for this take much longer without reducing the risk of repeated flooding. While the County has a lot of structures in our jurisdiction that have flood insurance, most are adjacent or only partially within the floodplain, so the premiums that the owners are paying on insurance are discounted compared to structures with floors below the flood protection elevation. They've evaluated the amount of time County staff would need to spend to maintain status as a CRS community and have determined it does not outweigh the benefit to the community to further reduce flood insurance premiums. While it may promote more property owners to obtain flood insurance, it ultimately does not reduce flood risk or protect people and property during a flood.

Village staff continue to recommend removal of the Act 175 and CRS language from the new floodplain ordinance.

Public Comments

The Department did not receive any public comments regarding Ordinance 2025-02 prior to publication of the meeting packet.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:



Chapter 62, Article III - Floodplain Zoning

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended action:

Staff is seeking confirmation from the Plan Commission members regarding staff's recommendation to remove the Act 175 and CRS language from the draft ordinance. Action to make a recommendation to the Village Board could be taken contingent on removal of these portions of the draft ordinance. Alternatively, staff can update the ordinance for recommendation at the Plan Commission's February 18 meeting.

ATTACHMENTS:

None

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, January 21, 2025

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and recommendation to the Village Board regarding Ordinance 2025-03 An Ordinance to Amend Section 8-638 State Electrical Codes.

PREVIOUS ACTION:

ISSUE SUMMARY:

On November 26, 2024 the Village Board approved Ordinance 2024-25 which made various amendments to Chapter 8 Building Code of the Municipal Code of Ordinances regarding the Village's electrical code and efforts to achieve designation for commercial State plan reviews by the Department of Safety and Professional Services. Upon submittal and review of Ordinance 2024-25, DSPS notified the Village's building inspection consultant GEC that they interpreted the changes to only apply to the Uniform Dwelling Code and not to commercial buildings as also intended. Ordinance 2025-03 makes one additional change to Section 8-638 State Electrical Codes as recommended by DSPS staff to address their concern.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Article 8-XVI Electrical Code

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to recommend to the Village Board approval of Ordinance 2025-03 An Ordinance to Amend Section 8-638 State Electrical Codes.

ATTACHMENTS:

1. Ord_2025-03

**VILLAGE OF MCFARLAND
ORDINANCE 2025-03**

**AN ORDINANCE TO AMEND SECTION 8-638 STATE ELECTRICAL CODES OF
THE MUNICIPAL CODE OF ORDINANCES**

PURPOSE, to amend Section 8-638 State Electrical Codes of the Municipal Code of Ordinances.

SPONSOR, , Andrew Bremer, AICP, Community & Economic Development Director

REFERRAL, Plan Commission (recommended)

PUBLIC HEARING, None required

WHEREAS, The Wisconsin Department of Safety and Professional Services (DSPS) is conducting audits and is requesting a delegated Certified Municipality Status where residential and commercial building inspection services are provided in cities, towns, and villages; and

WHEREAS, DSPS has requested an update to Section 8-638 State Electrical Codes to include updated references to the Uniform Dwelling Code and Commercial electrical code; and

WHEREAS, the purpose of Chapter 8 is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses, or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public; and

WHEREAS, the Village Board finds approval of Ordinance 2025-03 is in the public interest.

NOW THEREFORE, be it ordained by the Village Board of the Village of McFarland, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “8-638 State Electrical Codes” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

8-638 State Electrical Codes

~~This Article does hereby incorporate, adopt, and enforce, by reference, Wis. Admin. Code Ch. SPS 316 (Wisconsin Electrical Code, Volume 2), which shall apply to all new one- and two-family residential buildings as well as alterations and additions to all existing one- and two-family residential buildings, to accessory buildings, and to new portions of moved buildings~~
The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Village and shall be enforced by the Building Inspector, Wisconsin Administrative Code Ch. SPS 316, SPS 324, and the Wisconsin Electrical Code, Volume 2.

(Code 1998, § 15-4-3; Ord. No. 98-06, § 1, 8-10-1998)

PASSED AND ADOPTED BY THE VILLAGE OF MCFARLAND VILLAGE BOARD

	AYE	NAY	ABSENT	ABSTAIN
Brandt	_____	_____	_____	_____
Brassington	_____	_____	_____	_____
Clow	_____	_____	_____	_____
Fessler	_____	_____	_____	_____
Leamy	_____	_____	_____	_____
Peña	_____	_____	_____	_____
Prill	_____	_____	_____	_____

Presiding Officer

Attest

Carolyn Clow, Village President,
Village of McFarland

Cassandra Suettinger, Deputy
Administrator/Clerk, Village of
McFarland