



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 18, 2024
6:00 PM
Christine Nuernberg Hall

Agenda

1)

1) Call to Order, Roll Call

- a) Approval of Minutes from February 19, 2024.

2) Consent Agenda

- 1) **G3 Development LLC.** The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 391 Port Washington Road in the extraterritorial jurisdiction of the Town on Cedarburg.
- 2) **Ann & Gary Skiff.** The applicant is seeking minor request approval to allow for a setback waiver for the property located at 2116 W. Donges Bay Road.

3) Public Hearing/Regular Meeting

- a) **Robert Depies for Martin Skills Academy.** The applicant is seeking conditional use grant approval for a fitness center for the property located at 6340 W. Donges Bay.

4) Regular Business

- a) **Karen & Gerald Splittgerber.** The applicant is seeking minor request approval to allow for 2 specimen trees to be removed for the property located at 12360 N. Lake Shore Drive.

5) Policy

- 1) Chapter 58, Article XI of the Municipal Code related to Floodplain Zoning
- 2) Chapter 58-303: Arrival Corridor specific development and design standards

6) Announcements

The next meeting is Monday, April 29, 2024, at 6:00 p.m.

7) Adjourn

Dated: March 14, 2024

/s/ Andrew Nerbun, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM



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PLANNING COMMISSION
Regular Meeting
Monday, February 19, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Brian Parrish
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Rebecca Schaefer – **arrived 6:03 p.m.**
Commissioner John Stoker
Commissioner Nancy Urbani - **Absent**
Commissioner Dan Gentges - **Absent**
Commissioner Stephanie Hawley - **Absent**

Mayor Nerbun called the meeting to order at 6:00 p.m.

a) Approval of meeting minutes from January 22, 2024.

Action

Commissioner Stoker made a motion to approve the meeting minutes from January 22, 2024.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [4 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Barnes, Choren, Stoker
ABSENT:	Urbani, Gentges, Hawley, Schaefer

Attachment: PC Minutes_02.19.24 DRAFT (9206 : Meeting Minutes from February 19, 2024)

2) Regular Business

- a) Tracy & Michael LaLonde. The applicant is seeking building and site plan amendment approval to allow for a renovation for office use for the property located at 6714 W. Mequon Road.

Planner Evan Hoier stated that this request is for a building and site plan amendment approval for converting a former woodworking shop into individual office spaces to be rented out. It is located on a B-3 limited site (office and service district) on a 0.83-acre lot size, which is less than the minimum lot size required for that district; it also does not meet parking lot setback or offsets for the site required as per the code.

This was originally submitted as a building permit, but upon review it was noted that the proposed plan did not meet the code requirements and an expansion of the parking lot by 4 feet to the south is required as well as the driveway needs to be expanded from 18 feet to 22 feet to allow for a 2-lane drive aisle.

City Attorney Woodward informed staff that there is an on-going dispute between the applicant, the owner of this parcel, and the adjacent homeowners association regarding trespassing and unauthorized removal of trees from the HOA's property. As a condition of this approval, final occupancy will not be granted until this matter is resolved.

There is also concern from neighbors about the previous actions of the applicant and how the future of the site will be affected from past actions. There is concern about potential noise and light pollution from increased activity at the site. Staff has created a suggested landscape plan to help mitigate the neighbors' concerns which includes some trees along the north lot line, a 6-foot privacy fence along the east side, low growth areas to the south and north of the parking lot, and a couple of hearty street trees along the driveway. The applicant will also need to meet the landscaping standards for parking lots which include requirements of 10% of the interior must be landscaped and 30% shading in the summer within 10 years. A final landscaping plan is required to be submitted for review and approval. Another concern from the neighbors and a condition of approval is that there shall not be access to River Birch Drive.

Public Feedback

Lora Reinholz – 11264 N. River Drive – is the president of the River Birch Homeowners Association. She is opposed and raised questions about the final plans and the use of the site; questioning if the building and site will be ADA compliant. She discussed the suggested landscaping plan and stated that she would like the fence to be extended to Mequon Road. She commented that she prefers that a company other than the property owner's company do the restoration work. She related that Mr. Mike LaLonde has been difficult to work with and has not responded to previous communication sent. She asked that no permits be granted until final restitution is completed.

Alan Neva – 6871 W. River Birch Drive – is opposed and stated that there has not been a neighborly process and he is strongly opposed to an access to River Birch Drive as he feels it will not be safe for children riding bikes. He emphasized the request for landscape coverage on the west side of the property as screening for the exposure that was created from the tree

removal.

Steve Schaefer – 6944 W. River Birch Drive – is opposed and is very upset about the clearing of the trees and landscaping that took place. He strongly encourages the suggested landscaping requirements be followed to provide shielding the structures on the applicant's site.

Jeff Schouthern – 6942 W. River Birch Drive – is opposed and he does not believe it should be zoned for commercial use as he does not feel that it is appropriate zoning. He concurs with the other neighbors that the west side of the property needs shielding, there should not be a driveway connection to River Birch Drive and recommends the Commission deny the request until more answers are provided by the applicant.

The applicant, Mike LaLonde, stated that the existing building formerly was a woodworking shop and is now underutilized and will be repurposed as rental office spaces. He said that as of right now he is uncertain as what the end game plan is regarding the use of this property for the future, but stated there will be additional development there at some point.

It was clarified that the applicant's home address is W49 N636 Cedar Reserve Circle, Cedarburg, WI.

There was discussion amongst the Commission and feedback including the following:

- Hours of operations (no limit on hours in B-3).
- Suggestion that the fence also be extended to the north property line (as well as south to Mequon Road).
- Support for as much landscape shielding as possible, due to neighbor concerns.
- Question about why the parcel was cleared of the trees (the applicant did not answer due to the on-going litigation).
- Required parking spaces based off the square footage of the building (10 spaces required plus 1 ADA space with striping).
- The trees cut down were deemed not to have been specimen trees.
- Connection/access point to River Birch Drive to be severed and restricted to serving the house to the north side of the property (applicant strongly objects to this condition and does not agree to this condition).

Action

Commissioner Barnes made a motion to approve per staff recommendations with an amendment to condition #5 that if the connection to the north property extends a driveway onto River Birch Drive, the driveway connection to 6714 must be severed.

Commissioner Choren made a friendly amendment to extend the fence on the east side of the parcel to extend to the north property line as far as allowed and that if a patio is installed a privacy fence must also be installed.

Commissioner Barnes accepted the friendly amendments.

Commissioner Stoker made a friendly amendment to the friendly amendment that any addition to the site requires Commission approval.

Ald. Parrish stated that he does not agree with the current zoning of this property, and he will not support any multi-family proposals in the future.

Commissioner Stoker seconded the motion and the friendly amendment.
A roll call vote was taken; vote passed (6-0)

RESULT:	APPROVED WITH CONDITIONS [6 TO 0]
MOVER:	Bruce Barnes, John Stoker
AYES:	Nerbun, Barnes, Choren, Schaefer, Stoker, Parrish
ABSENT:	Urbani, Gentges, Hawley

3) Policy

1) Design Guidelines for Commercial Structures

Asst. Dir. Zader stated that this is part of the efforts to make improvements along Port Washington Road, which includes streetscaping, a market analysis and this phase addresses design guidelines. It was determined that because there are already design guidelines for Town Center, Ulao Creek and the rural business area; that it makes more sense to update the guidelines for the entire city, excluding the areas that already have their own specific guideline standards, than treat this as another distinguished area. Staff is seeking feedback from the Commission on whether they believe this is the appropriate path to take.

Secondly, there is not a lot of language in the guidelines addressing industrial or multi-family uses. Staff is seeking feedback from the Commission whether there should be specific guidelines for these two uses or whether these should be addressed on a case-by-case basis, as it is currently being handled.

He commented that almost any future multi-family proposed would most likely be a PUD, and there is a lot of oversight under that zoning.

He added that most of the industrial issues have been regarding metal paneling requested by developers and staff believes some standard language is probably sufficient, as much of the design is handled through the building and site plan approval review process. Mayor Nerbun concurred with this thought process.

Asst. Dir. Zader stated that both the current and the proposed standard guidelines are included in the packet, along with some questions for the Commission.
 Guideline topics being considered include:

- Primary and secondary materials.
- Specific types of roofing materials.
- Corner lots (new language).

- Massing requirements.
- Buildings related to the context of the neighboring buildings.
- Drive-throughs.

He reiterated the update is in a preliminary stage and he encourages feedback from the Commission.

Ald. Parrish stated that many of these topics are important to be reviewed and included in the standard guidelines going forward.

There was some discussion and suggestions made to staff. Mayor Nerbun asked staff to reach out for feedback from Commissioners not present.

Asst. Dir. Zader stated that there will be a few rounds of iterations. Staff will provide visuals of existing buildings in the city for the Commission to review and provide feedback.

4) **Announcements**

The next meeting is Monday, March 18, 2024, at 6:00 p.m.

The April meeting will be changed to Monday, April 29th at 6:00 p.m.

5) **Adjourn**

Action

Commissioner Choren made a motion to adjourn the meeting.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (6-0)

The meeting concluded at 7:30 p.m.

Respectfully Submitted,

Jac Zader



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: March 18, 2024
SUBJECT: G3 Development LLC. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 391 Port Washington Road in the extraterritorial jurisdiction of the Town of Cedarburg.

Applicant: G3 Development LLC
Status of Applicant: Owner
Requested: Land Division
Existing Zoning: BP (Business Park)
PW (Port Washington)
Lot size: 1.46 Acres
Location: 391 Port Washington Road
Tax Key Number: #06-031-01-021.00

Background:

Applicant is seeking Certified Survey Map approval for property in the Town of Grafton. The City of Mequon maintains extraterritorial jurisdiction for an area within the Town in which the subject site is located. The land division would create three lots: Lot 1 would be 21.52 acres, Lot 2 would be 2.58 acres, and Lot 3 would be 1.52 acres. All of Lots 2 and 3 and a portion of Lot 1 are within the Port Washington Road (PW) district and the majority of Lot 1 is within the Business Park (BP-1) district.

Zoning Analysis:

Most of proposed Lot 1 is located within the Business Park (BP-1) district. The following table compares the proposed lot with the BP-1 district standards:

	Lot 1	BP-1 Standards
Minimum Lot Size	1,155,011 square feet	40,000 square feet
Minimum Lot Width	682' at the smallest width	200 foot minimum
Minimum Front Yard Setback	50 feet setback delineated	50 feet from right-of-way
Minimum Side Yard Setback	25 feet setbacks delineated	25 feet from lot lines

The rest of the divided lot, which would encompass the rest of Lot 1, Lot 2, and Lot 3 would be within the Port Washington Road (PW) district. The following table compares the proposed lots with the PW district standards:

	Lot 1	Lot 2	Lot 3	PW Standards
--	-------	-------	-------	--------------

Min Lot Size	1,155,011 sq ft	122,516 sq ft	66,229 sq ft	60,000 sq ft
Min Lot Width	682' at smallest	299' at smallest	220' at smallest	200 feet
Min Front Yard	50' sb delineated	50' sb delineated	50' sb delineated	50 foot setback
Min Side Yard	25' sb delineated	25' sb delineated	25' sb delineated	25 foot setback

There are multiple buildings that will be razed to meet these setback standards. Lot 3 has a barn and silo that violate the 25 foot side setback standards and will be razed. Lot 2 has a house that will be razed. Lot 1 has a shed that will be razed.

Recommendation:

Staff recommends **approval** of the Certified Survey Map subject to the following condition:

1. The CSM shall be checked for closure within state statute requirements prior to recording.

Attachments:

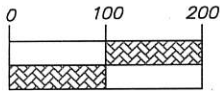
CSM (PDF)

G3DevMap (PDF)

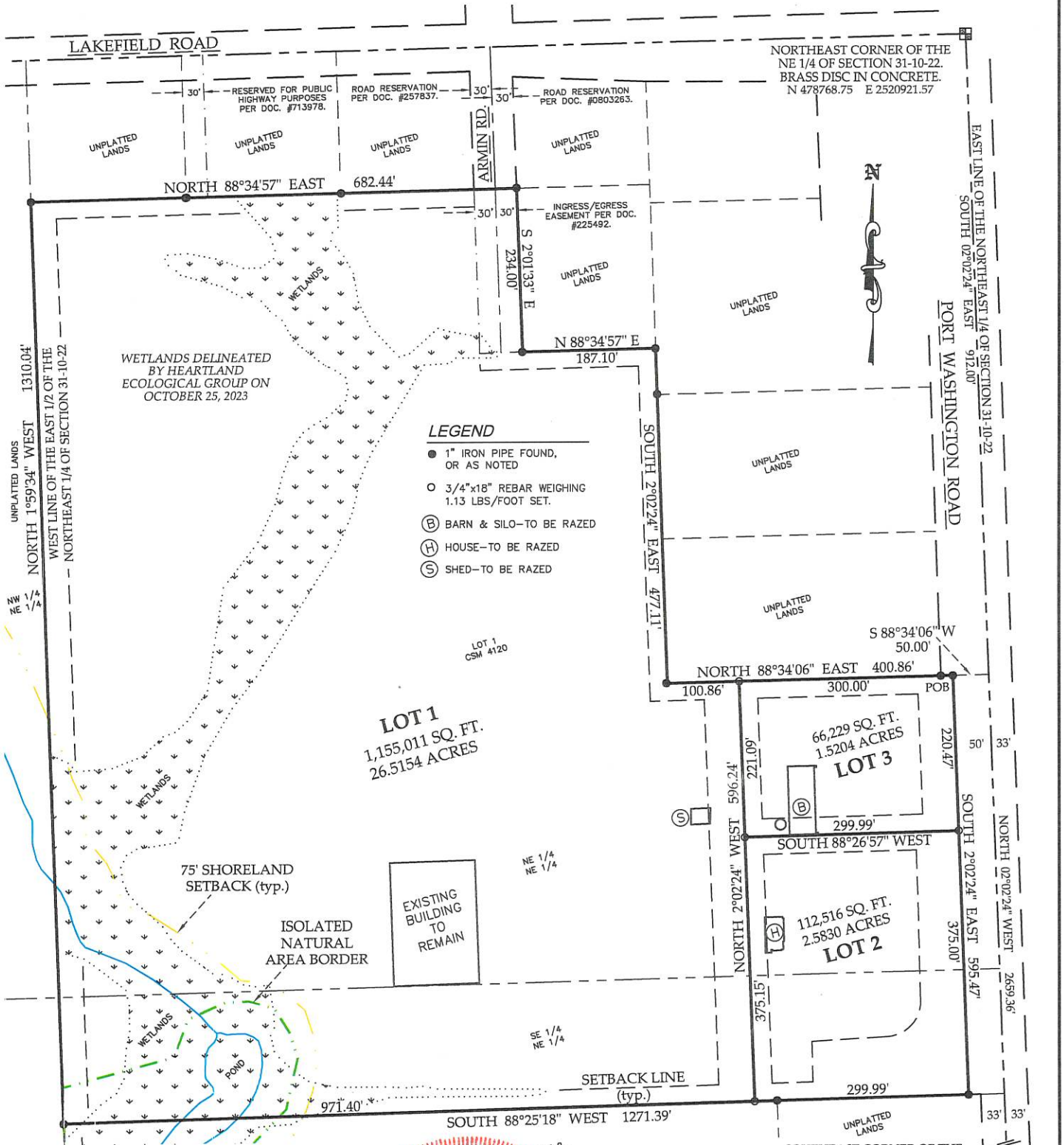
CSM (PDF)

CERTIFIED SURVEY MAP

TO DIVIDE LOT 1 OF CERTIFIED SURVEY MAP 4120, RECORDED AS DOCUMENT NO. 1105888, BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 22 EAST, TOWN OF GRAFTON, COUNTY OF OZAUKEE, STATE OF WISCONSIN.



OWNER:
G3 DEVELOPMENT LLC
4512 N. 127th STREET
MILWAUKEE, WI 53007



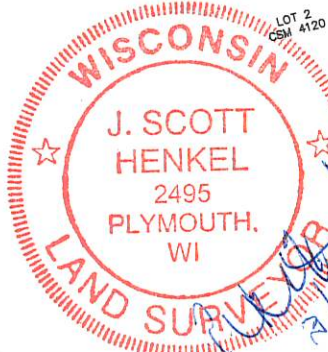
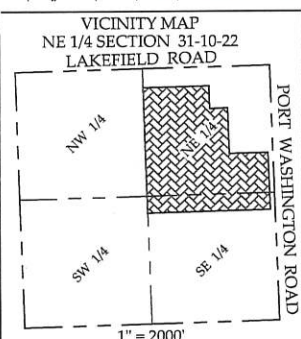
LEGEND

- 1" IRON PIPE FOUND, OR AS NOTED
- 3/4"x18" REBAR WEIGHING 1.13 LBS/FOOT SET.
- (B) BARN & SILO-TO BE RAZED
- (H) HOUSE-TO BE RAZED
- (S) SHED-TO BE RAZED

LOT 1
1,155,011 SQ. FT.
26.5154 ACRES

66,229 SQ. FT.
1.5204 ACRES
LOT 3

112,516 SQ. FT.
2.5830 ACRES
LOT 2



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD83). THE EAST LINE OF NE 1/4 OF SECTION 31-10-22 BEARS NORTH 02°02'24" WEST.

PSE

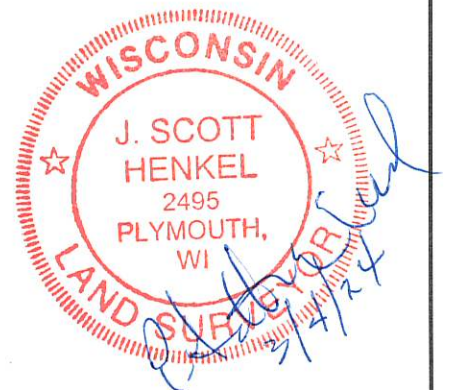
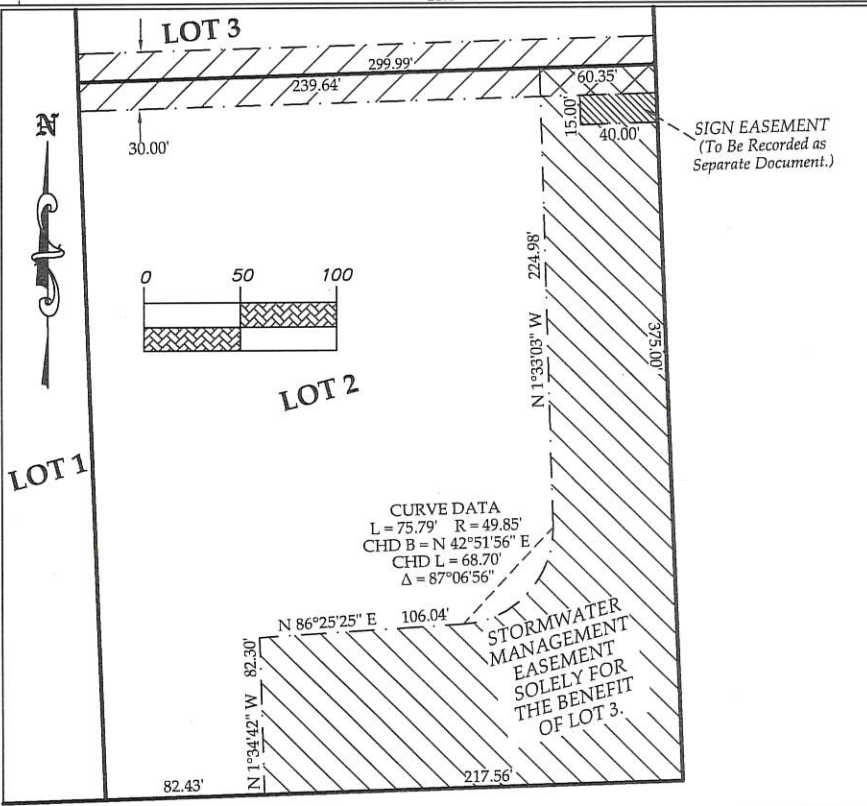
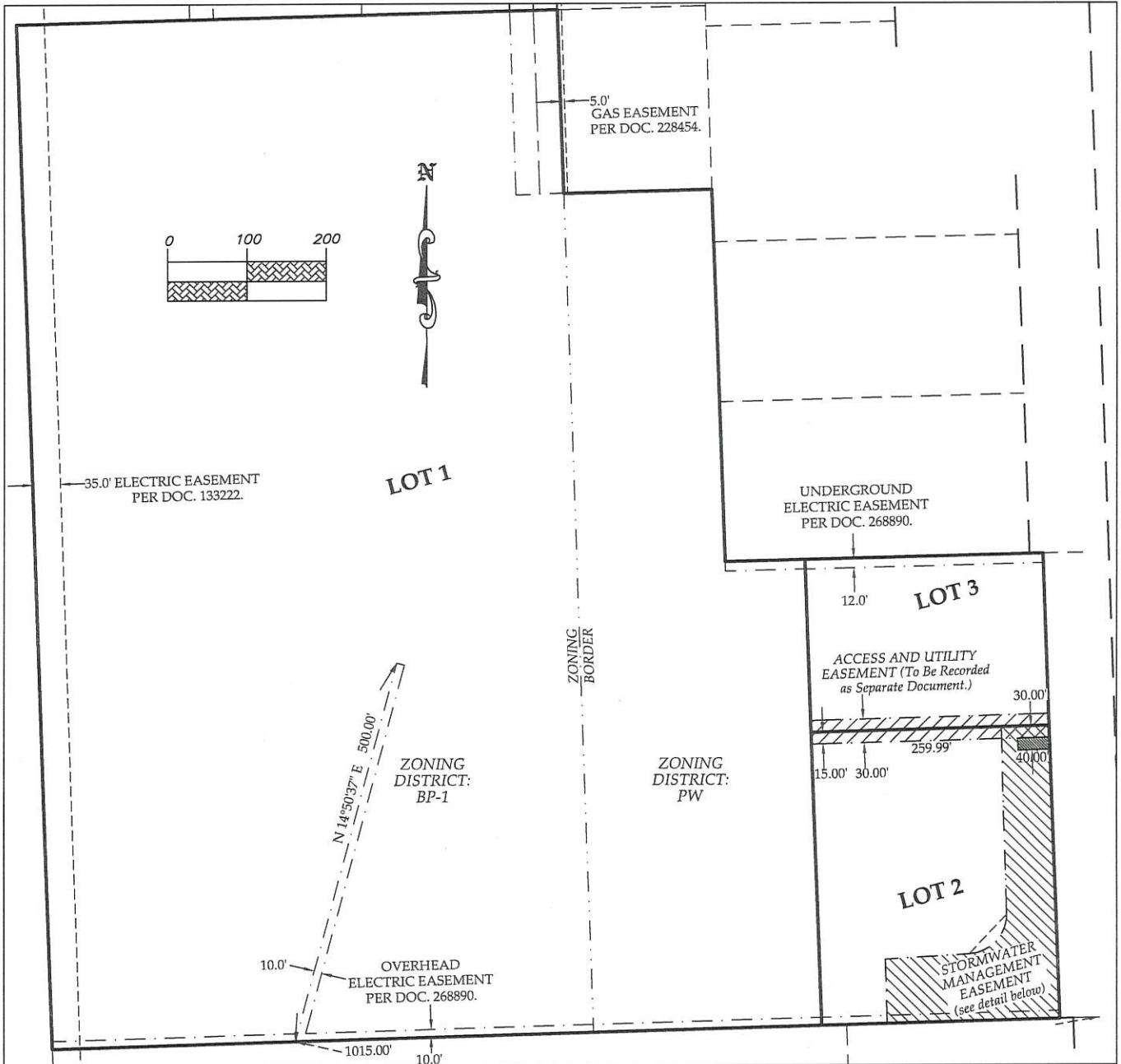
122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: PD-13-23 Date: 11/14/23

Attachment: CSM (9203 : G3 Development LLC)

CERTIFIED SURVEY MAP # _____

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REVISED FEBRUARY 29, 2024
REVISED FEBRUARY 7, 2024
REVISED JANUARY 18, 2024



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: PD-13-23 Date: 11/14/23

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TOWNSHIP 10 NORTH, RANGE 22 EAST, TOWN OF GRAFTON,
COUNTY OF OZAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

I, J. SCOTT HENKEL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING LAND AS DIRECTED BY THE OWNER, **G3 DEVELOPMENT LLC**:

TO DIVIDE LOT 1 OF CERTIFIED SURVEY MAP NO. 4120, RECORDED AS DOCUMENT NO. 1105888 BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 22 EAST IN THE TOWN OF GRAFTON, COUNTY OF OZAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31;
THENCE SOUTH 02°02'24" EAST, 912.00 FEET, ALONG THE EAST LINE OF SAID NORHEAST 1/4;
THENCE SOUTH 88°34'06" WEST, 50.00 FEET, TO THE WEST LINE OF PORT WASHINGTON ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE SOUTH 02°02'24" EAST, 595.47 FEET, ALONG SAID WEST LINE;
THENCE SOUTH 88°25'18" WEST, 1271.39 FEET, ALONG THE SOUTH LINE OF SAID LOT 1;
THENCE NORTH 01°59'34" WEST, 1310.04 FEET, ALONG THE EAST LINE OF SAID LOT 1;
THENCE NORTH 88°34'57" EAST, 682.44 FEET, ALONG THE NORTH LINE OF SAID LOT 1;
THENCE SOUTH 02°01'33" EAST, 234.00 FEET, ALONG THE EAST LINE OF SAID LOT 1;
THENCE NORTH 88°34'57" EAST, 187.10 FEET, ALONG SAID EAST LINE;
THENCE SOUTH 02°02'24" EAST, 477.11 FEET, ALONG SAID EAST LINE;
THENCE NORTH 88°34'06" EAST, 400.86 FEET, ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

CONTAINING 1,333,757 SQUARE FEET / 30.6188 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE MAP PREPARED IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES AS SHOWN AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AND THE TOWN OF GRAFTON LAND DIVISION ORDINANCE.


J. SCOTT HENKEL, PLS 2495


OWNER'S CERTIFICATE

AS OWNER, **G3 DEVELOPMENT LLC**, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, AND MAPPED, AS REPRESENTED HEREON. WE ALSO CERTIFY THAT THIS MAP IS IN ACCORDANCE WITH WISCONSIN STATUTES 236.34 AND THE TOWN OF GRAFTON LAND DIVISION ORDINANCE.



RYAN R. BRATT, AGENT

STATE OF WISCONSIN :SS
Ozaukee COUNTY

PERSONALLY CAME BEFORE ME THIS 5th DAY OF March, 2024, Ryan R Bratt, TO ME KNOWN AS THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED SAME.



NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES: 4/4/27



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: PD-13-23 Date: 11/14/23

Attachment: CSM (9203 : G3 Development LLC)

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TOWNSHIP 10 NORTH, RANGE 22 EAST, TOWN OF GRAFTON,
COUNTY OF OZAUKEE, STATE OF WISCONSIN.

TOWN OF GRAFTON PLAN COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF GRAFTON PLAN COMMISSION ON THIS 6

DAY OF December, 2023.
Lester A. Bartel, Jr.
LESTER A. BARTEL, JR., TOWN CHAIRMAN

Sara Jacoby
SARA JACOBY, TOWN CLERK

TOWN OF GRAFTON TOWN BOARD APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF GRAFTON TOWN BOARD ON THIS 13

DAY OF December, 2023.
Lester A. Bartel, Jr.
LESTER A. BARTEL, JR., TOWN CHAIRMAN

Sara Jacoby
SARA JACOBY, TOWN CLERK

EXTRATERRITORIAL REVIEW AND APPROVAL

CITY OF MEQUON PLANNING COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE CITY OF MEQUON PLANNING COMMISSION ON THIS _____

DAY OF _____, 202____.

ANDREW NERBUN, MAYOR



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: PD-13-23 Date: 11/14/23

Attachment: CSM (9203 : G3 Development LLC)

G₃ DEVELOPMENT

2.1.b

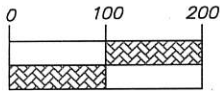
AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



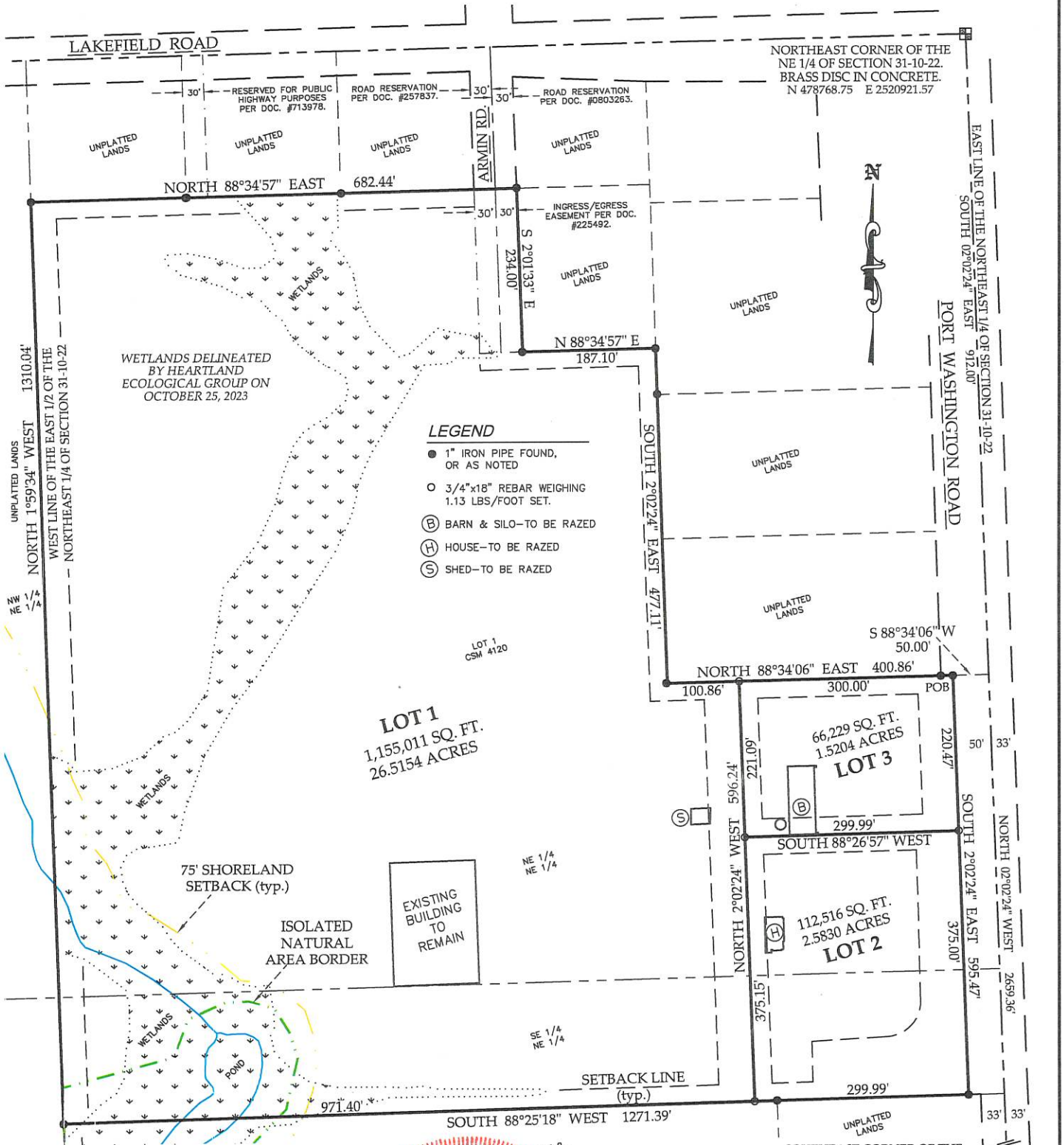
Attachment: G3DevMap (9203 : G3 Development LLC)

CERTIFIED SURVEY MAP

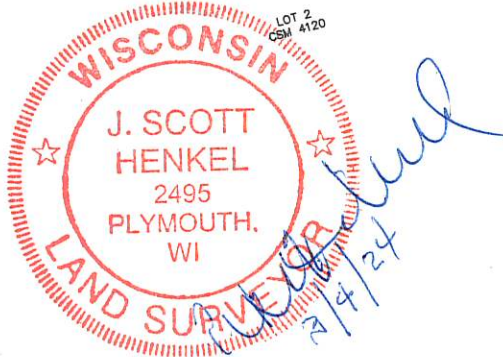
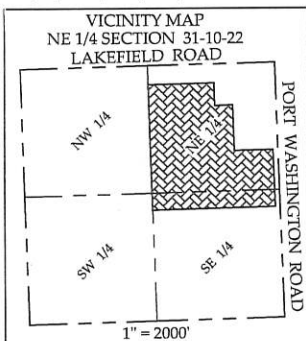
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OWNER:
G3 DEVELOPMENT LLC
4512 N. 127th STREET
MILWAUKEE, WI 53007



- LEGEND**
- 1" IRON PIPE FOUND, OR AS NOTED
 - 3/4"x18" REBAR WEIGHING 1.13 LBS/FOOT SET.
 - (B) BARN & SILO-TO BE RAZED
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BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD83). THE EAST LINE OF NE 1/4 OF SECTION 31-10-22 BEARS NORTH 02°02'24" WEST.



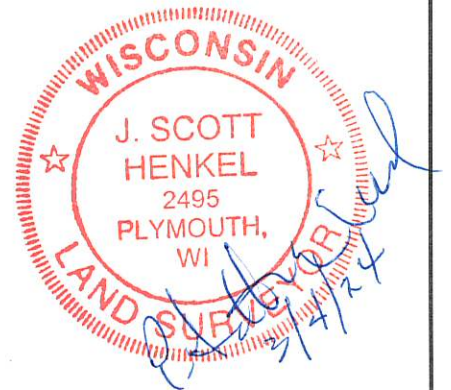
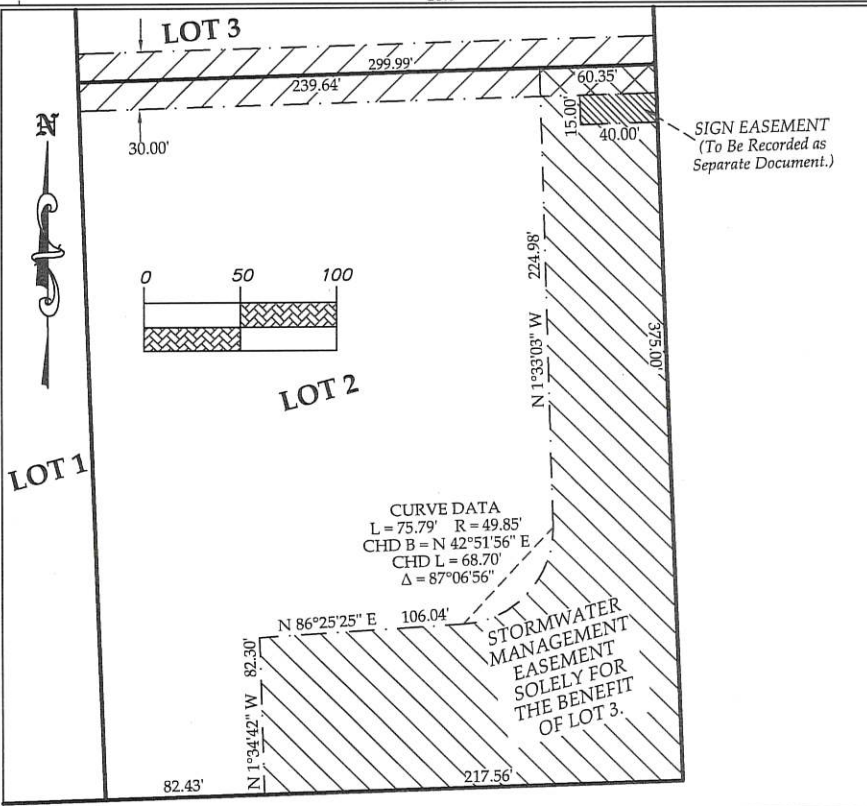
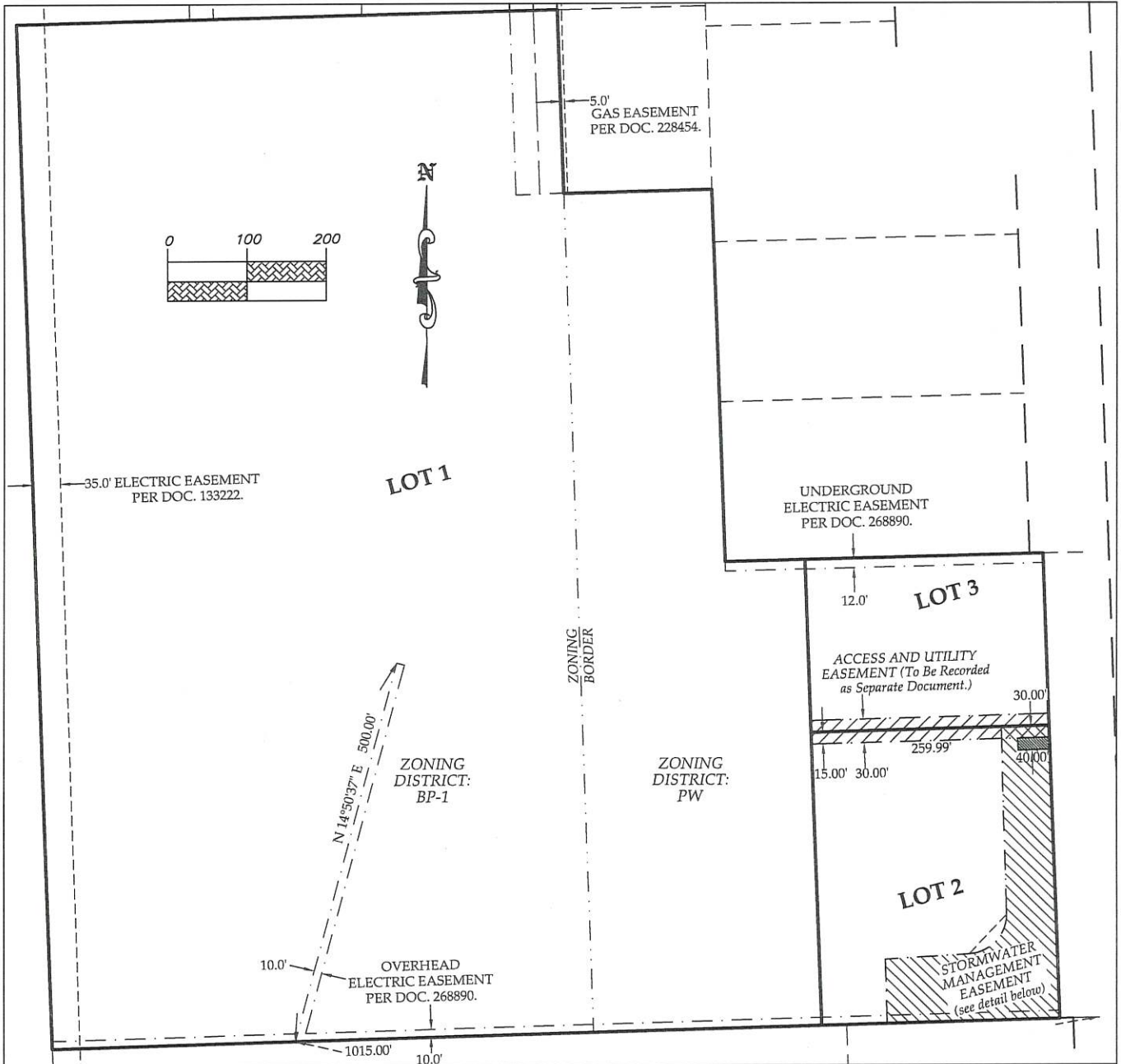
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REVISED FEBRUARY 29, 2024
REVISED FEBRUARY 7, 2024
REVISED JANUARY 18, 2024



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: PD-13-23 Date: 11/14/23

CERTIFIED SURVEY MAP # _____
TO DIVIDE LOT 1 OF CERTIFIED SURVEY MAP 4120, RECORDED AS
DOCUMENT NO. 1105888, BEING PART OF THE NORTHEAST 1/4 AND
THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31,
TOWNSHIP 10 NORTH, RANGE 22 EAST, TOWN OF GRAFTON,
COUNTY OF OZAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

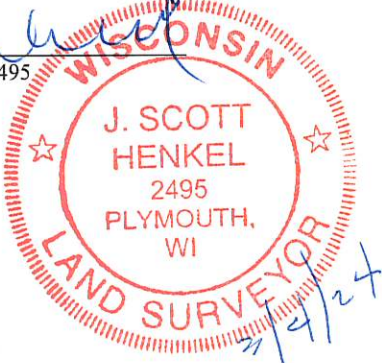
I, J. SCOTT HENKEL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING LAND AS DIRECTED BY THE OWNER, **G3 DEVELOPMENT LLC**:

TO DIVIDE LOT 1 OF CERTIFIED SURVEY MAP NO. 4120, RECORDED AS DOCUMENT NO. 1105888 BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 22 EAST IN THE TOWN OF GRAFTON, COUNTY OF OZAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31;
THENCE SOUTH 02°02'24" EAST, 912.00 FEET, ALONG THE EAST LINE OF SAID NORHEAST 1/4;
THENCE SOUTH 88°34'06" WEST, 50.00 FEET, TO THE WEST LINE OF PORT WASHINGTON ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE SOUTH 02°02'24" EAST, 595.47 FEET, ALONG SAID WEST LINE;
THENCE SOUTH 88°25'18" WEST, 1271.39 FEET, ALONG THE SOUTH LINE OF SAID LOT 1;
THENCE NORTH 01°59'34" WEST, 1310.04 FEET, ALONG THE EAST LINE OF SAID LOT 1;
THENCE NORTH 88°34'57" EAST, 682.44 FEET, ALONG THE NORTH LINE OF SAID LOT 1;
THENCE SOUTH 02°01'33" EAST, 234.00 FEET, ALONG THE EAST LINE OF SAID LOT 1;
THENCE NORTH 88°34'57" EAST, 187.10 FEET, ALONG SAID EAST LINE;
THENCE SOUTH 02°02'24" EAST, 477.11 FEET, ALONG SAID EAST LINE;
THENCE NORTH 88°34'06" EAST, 400.86 FEET, ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

CONTAINING 1,333,757 SQUARE FEET / 30.6188 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE MAP PREPARED IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES AS SHOWN AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AND THE TOWN OF GRAFTON LAND DIVISION ORDINANCE.


J. SCOTT HENKEL, PLS 2495


OWNER'S CERTIFICATE

AS OWNER, **G3 DEVELOPMENT LLC**, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, AND MAPPED, AS REPRESENTED HEREON. WE ALSO CERTIFY THAT THIS MAP IS IN ACCORDANCE WITH WISCONSIN STATUTES 236.34 AND THE TOWN OF GRAFTON LAND DIVISION ORDINANCE.



RYAN R. BRATT, AGENT

STATE OF WISCONSIN :SS
Ozaukee COUNTY

PERSONALLY CAME BEFORE ME THIS 5th DAY OF March, 2024, Ryan R Bratt, TO ME KNOWN AS THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED SAME.



NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES: 4/4/27


122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

CERTIFIED SURVEY MAP # _____
TO DIVIDE LOT 1 OF CERTIFIED SURVEY MAP 4120, RECORDED AS
DOCUMENT NO. 1105888, BEING PART OF THE NORTHEAST 1/4 AND
THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31,
TOWNSHIP 10 NORTH, RANGE 22 EAST, TOWN OF GRAFTON,
COUNTY OF OZAUKEE, STATE OF WISCONSIN.

TOWN OF GRAFTON PLAN COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF GRAFTON PLAN COMMISSION ON THIS 6

DAY OF December, 2023.
Lester A. Bartel, Jr.
LESTER A. BARTEL, JR., TOWN CHAIRMAN

Sara Jacoby
SARA JACOBY, TOWN CLERK

TOWN OF GRAFTON TOWN BOARD APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF GRAFTON TOWN BOARD ON THIS 13

DAY OF December, 2023.
Lester A. Bartel, Jr.
LESTER A. BARTEL, JR., TOWN CHAIRMAN

Sara Jacoby
SARA JACOBY, TOWN CLERK

EXTRATERRITORIAL REVIEW AND APPROVAL

CITY OF MEQUON PLANNING COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE CITY OF MEQUON PLANNING COMMISSION ON THIS _____

DAY OF _____, 202____.

ANDREW NERBUN, MAYOR



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: PD-13-23 Date: 11/14/23

Attachment: CSM (9203 : G3 Development LLC)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: March 18, 2024
SUBJECT: Ann & Gary Skiff. The applicant is seeking minor request approval to allow for a setback waiver for the property located at 2116 W. Donges Bay Road.

Applicant:	Ann & Gary Skiff
Status of Applicant:	Owner
Requested:	Minor Request – Setback Waiver
Existing Zoning:	R-3 ((Residential Detached)
Lot size:	1.49 Acres
Location:	2116 W. Donges Bay Road
Tax Key Number:	#15-030-12-001.00
District:	#6

Background:

This applicant is seeking a minor request for a setback waiver to allow for a home addition at 2116 West Donges Bay Road. The property in question is 1.49 acres and is situated at the corner of Donges Bay Road and Stratford Place. The lot currently has an existing home, detached storage structure, and a detached garage. The proposed addition to the home will be an extension off the rear of the building to the north and not go further into the setback area on Donges Bay.

Zoning Analysis:

The property does not have right-of-way (ROW) dedicated and the existing Ultimate ROW for Donges Bay Road is 100 feet (50 feet each way). The existing house on the property is outside the ROW by 0.4 feet. This means that the existing structure is within the front yard setback by 69.4 feet. Based on area measurements from GIS, the lot coverage of the existing site is approximately 4%, where zoning allows a maximum of 15%. The proposed addition meets all required offsets from west, east and rear property lines.

Setback:

According to Section 58-416(d), setback exceptions can be granted given two conditions:

- The addition is set back at a distance greater than or equal to the average of the existing building setback and the required setback; or
- The addition is set back at a distance at least equal to the building setback and the planning commission determines that the addition will neither impede any likely public improvements nor cause any hardship, inconvenience, or diminution in value to any adjacent properties and further determines that the addition will be harmonious with neighboring properties.

According to the property survey provided by the applicant from North Shore Engineering, the existing house is 50.4 feet from the centerline of Donges Bay Road. The base setback line for the

property (ultimate ROW) is 50 feet. From there, an additional 70 feet of front yard setback is required because Donges Bay is a local arterial road.

To meet Option A, the building addition would have to be set back 35.2 feet from the base setback line. From the base setback line, the addition would only be set back 31 feet. The proposed addition would not meet this requirement.

However, Option B allows the Planning Commission to decide whether an addition will not cause any negative externality to the site, barring that the addition is at least equal to the existing building setback. The addition being off the back of the home to the north shows that it will not extend into the noncompliant setback any further. The proposed extension of the home would meet this requirement for Option B.

Site Compliance:

Code Enforcement Officer Scott Pinzer visited the site on March 6th and identified multiple outdoor storage violations (see attached).

According to Section 58-420 *Site Maintenance* and subsection (3) *Outside Storage*,
“No unenclosed storage of materials, equipment or supplies including, but not necessarily limited to unused or junked appliances, furniture, lumber, bricks, cement blocks, cans, and containers, shall be permitted where such storage is readily visible from any public place or from any surrounding private property.”

Bicycles and other items that should be stored indoors or should be moved to maintain the appearance of the property. As a condition, no building permit shall be issued until compliance is achieved.

Recommendation:

Staff recommends **approval** of the minor request subject to the following conditions:

1. All site compliance issues shall be resolved prior to any building permit is issued. (See ‘Site Compliance’ section above.)
2. Addition to existing home shall receive approval from Architectural Review Board prior to issuance of any building permit.
3. Planning staff review and approval of final site, lighting, and landscaping plans prior to the issuance of permits. The applicant shall submit such plan within 180 days of Planning Commission action, or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.

Attachments:

SkiffMap (PDF)

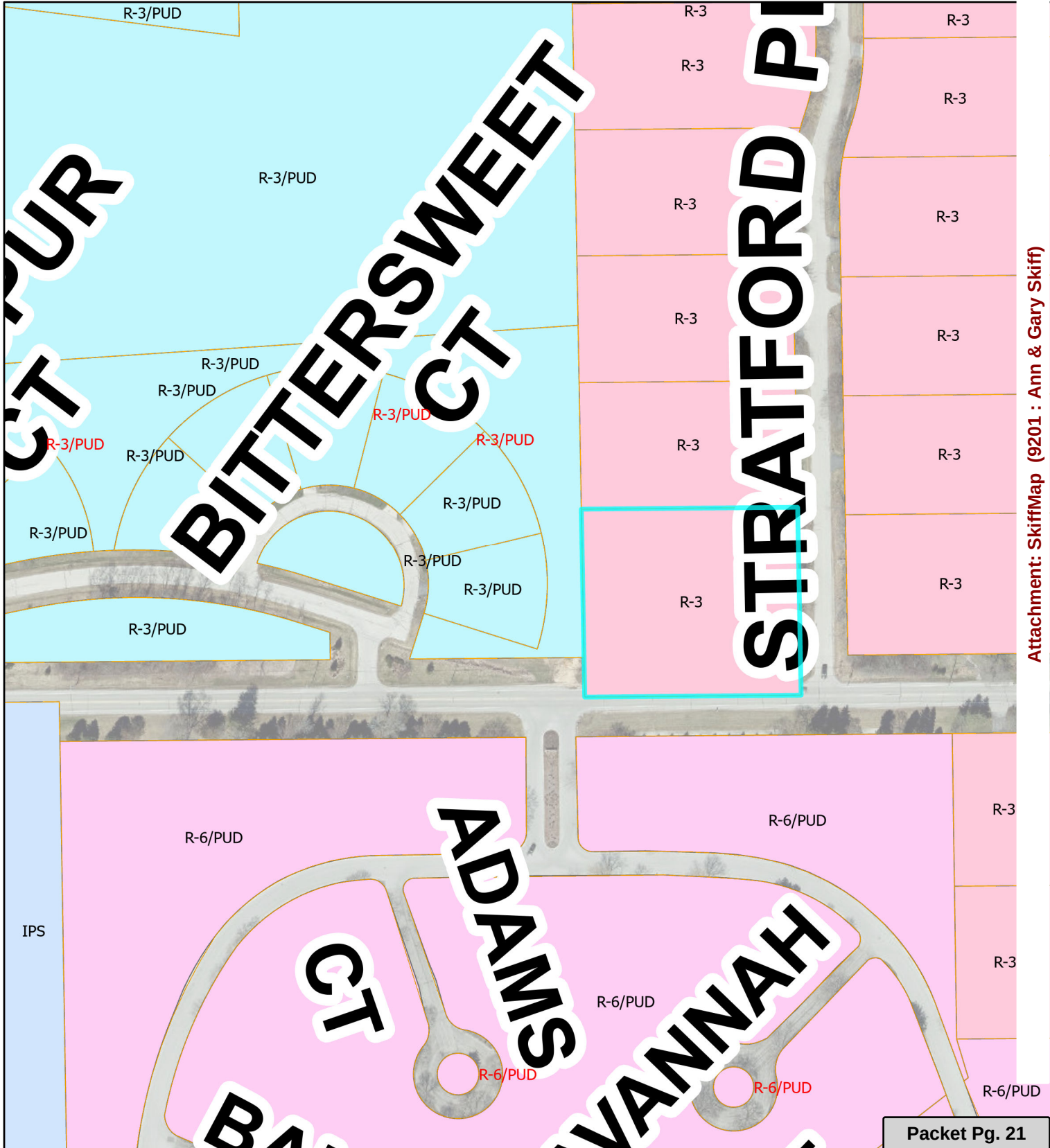
Plans (PDF)

Property Survey (PDF)

5 Pictures (PDF)

SKIFF

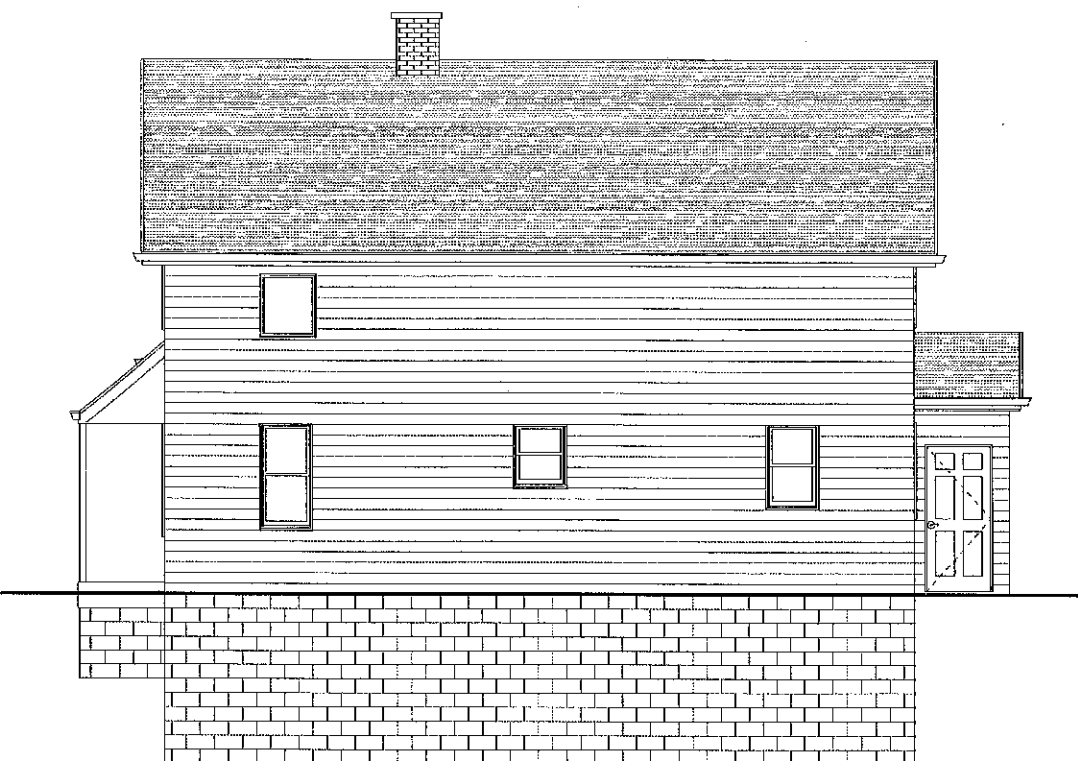
AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights





EXISTING LEFT ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



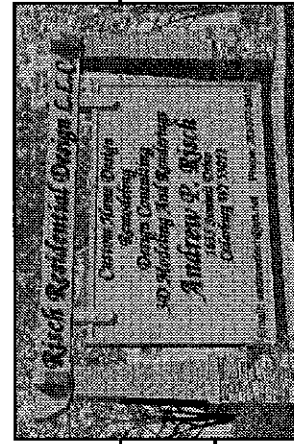
EXISTING REAR ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING REAR ELEVATION

SCALE: 1/4" = 1'-0"



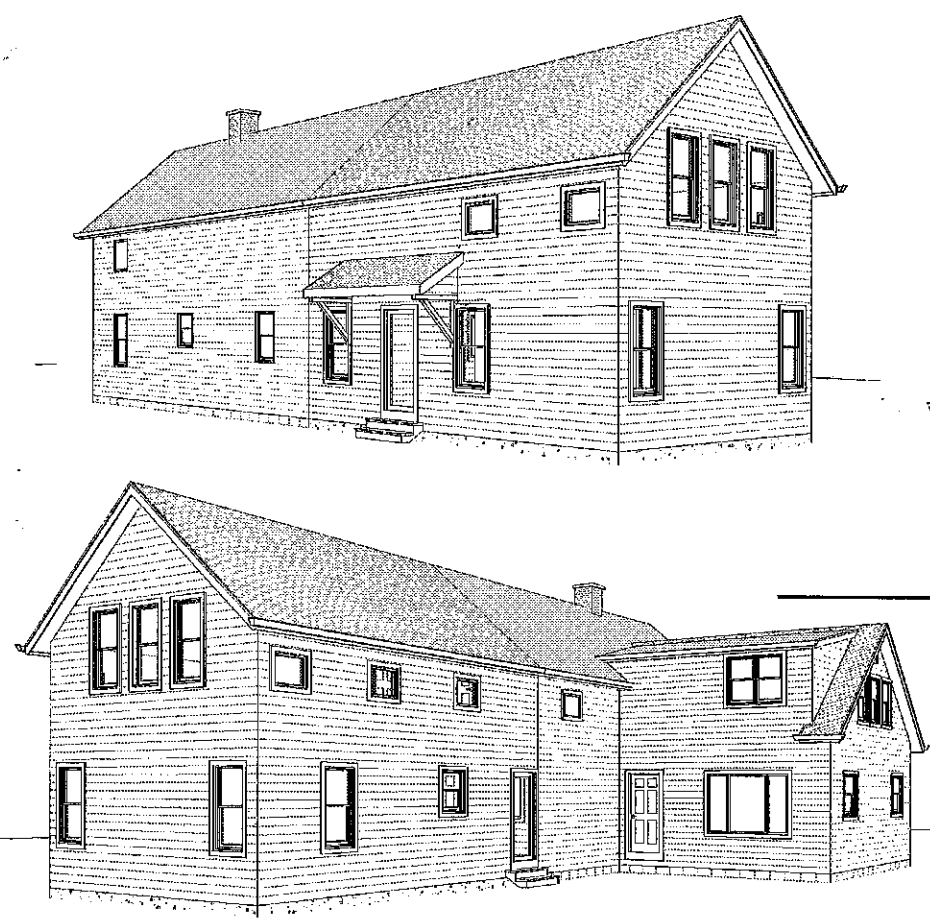
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FINAL PLAN 7-17-22

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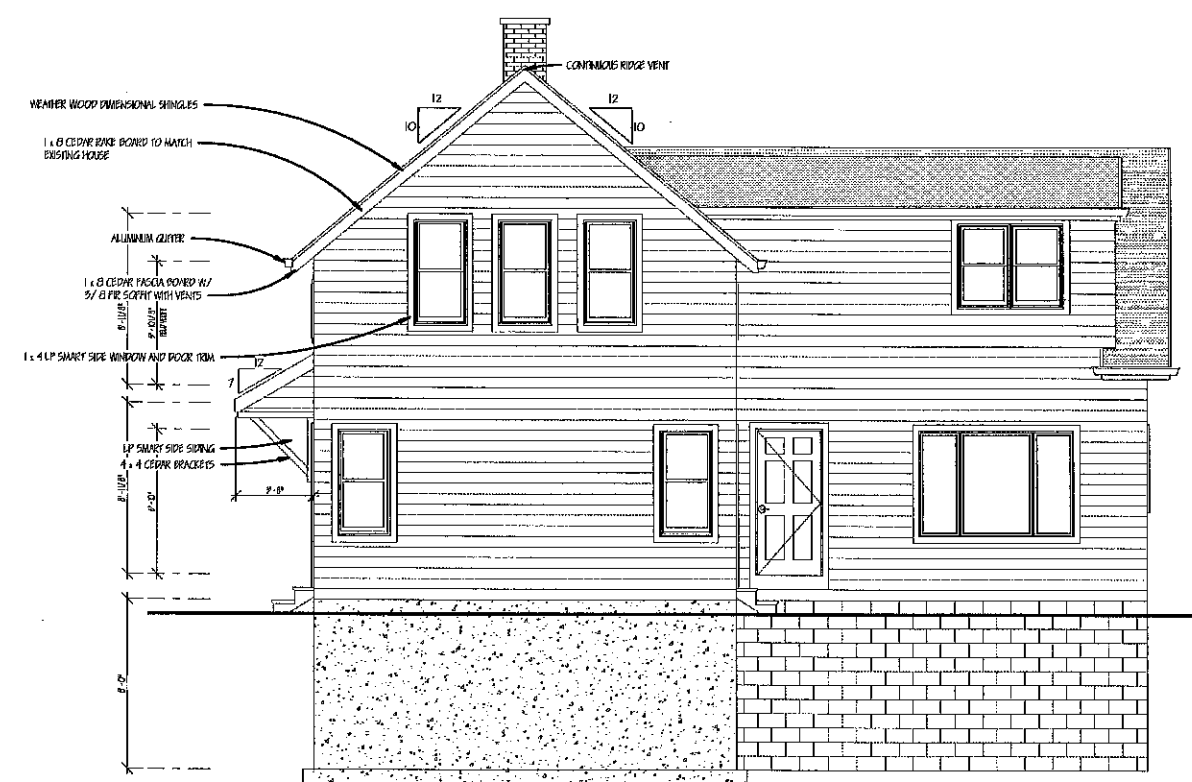
REMODEL FOR:
GARY SKIFF
2116 WEST DONGES BAY ROAD MEQUON
REMODEL:
HOUSE ADDITION

EXISTING
ELEVATIONS

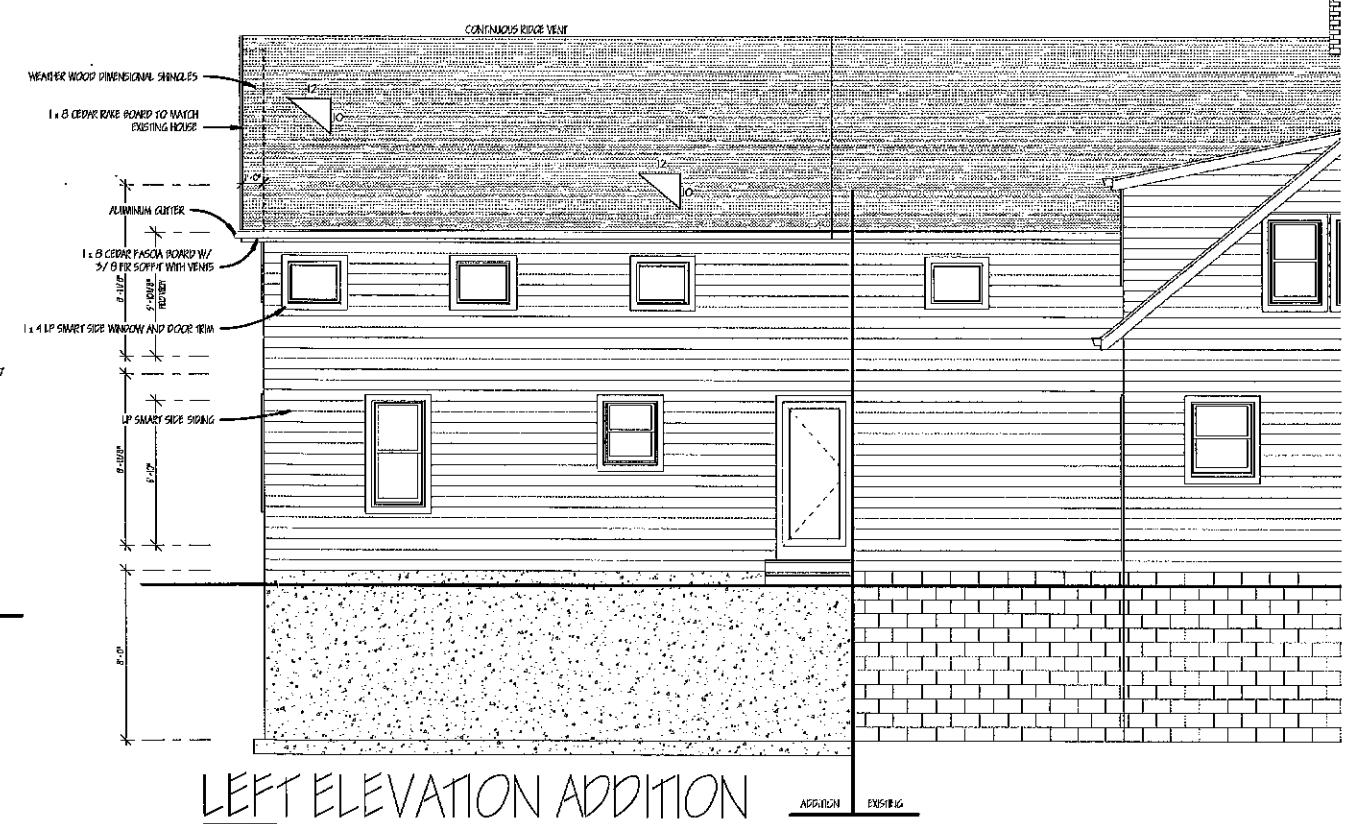
SHEET
1 OF 4



RIGHT ELEVATION ADDITION
SCALE: 1/4" = 1'-0"



REAR ELEVATION ADDITION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION ADDITION
SCALE: 1/4" = 1'-0"

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FINAL PLAN 7-17-22

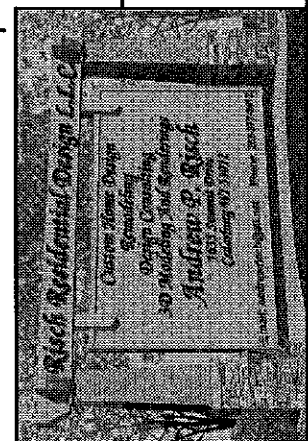
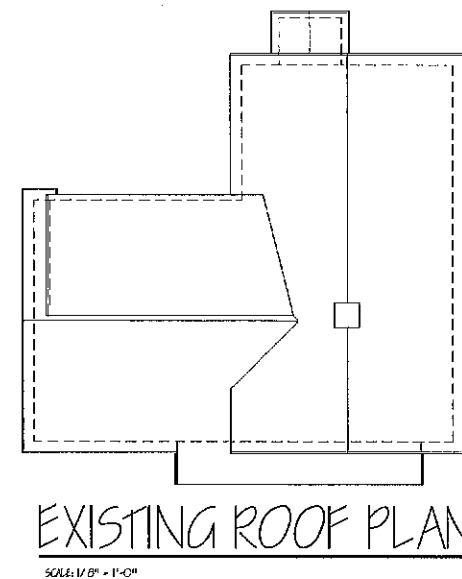
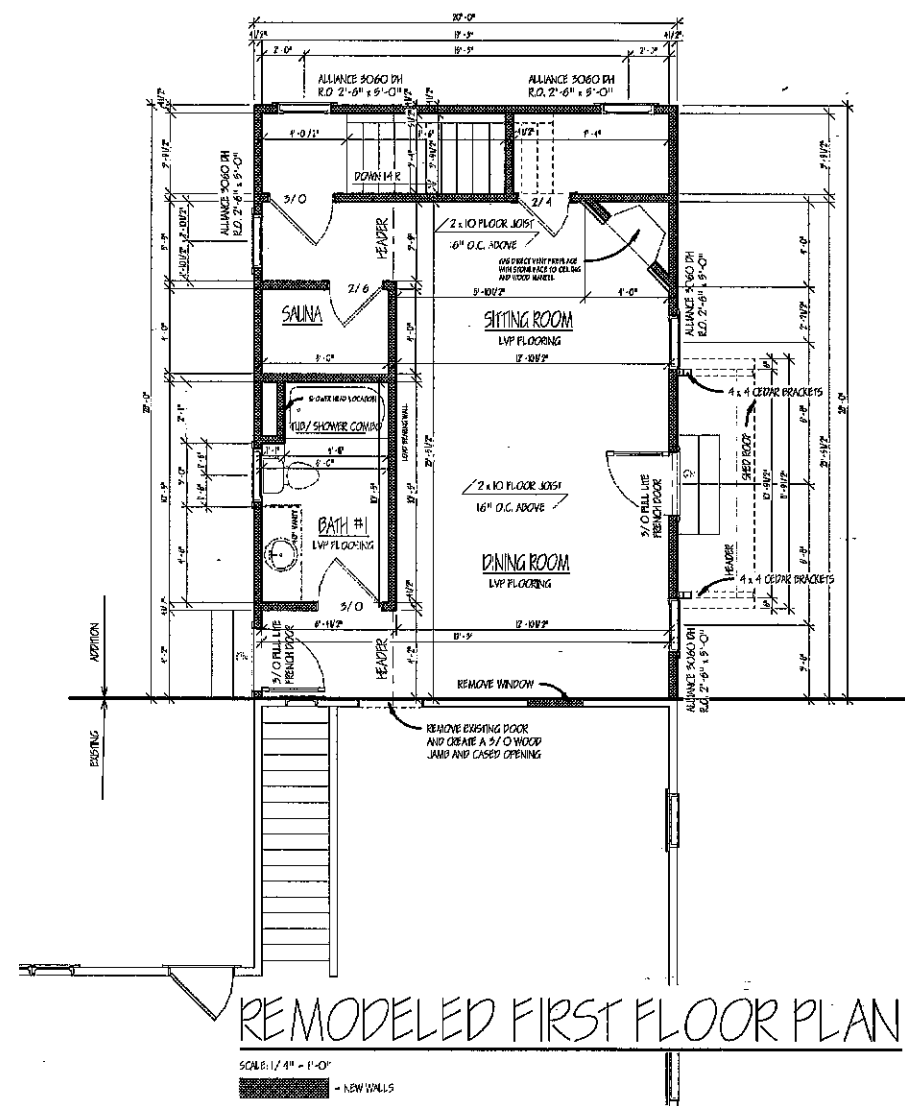
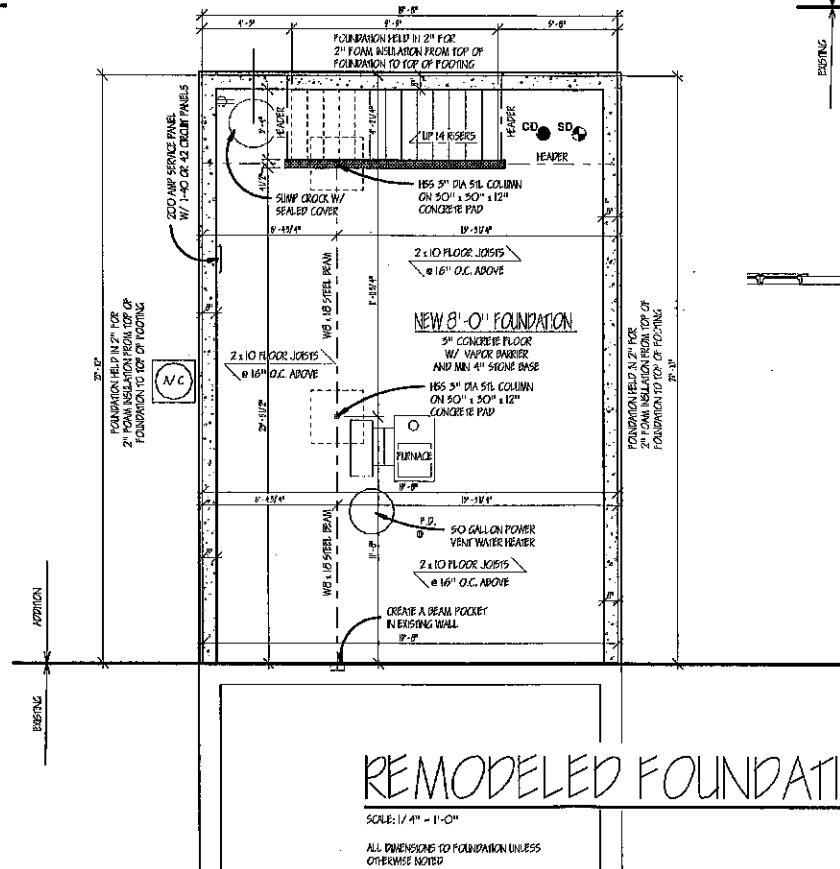
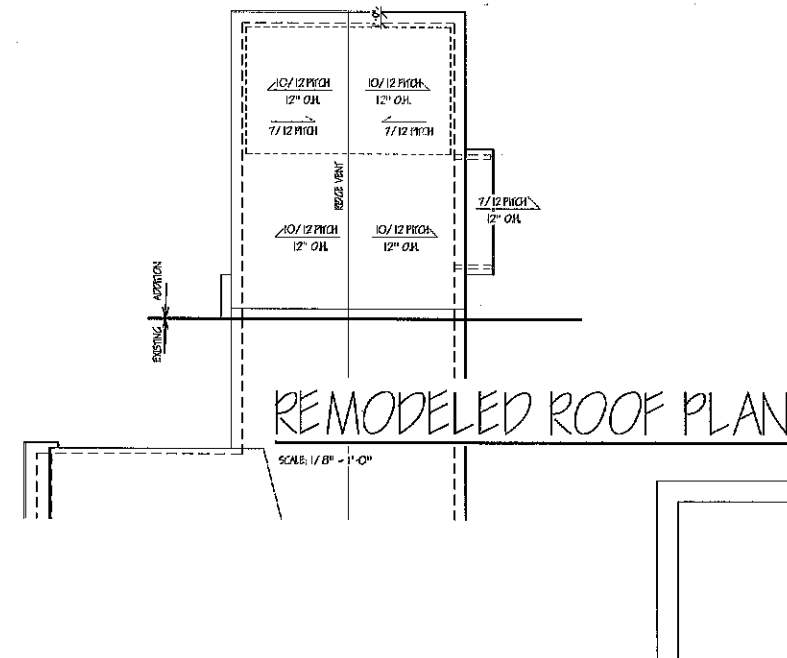
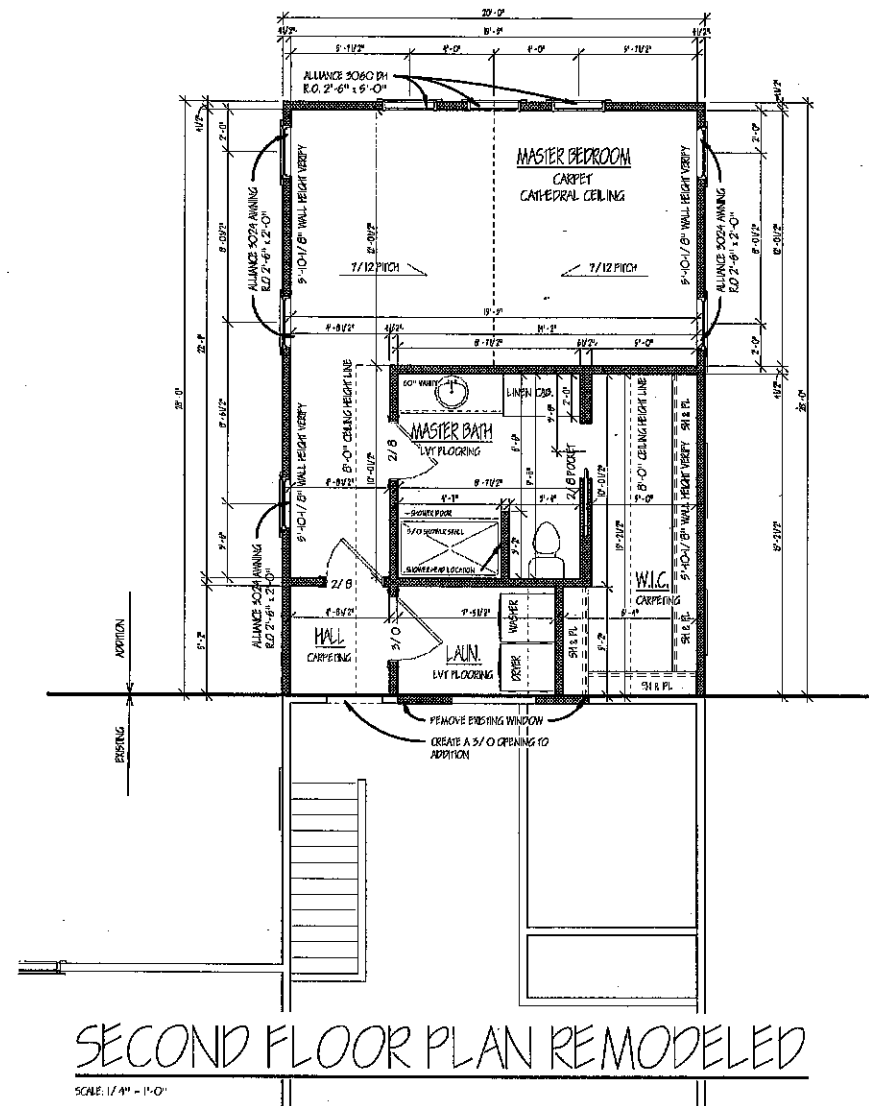
PROFESSIONAL SEAL
Rich Residential Design LLC
Architect
2016 West Donges Bay Road Mequon, WI 53091
Tel: 414.461.1234
www.richresidential.com

REMODEL FOR:
GARY SKIFF
2116 WEST DONGES BAY ROAD MEQUON

REMODEL:
HOUSE ADDITION

ADDITION
ELEVATIONS

SHEET
2 OF 4



REMODEL FOR:
GARY SKIFF
2116 WEST DONGES BAY ROAD MEQUON

REMODEL:
HOUSE ADDITION

FOUNDATION
FIRST &
SECOND
FLOOR

SHEET
3 OF 4

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EXPERIENCE HAS REVEALED THAT THE DESIGN, PREPARED AND PROVIDED
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FINAL PLAN 7-17-22



PROPERTY DESCRIPTION:

That part of the East half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 30, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

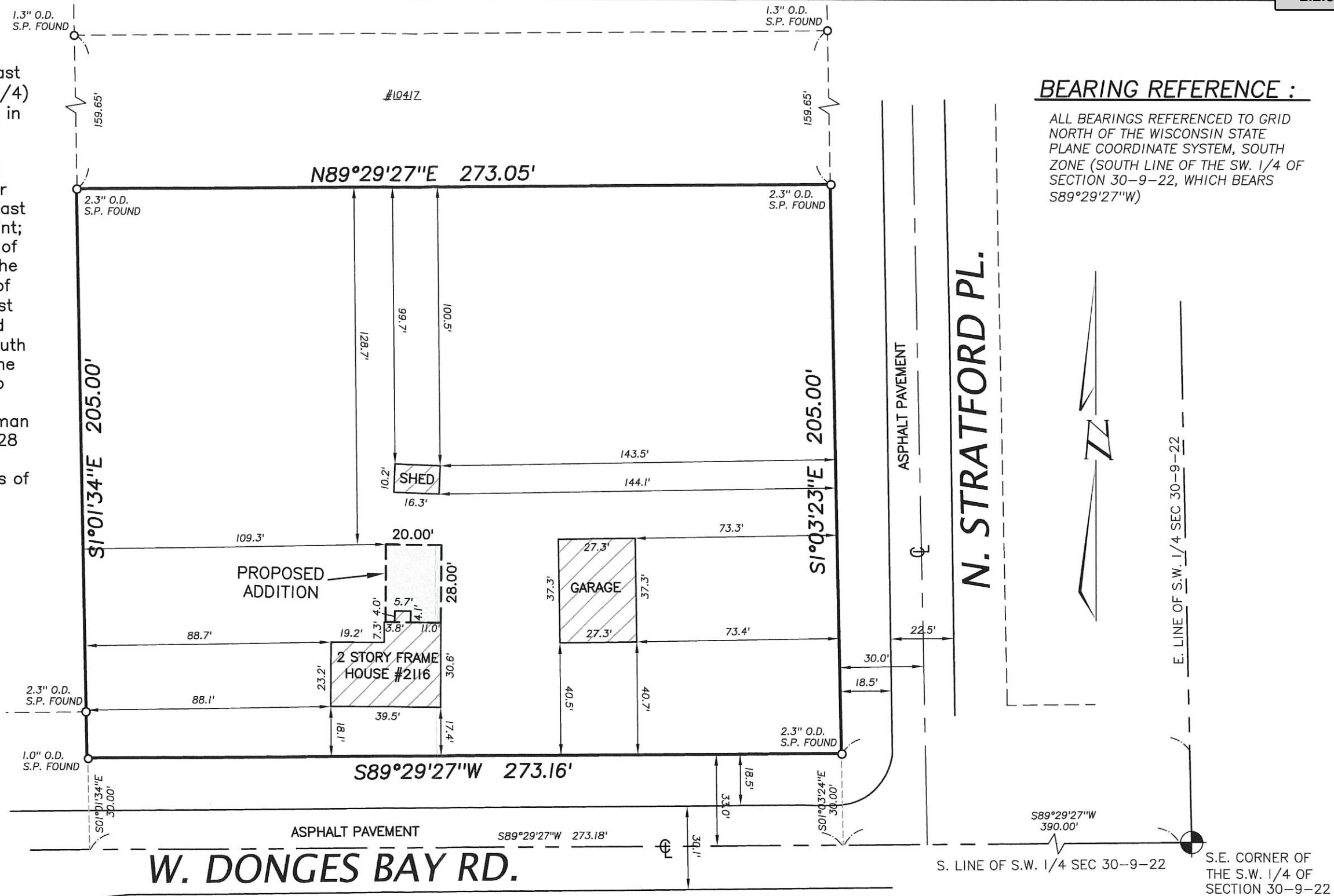
Commencing at a point in the South line 390.00 feet West of the Southeast corner of said quarter Section; thence North on a line parallel to the East line of said quarter Section, 638.00 feet to a point; thence West on a line parallel to the South line of said quarter Section, 272.84 feet to a point; in the West line of the East half of the Southeast 1/4 of said quarter section; thence South along the West line of the East half of the Southeast 1/4 of said quarter Section, 638.00 feet to a point in the South line of said quarter section; thence East along the South line of said quarter Section, 273.18 feet to the place of beginning.

Excepting that portion deeded to Gerald E. Wichman in Volume 420, page 115 as Document No. 302528

Said Parcel containing 55,932 sq. ft./ 1.28 acres of land, more or less.



THIS IS AN ORIGINAL PRINT
ONLY IF STAMPED IN RED



SURVEY CERTIFICATE

I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadway, and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase mortgage, or guarantee the title thereto within one (1) year from date hereof.

Dated at City of Mequon, State of Wisconsin this 29th day of June, 2022.

Recertified _____
James Schneider
S - 2127

NSE NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400
www.NorthShoreEngineering.net

"PROPERTY SURVEY"	
for Gary Skiff	
2116 W. Donges Bay Rd Mequon, WI	
DATE:	June 29, 2022
DRAWN BY:	J.R.S.
FIELD CREW:	E.A.J. & S.F.Z.
Plat No.	

Attachment: Property Survey (9201 : Ann & Gary Skiff)













11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: March 18, 2024
SUBJECT: Robert Depies for Martin Skills Academy. The applicant is seeking conditional use grant approval for a fitness center for the property located at 6340 W. Donges Bay.

Applicant:	Robert Depies for Martin Skills Academy
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Multi-tenant
Existing Zoning:	B-5 (Light Industrial)
Lot size:	4.00 Acres
Location:	6340 W. Donges Bay Road
Tax Key Number:	#14-027-16-021.00
District:	#4

Background:

The applicant is seeking a conditional use grant to operate a fitness center at 6340 West Donges Bay Road. The tenant space for the user is 4,696 square feet. The current property is located within a B-5 Light Industrial district, of which fitness center is a conditional use. The applicant indicated through communication with staff that they would not be doing any construction or building in the premises.

Conditional Use Grant:

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.

Martin Skills Academy would operate as a training center for different sports (basketball, baseball, and football) for ages 8 to 18. The academy focuses on small class sizes and 1-on-1 training by appointment to maximize the results for each student. All activities will take place within the building and will be monitored by staff for safety. The use should not have a negative impact on the public health, safety, and general welfare.

2. The proposed use should not injure the value of adjoining or abutting property.

The Land Use Plan designates the area as Business Park. Surrounding properties and tenant spaces are zoned the same B-5 as this one. This use is low intensity and is compatible with different uses in proximity and similar to other fitness centers in the general area. The proposed use should not injure the value of adjoining or abutting properties.

3. The proposed use shall be harmonious or compatible with the area in which it is located.

The proposed activities of the use will be comparable with existing fitness centers in the Business Park (Infinite Gymnastics, Body Activation). According to the business plan submitted with the Planning Commission application, hours of operation would be between 3:30pm - 9:00pm Monday through Friday. On weekends, training sessions would be available by appointment only, with time slots ranging from 8:00am to 9:00pm. Regarding parking, the applicant states that they've been allocated 27 spaces by the property owner. The parcel currently has 62 parking spaces not counting ADA spaces. The applicant claims that there will be only 13 people on-site at the very most, with the largest class having 12 students and one instructor. However, many training sessions will be 1-on-1, which should limit the number of vehicles present on-site at one time.

Staff Recommendation:

Since the proposal meets the Zoning Code and Land Use Plan, staff recommends approval of the conditional use grant based on the following conditions:

1. Staff review and approval of final floor plans prior to the issuance of occupancy.
2. Should the floor plans submitted show walls or structures that require a building permit, the use may require Planning Commission action for an amendment.
3. The applicant shall submit such plan within 180 days of Planning Commission action or the required plans shall be submitted to Planning Commission for additional review, action, and subject to all necessary fees.
4. Signage for the use shall comply with the City's sign code.

Attachments:

MartinSkillsMap (PDF)

Narrative (PDF)

Plan Set (PDF)

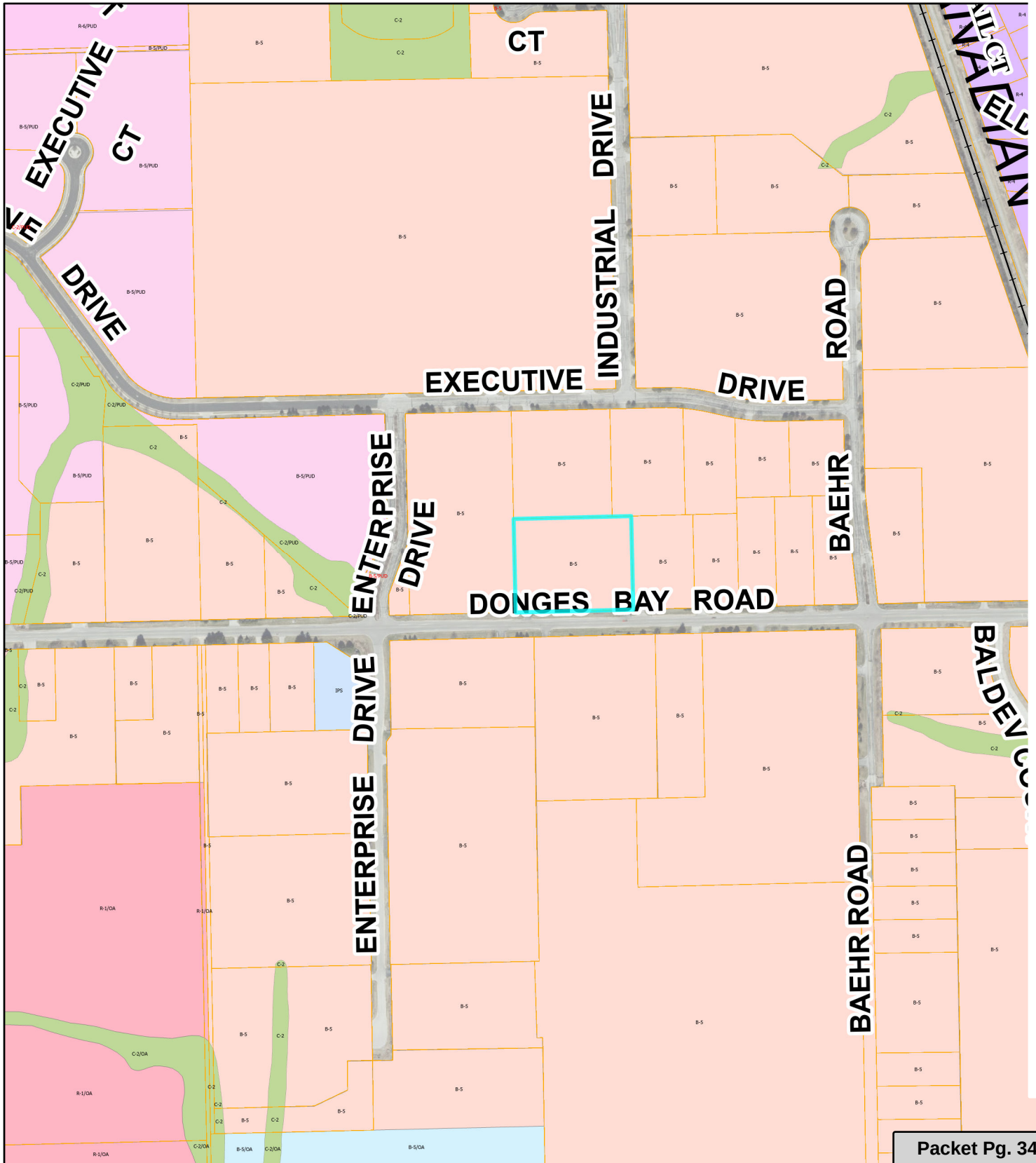
CONDITIONAL USE GRANT - Martin Skills Academy (PDF)

MARTIN SKILLS ACADEMY

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

IPS Institutional & Public Service
NC Neighborhood Commercial
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 DU/Ac.)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

3.a.a



Attachment: MartinSkillsMap (9200) : Robert Depies for Martin Skills Academy

Martin Skills Academy: Unleashing Potential in Youth Athletes

In the heart of our community lies Martin Skills Academy, a beacon of athletic excellence and holistic development for youth athletes aged 8 to 18. Founded by Chris Martin, a passionate advocate for youth sports and a seasoned trainer himself, Martin Skills Academy is more than just a training facility—it's a nurturing environment where young athletes hone their skills, elevate their game, and cultivate a deep understanding of their chosen sports: baseball, basketball, and football.

A Personalized Approach

What sets Martin Skills Academy apart is its commitment to personalized training. Unlike other sports academies, where athletes might feel lost in the crowd, Martin Skills Academy provides individualized attention, ensuring each athlete receives tailored guidance to reach their full potential. With a focus on 1-on-1 training sessions, athletes benefit from targeted instruction, addressing their specific strengths, weaknesses, and goals.

Comprehensive Curriculum

At Martin Skills Academy, we believe in building a strong foundation. Our curriculum encompasses both basic fundamentals and advanced techniques, ensuring athletes develop a well-rounded skill set. From mastering the perfect layup to perfecting the curveball, we are dedicated to refining every aspect of our athletes' game. Moreover, our emphasis on sports IQ goes beyond physical prowess, empowering athletes with the strategic knowledge and decision-making skills crucial for success on the field or court.

Safe and Supportive Environment

Safety is paramount at Martin Skills Academy. While football training does not include contact drills, our facility adheres to strict safety protocols to minimize the risk of injury in all sports. Additionally, we prioritize creating a supportive and inclusive atmosphere where athletes feel comfortable pushing their limits and exploring their potential.

A One-Person Team, Limitless Impact

Despite being a one-person operation, Chris Martin's passion and expertise fuel every aspect of Martin Skills Academy. As the owner and lead trainer, Chris brings years of experience and a deep understanding of youth sports development to each session. His dedication to his craft and genuine care for every athlete under his guidance ensure that

Martin Skills Academy is not just a place to train but a community where dreams are nurtured and realized.

Hours of Operation

Martin Skills Academy understands the demands of busy schedules. That's why we offer flexible training hours to accommodate our athletes' needs. From Monday to Friday, our doors are open from 3:30 pm to 9:00 pm, providing ample opportunities for after-school training. On weekends, training sessions are available by appointment only, ensuring that athletes can pursue their passion for sports without compromising their other commitments.

Join the Martin Skills Academy Family

Whether your child dreams of hitting a home run, sinking the winning basket, or scoring the winning touchdown, Martin Skills Academy is here to help turn those dreams into reality. With personalized training, comprehensive curriculum, and unwavering support, we're more than just a sports academy—we're a partner in your child's journey to athletic excellence and personal growth. Come join the Martin Skills Academy family today and unlock your full potential!

CLIFF BERGIN AND ASSOCIATES, INC.

OFFICE RENOVATION

PROPERTY OWNER:
B & DG ENTERPRISES, LLC
6300 W. DONGES BAY RD.
MEQUON, WI 53092

TENANT:
MARTIN SKILLS ACADEMY
email: martinskillsacademy@gmail.com

PROJECT LOCATION:
6340 W. DONGES BAY RD.
MEQUON, WI 53092

CONTACT:
BOB DEPIES
phone: 262-242-2456
email: bdepies@cbergin.com

SHEET INDEX

- COVER
- C-1PROJECT COVER SHEET
- ARCHITECTURAL
- SP-1SITE PLAN / ACCESSIBILITY ELEMENTS
- A-1BUILDING FLOOR PLAN / DETAILED FLOOR PLAN / SECTION



PROJECT LOCATION

CODE ANALYSIS			
OCCUPANCY (IBC 303.4): USE GROUP: B		ACCESSIBILITY (IBC CHAPTER 11):	CODES USED IN REVIEW: 2015 International Building Code with Wisconsin Amendments SPS 362 Accessibility Code: 2015 International Building Code with Wisconsin Amendments SPS 363 2003 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities Mechanical Code: 2015 International Mechanical Code with Wisconsin Amendments SPS 364 2015 International Fuel Gas Code with Wisconsin Amendments SPS 365 Plumbing Code: 2014 Wisconsin Plumbing Code SPS 381-387 Electrical Code: 2021 NFPA 101 National Electrical Code with Wisconsin Amendments SPS 316 Energy Code: 2015 IECC International Energy Conservation Code with Wisconsin Amendments SPS 363 Fire Code: 2015 International Fire Code Fire Rated Assemblies: ASTM E119 Zoning Code: City of Mequon Code of Ordinances.
- TENANT AREA= 4,969 SQ. FT. - RESTROOM AREA= 120 SQ. FT. (AREA OF ALTERATION) - TOTAL BUILDING AREA FOOTPRINT = 36,235 SQ. FT. - FIRE AREA = 16,310 SQ. FT.		- SITE ACCESS PROVIDED - BUILDING ACCESSIBLE ROUTE PROVIDED - EXIT ACCESS TRAVEL DISTANCE 300 FT. PER TABLE 1017.2	
TYPE OF CONSTRUCTION (IBC 602.5): TYPE IIIB EXTERIOR MASONRY, UNPROTECTED THIS TENANT SPACE OF BUILDING IS SPRINKLERED. SEE 3 HOUR FIRE WALL SHEET A-1			
OCCUPANT LOAD: TABLE 1004.1.2 BUSINESS : 1 PER 100 SQUARE FEET GROSS - 4,969 SQ.FT. /100= 50 OCCUPANTS TOTAL OCCUPANTS = 50 AREA OF RENOVATION			
TOILET FACILITIES: TABLE 2902.1 SEPARATE ADA MEN AND WOMEN RESTROOMS ARE PROVIDED			

10/25/2023

ACCESSIBILITY ELEMENTS

ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES AMERICAN NATIONAL STANDARDS ICC/ANSI A117.1-1998

303 Changes in Level

303.2 Vertical. Changes in level 1/4 inch high maximum shall be permitted to be vertical.

303.3 Beveled. Changes in level between 1/4 inch high minimum and 1/2 inch high maximum shall be beveled with a slope not steeper than 1:2.

303.4 Ramped. Changes in level greater than 1/2 inch shall be ramped and shall comply with section 405 or 406.

604 Water Closets:

604.4 Height: The top of water closet seats shall be 17 inches minimum and 19 inches maximum above the floor or ground. Seats shall not return automatically to a lifted position.

604.6 Flush Controls: Flush controls shall be hand operated or automatic. Hand-operated flush controls shall comply with Section 309.

604.7 Dispensers: Toilet paper dispensers shall comply with Section 309.4 and shall be 7 inches minimum and 9 inches maximum in front of the water closet. The outlet of the dispenser shall be 15 inches minimum and 48 inches maximum above the floor or ground. There shall be a clearance of 1 1/2 inches minimum below 12 inches minimum above the grab bar. Dispensers shall not be of a type that control delivery, or that do not allow continuous paper flow.

604.8 Toilet Compartments: See Detail

604.5 Grab Bars: See Detail

605 Urinals. See Detail

603.3 Mirrors. See Detail

606 Lavatories and Sinks. See Detail

606.4 Faucets. Faucets shall comply with Section 309. Hand-operated, self-closing faucets shall remain open for 10 seconds minimum.

606.6 Exposed Pipes and Surfaces. Water supply and drain pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

609 Grab Bars. See Details for position

609.1 General. Grab bars in accessible toilet or bath facilities shall comply with Section 609.

609.2 Size. Grab bars shall have a circular cross section with a diameter of 1 1/4 inch minimum to 1 1/2 inches maximum, or shall provide equivalent graspability complying with Section.

609.2.1 Non-Circular Cross Section. Grab bars with other shapes shall be permitted provided they have a perimeter dimension of 4 inches minimum and 4.8 inches maximum and with edges having a 1/8 inch minimum radius.

609.3 Spacing. The space between the wall and the grab bar shall be 1 1/2 inches. The space between the grab bar and objects below and at the end shall be 1 1/2 inches minimum. The space between the grab bar and projecting objects above shall be 15 inches minimum.

EXCEPTION: The space between the grab bars and shower controls, shower fittings, and other grab bars above shall be 1 1/2 inches minimum.

609.8 Structural strength. Allowable stresses in bending, shear, and tension shall not be exceeded for materials used where a vertical or horizontal force of 250 lb is applied at any point on the grab bar, fastener mounting device, or supporting structure.

404 Doors and Doorways.

404.2.3 Clear Width. Doorways shall have a clear opening of 32 inches (815 mm) minimum.

Clear opening of doorway with swinging doors shall be measured between the face of door and stop, with the door open 90 degrees. Openings more than 24 inches (610 mm) deep shall provide a clear opening of 36 inches (915 mm) minimum. There shall be no projections into the clear opening width lower than 34 inches (865 mm) above the floor or ground. Projections into the minimum clear opening width more than 34 inches (865 mm) and up to 80 inches (2020 mm) above the floor or ground are permitted but shall not exceed 4 inches (102 mm).

404.2.5 Thresholds at Doorways. Thresholds if provided, at doorways shall be 1/2 inch high maximum. Raised thresholds and changes in level at doorways shall comply with Sections 302 and 303.

404.2.7 Door Hardware. Handles, pulls, latches, locks, and other operable parts on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Such hardware shall be 48 inches maximum above the floor or ground. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides.

EXCEPTION: Locks used only for security purposes and not used for normal operation are permitted in any location.

703.5 Braille. Tactile characters shall be accompanied by Grade II Braille complying with Sections 703.5.1 through 703.5.4 and Table 703.5. Braille dots shall have a domed or rounded shape.

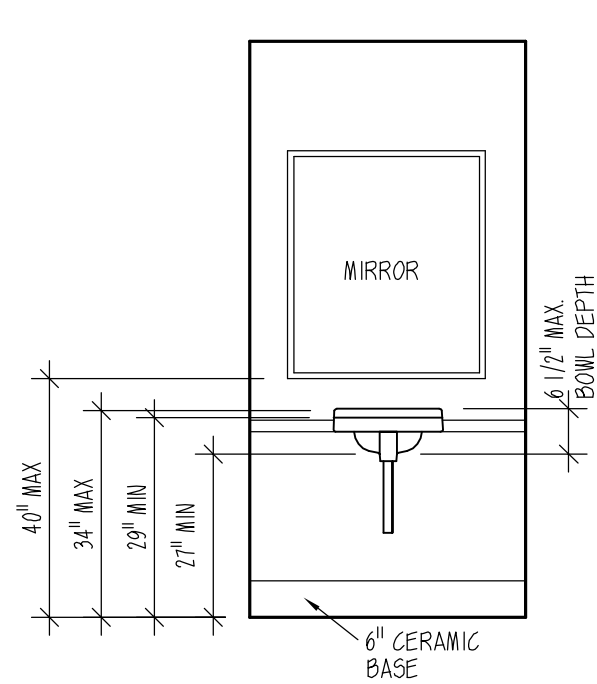
703.5.1 Location. Braille shall be below the corresponding text. If text is multiline Braille shall be placed below entire text. Braille shall be separated 3/8" minimum from any other tactile characters.

703.5.2 Raised Elements and Borders. Raised borders and elements that are not required shall be 3/8" minimum from tactile characters.

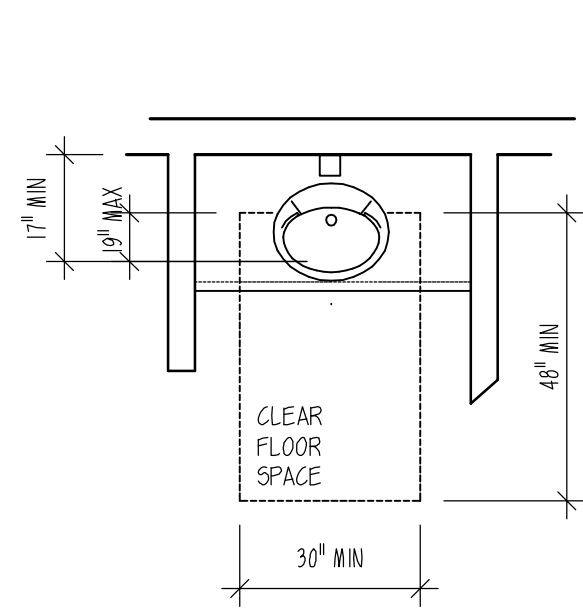
703.5.3 Height. Braille shall be 40 inches minimum, and 60 inches maximum, above the floor or ground, measured from the baseline of the Braille cells.

703.5.4 Braille Standard. Braille shall comply with literary Braille.

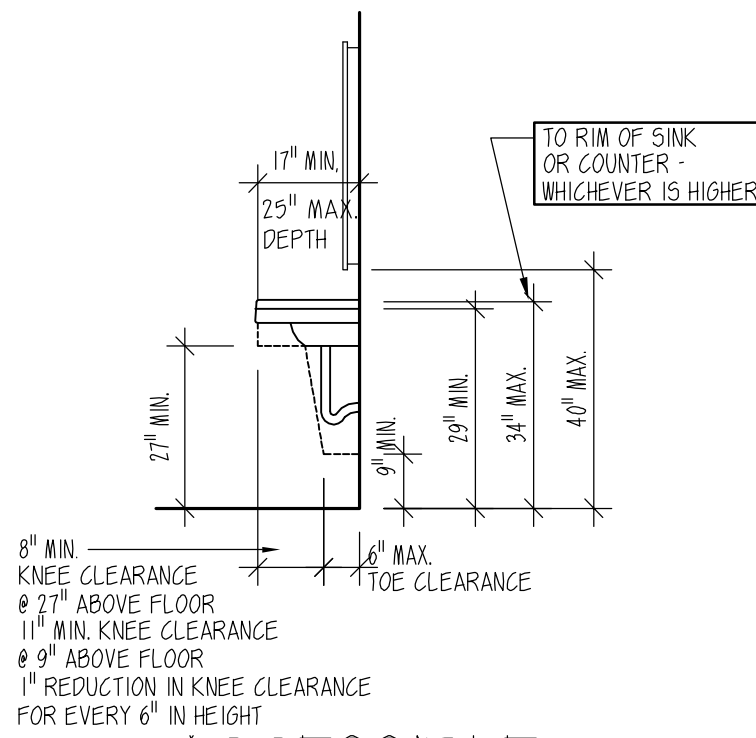
EXCEPTION: The indication of an uppercase letter or letters shall only be used before the first word of sentences, proper nouns and names, individual letters of the alphabet, initials, or acronyms.



ACCESSIBLE
FRONT VIEW

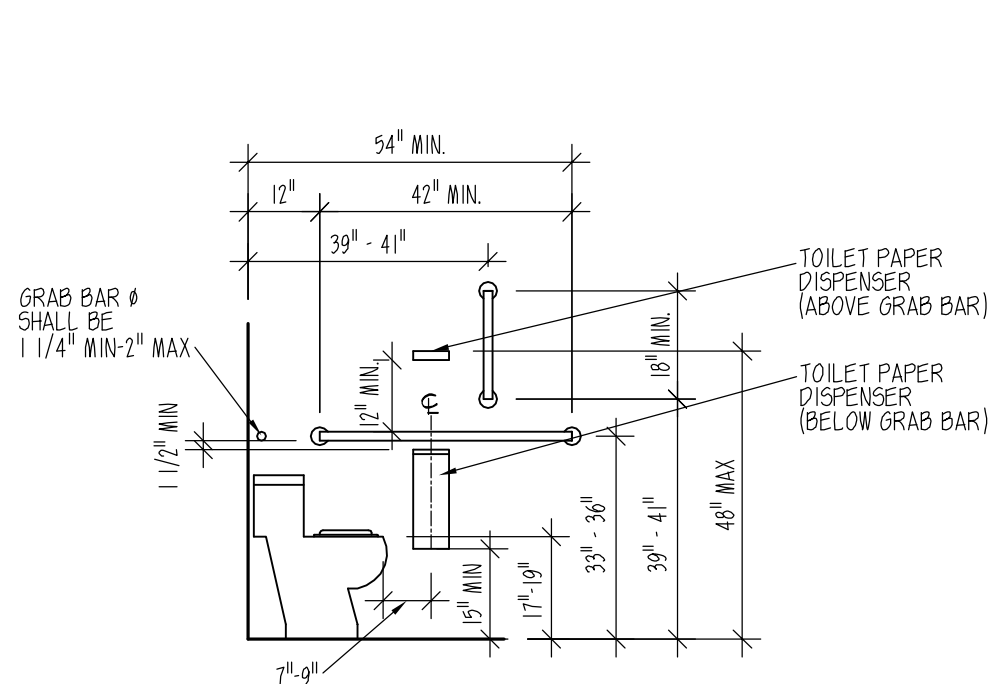


ACCESSIBLE
PLAN VIEW

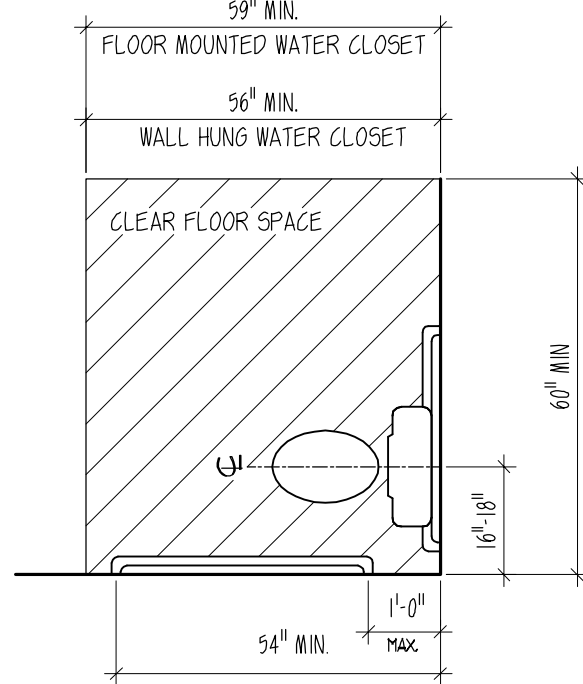


ACCESSIBLE
SIDE VIEW

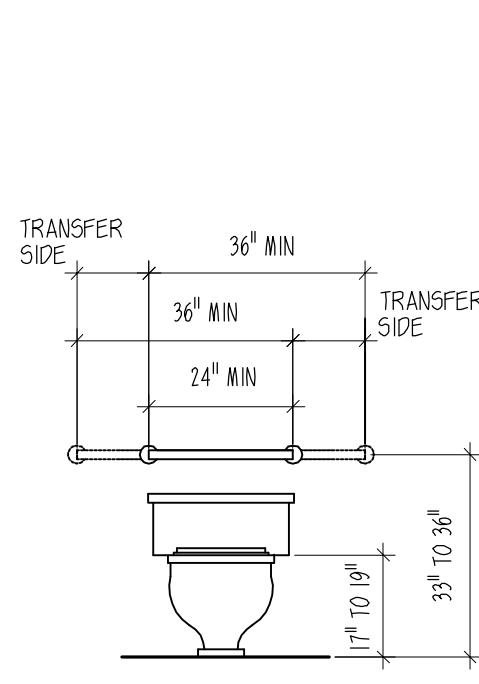
ACCESSIBLE VANITY DETAILS
SCALE:



ACCESSIBLE
SIDE WALL

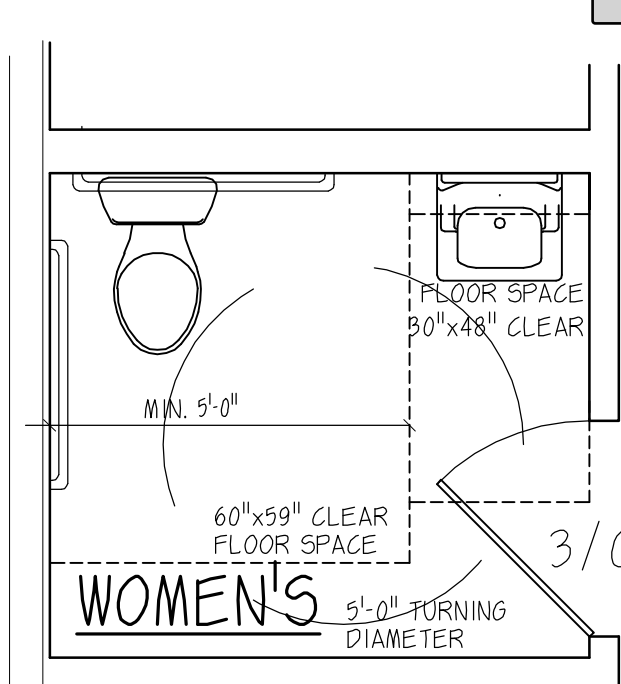


ACCESSIBLE
PLAN VIEW

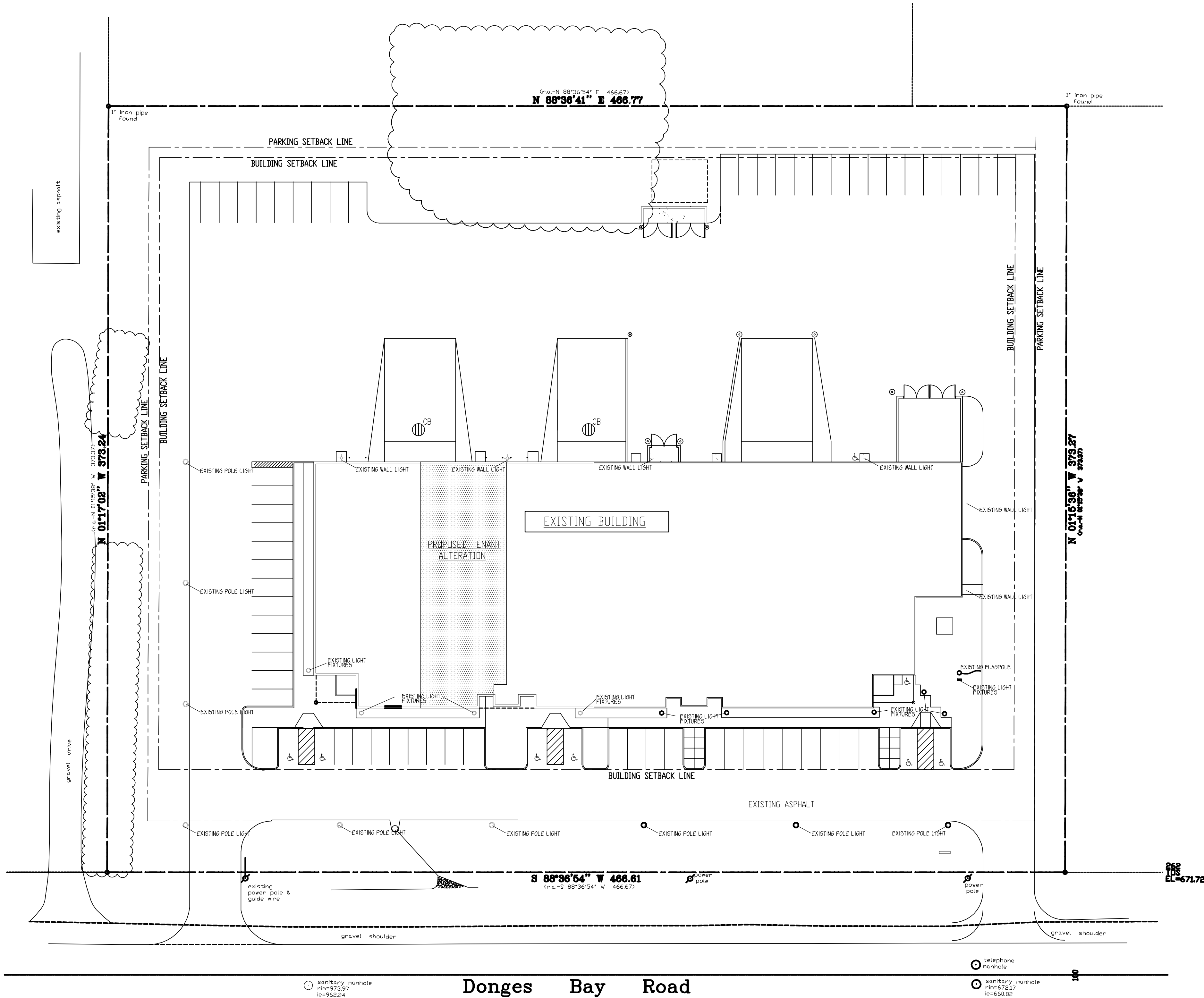


ACCESSIBLE
BACK WALL

ACCESSIBLE WATER CLOSET DETAILS
SCALE



TYP. RESTROOM
SCALE: 3/8" = 1'-0"



Donges Bay Road

SITE PLAN

1"=30'-0"

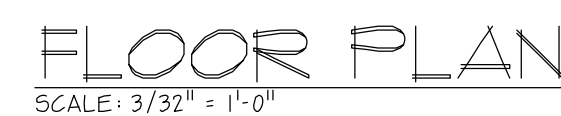
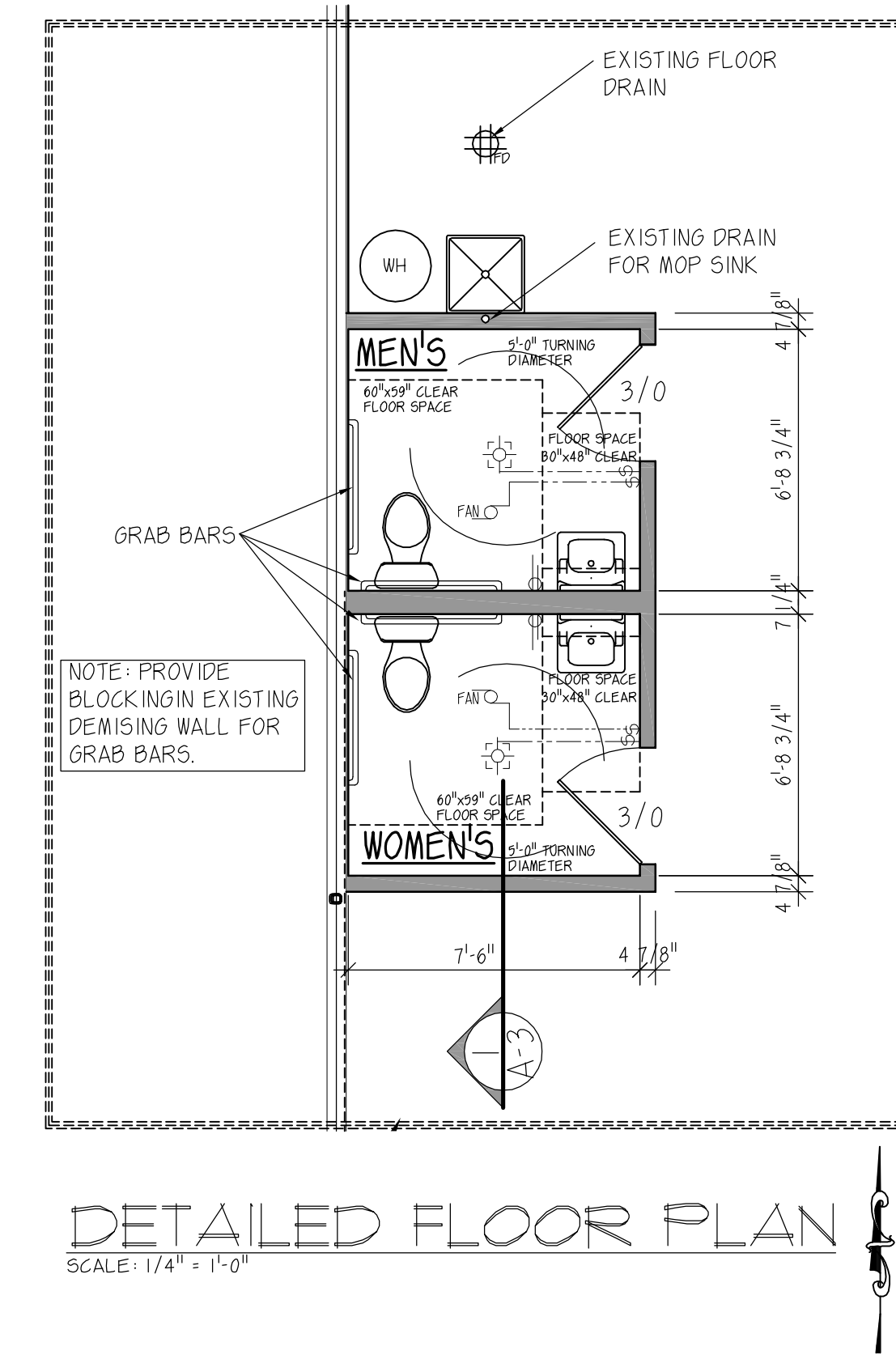
INFORMATION SHOWN ON THIS DRAWING IS BASED ON AN ORIGINAL SURVEY DEVELOPED BY THE REGISTERED SURVEYOR IDENTIFIED THEREON AND UNDER A SEPARATE CONTRACT WITH THE OWNER. THE ARCHITECT MAKES NO WARRANTIES OR REPRESENTATIONS AS TO THE ACCURACY AND COMPLETENESS OF THE SURVEY.

PROJECT
6340 TENANT SPACE RESTROOMS
FOR:
CLIFF BERGIN AND ASSOCIATES, INC.
6300 W. DONGES BAY RD.
MEQUON, WI. 53092
OFFICE: (262) 242-2456

NEW HORIZON
VENTURES, L.L.C.
ARCHITECTS/PLANNERS
P.O. BOX 292, GRAFTON, WI 53024
http://www.nhv-arch.com/
262-377-4730 or 262-375-2397

JOB NUMBER
BER-3524-1023
DATE
10/25/2013
REVISIONS:

SHEET
SP-1
CHECKED BY:
DRAWN BY:
TLE



		3.a.d
CONDITIONAL USE GRANT Articles of Agreement made and entered into this 18th day of September, by and between Chris Martin and the City of Mequon Planning Commission. Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 27, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance. Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of fitness center. GRANTED by action of the Planning Commission of the City of Mequon this ____ day of _____2023. Andrew Nerbun, Mayor, Planning Commission Chairperson Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this ____ day of _____, 2024, the above named Andrew Nerbun, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ Planning Commission Secretary Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this ____ day of _____, 2021, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: _____		Attachment: CONDITIONAL USE GRANT - Martin Skills Academy (9200 : Robert Depies for Martin Skills Academy)
		Packet Pg. 40

The **CONDITIONS** of this Grant are:

- 1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
- 2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
- 3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
- 4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
- 5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
- 6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
- 7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
- 8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
- 9. **Conditions on the Operations:**
 - a. Hours of operation:

Monday through Friday: 3:30pm – 9:00pm

Saturday through Sunday: 8:00am – 9:00pm (appointment only)
 - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
 - c. Water supply requirements:

Public
 - d. Provisions for sewage disposal:

Public
 - e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
- 10. **Conditions of the structures:**
 - a. Site Plan: As per attached Exhibit A
 - b. Landscaping Plan: As per attached Exhibit B.
 - c. Elevations: As per attached Exhibit C.
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: As on file with Community Development Department, City of Mequon
 - f. Exterior lighting of the site and building: As per Exhibit A
 - g. Fence / Wall / Dumpster plan details: As per Exhibit A

- h. The building shall comply with the building code.

- 11. **Conditions on the site:**
 - a. Street access (number, location, design): As per attached Exhibit A
 - b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.
 - c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A
 - d. Parking, exterior lighting of the site, location design and power:
Any changes subject to Planning Commission approval.
 - e. Other:

Owner

Acknowledgment:
STATE OF WISCONSIN)SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2021, the above named _____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument
on behalf of the petitioner acknowledged
the _____ day of _____, 2021

DRAFTED BY:

City of Mequon
11333N Cedarburg Road
Mequon, WI 53092
Phone: (262) 236-2904

Attachment: CONDITIONAL USE GRANT - Martin Skills Academy (9200 : Robert Depies for Martin Skills Academy)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: MIKE GIES, PARKS AND FORESTRY SUPERINTENDENT
DATE: March 18, 2024
SUBJECT: Karen & Gerald Splittgerber. The applicant is seeking minor request approval to allow for 2 specimen trees to be removed for the property located at 12360 N. Lake Shore Drive.

Applicant:	Karen & Gerald Splittgerber
Status of Applicant:	Property Owner
Requested:	Specimen Tree Removal
Existing Zoning:	R-2 (Residential Detached)
Lot size:	1.46 Acres
Location:	12360 N. Lake Shore Drive
Tax Key Number:	#15-017-03-010.00
District:	#8

Background:

The applicant is seeking a minor request to allow for specimen tree removal at 12360 North Lake Shore Drive. The two White Cedar trees to be removed to allow for construction of a new home on the property.

Zoning Analysis:

The proposed site of the new home is zoned R-2 and is currently vacant. There is a former driveway that cuts down the middle of the property from Lake Shore Drive. The side offset in the R-2 district is 25 feet. However, since the average width of the lot is nonconforming, the lot is allowed to have 75% of the required width. This would mean that the minimum offset for this lot is 18.75 feet. The front yard setback for lots in an R-2 district is 50 feet from the base setback line.

According to an engineering report noted by the applicant, the home should be set back from the Lake Michigan Bluff by at least 125 feet. This provides a buildable area available to the applicant of 8,070 square feet. Based on a setback of only 75 feet, which is what the zoning code requires, the buildable area would increase to 11,601 square feet.

Forestry Report:

Background

The applicant at 12360 N. Lake Shore Drive, is seeking approval for the removal of (2) specimen White Cedar trees that would fall within the proposed footprint of a 2,962 square foot house should no adjustments be considered to setbacks, driveway approach, total home square footage, or home placement. The specimen trees proposed for removal are (2) (18") White Cedars. The

trees meet size and species requirements outlined by Mequon's Tree Preservation Policy. The trees remain in fair condition with each having multiple minor defects or abnormalities. Both trees were planted as landscape screening post 1970. Given the proximity of the trees to each other, both have defoliated on the sides grown together, so it would not be suggested to remove one or the other. It should also be noted that the trees are within 12" of a previous driveway into the residence. The specimen closest to the driveway has a large branch wound from vehicular damage that had previously occurred but remains unhealed. Also, the existing drive is being proposed for removal, which given the proximity to the two specimens would cause adverse effects on the root structure of both trees.

Proposed Removal

- (18") White Cedar- Fair condition, with multiple minor defects, proximity to the existing drive (proposed for removal), defoliation of 1/3 of the canopy, branch wound from past vehicle strike.
- (18") White Cedar- Fair condition, with multiple minor defects, proximity to the existing drive (proposed for removal), defoliation of 1/3 of the canopy.

Analysis

The lot is non-conforming to lot width and therefore is granted reduced side yard setbacks from the required 25 feet per the R-2 zoning district to 18.75 feet, resulting in a buildable lot width of 61.87 feet. The lot is also subject to a Lake Michigan bluff setback of 75 feet. Given these standards, the lot has a buildable footprint of 11,601 square feet. The applicant submitted a consultant's engineering study which recommends a 125-foot Lake Michigan bluff setback. Application of the applicant's consultant recommendation results in a buildable footprint of 8,070 square feet. Despite the significant buildable footprint, the trees would require a 18 foot protection zone, thus reducing the buildable lot width to 39.5 feet and reducing the building footprint to 7,562 square feet. It should be noted, that the area of the 18-foot protective zone, requires portions of the existing asphalt driveway to remain. Removal of the driveway within the protection zone, would result in tree root system damage and the trees would not likely survive. The remnant driveway and the lot width reduction to under 40 feet do present lot condition constraints.

Recommendation

The Forestry Division recommends approval of the request to remove the (2) specimen White Cedars based on the tree's survivability from construction and the tree's overall conditions. Should the Planning Commission approve the removal of the (2) White Cedars, the applicant would be responsible for replacing 75% of caliper inches lost. The **total amount of caliper inches lost is 36"**. This would equal **27" of replacement trees**, which equates to approximately 14 native trees at 2" caliper. In lieu of planting, the owner could donate **\$2,700.00 to the Mequon Tree Fund**, which would be used for urban forestry projects. Whether the owner decides to replant or not, the money would be put into a non-lapsing escrow account before a building permit is issued. The money would then be returned after the tree planting is completed and inspected by the forestry department.

Tree Protection Requirement

Should the Planning Commission not approve the removal of the two specimen White Cedar, (18") protection zones will be required around both trees. Fences will be required to be up through construction, and shall be maintained by the site GM.

Regardless of the Planning Commission ruling, the following is required prior to any site cleaning or construction activity to preserve the other (2) specimen trees on site:

To protect and preserve additional trees identified on the landscape plan or by the Planning Commission, the owner/developer/contractor shall install snow fencing no closer than 3' outside the dripline of the tree. It shall be the responsibility of the owner/developer/contractor to maintain fencing. Additionally, signs shall be posted saying Tree Protection Zone. These zones will be inspected by the City Forester prior to any construction. There are (2) other specimen White Pines on the western property line (24", 20") that The Forestry Department will require protection zones around. Through the trees are 40' west from proposed home and are split by proposed drive, snow fencing will be required around each specimen tree to mitigate root compaction of construction machines, parking of heavy equipment, placement of fill or stone piles on root plates, and maintain grade around specimen trees. At least 20' of protection will be required around the northernmost specimen White Pine, and at least 24' of protection around the southernmost specimen White Pine. Staff would be available to work with applicants and assist in this process. Below illustrates said specimen trees and their protection zones.

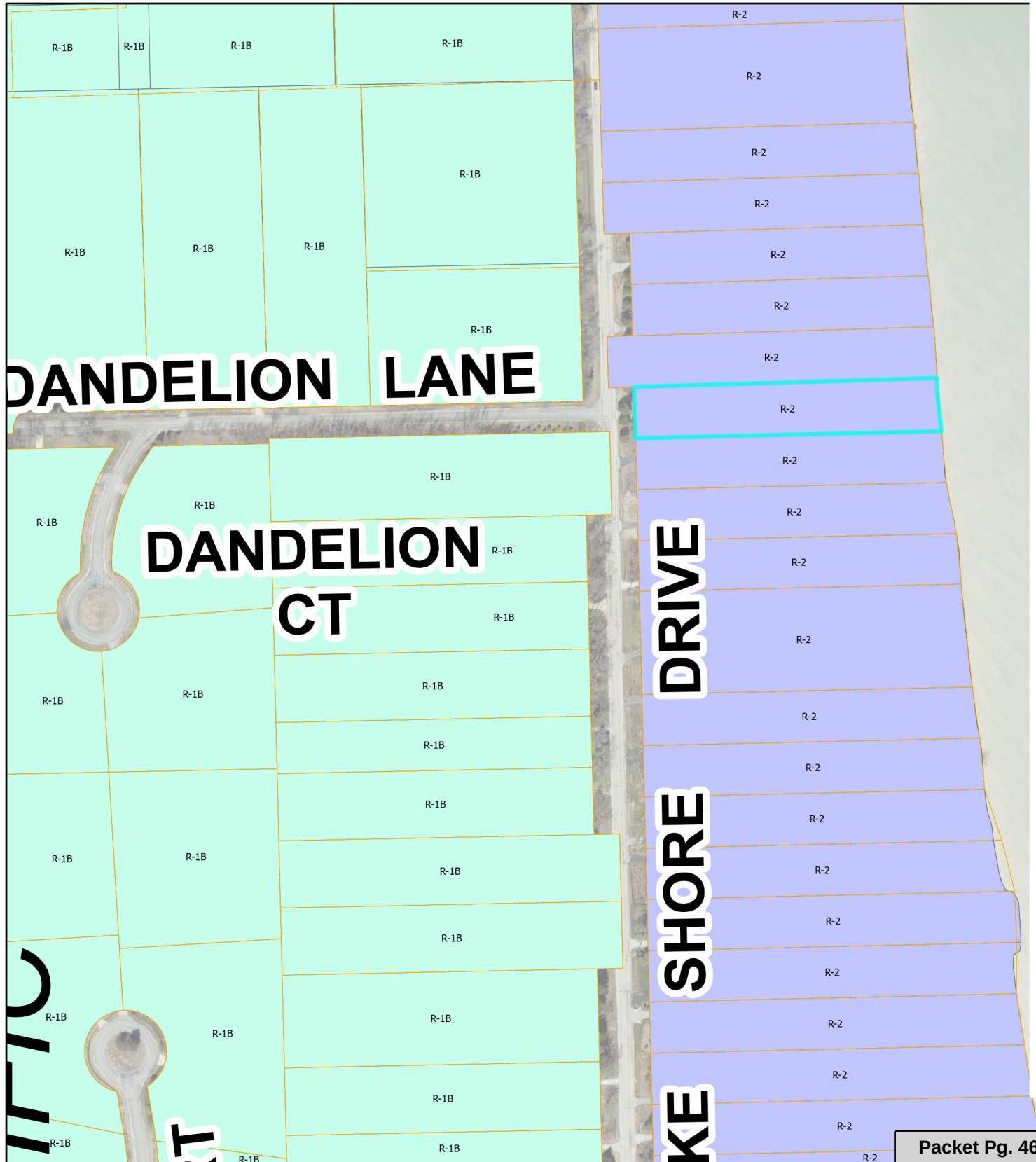
Attachments:

Packet Docs_Splittgerber (PDF)

SPLITTGERBER

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights

4.a.a



Attachment: Packet Docs_Splittgerber (9202 : Karen & Gerald Splittgerber)



Staff Exhibit: Technical Dimension and Constraints

ELEVATION NOTE

PROPOSED TOP OF FOUNDATION WALL = 691.11
TYPICAL GRADE AT FOUNDATION WALL = 696.5
GRADE AT EXPOSURE = N.A.
FIRST FLOOR SUBFLOOR = 698.5
TOP OF FIRST FLOOR SUBFLOOR (A.S.F.-1) REFERENCED AS 0'-0" HEREAFTER

* HEIGHT ELEVATIONS (±) ARE REFERENCED FROM ABOVE FIRST FLOOR SUBFLOOR IF NOTED A.S.F.-1 ABOVE SECOND FLOOR SUBFLOOR IF NOTED A.S.F.-2 BELOW FIRST FLOOR SUBFLOOR IF NOTED B.S.F.-1

SQUARE FEET

TOTAL FINISHED SQUARE FOOTAGE = 2,962 SF.
LOWER LEVEL FINISHED = 0 SF.
FIRST FLOOR = 2,924 SF.
SECOND FLOOR = 922 SF.

LEGEND

- PLAN DETAILS SEE SHEETS 2 THRU 4.
- ELEVATION DETAIL-SEE SHEETS 1 AND 11
- INTERIOR ELEVATION DETAILS SEE SHEET 6 AND 6.1
- DOOR NUMBER
- ELEVATION DATUM
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES-INSULATED
- 2x4 STUD WALL FLAT FRAMING W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES-INSULATED
- CONCRETE FOUNDATION WALL THICKNESS AND HEIGHT PER PLAN

SHEET INDEX:

ST1 - SITE PLAN NO HOUSE
ST - SITE PLAN
A - SITE PLAN AT 1/8" = 1'-0"

APPROVED

BY _____

BY _____

DATE: _____

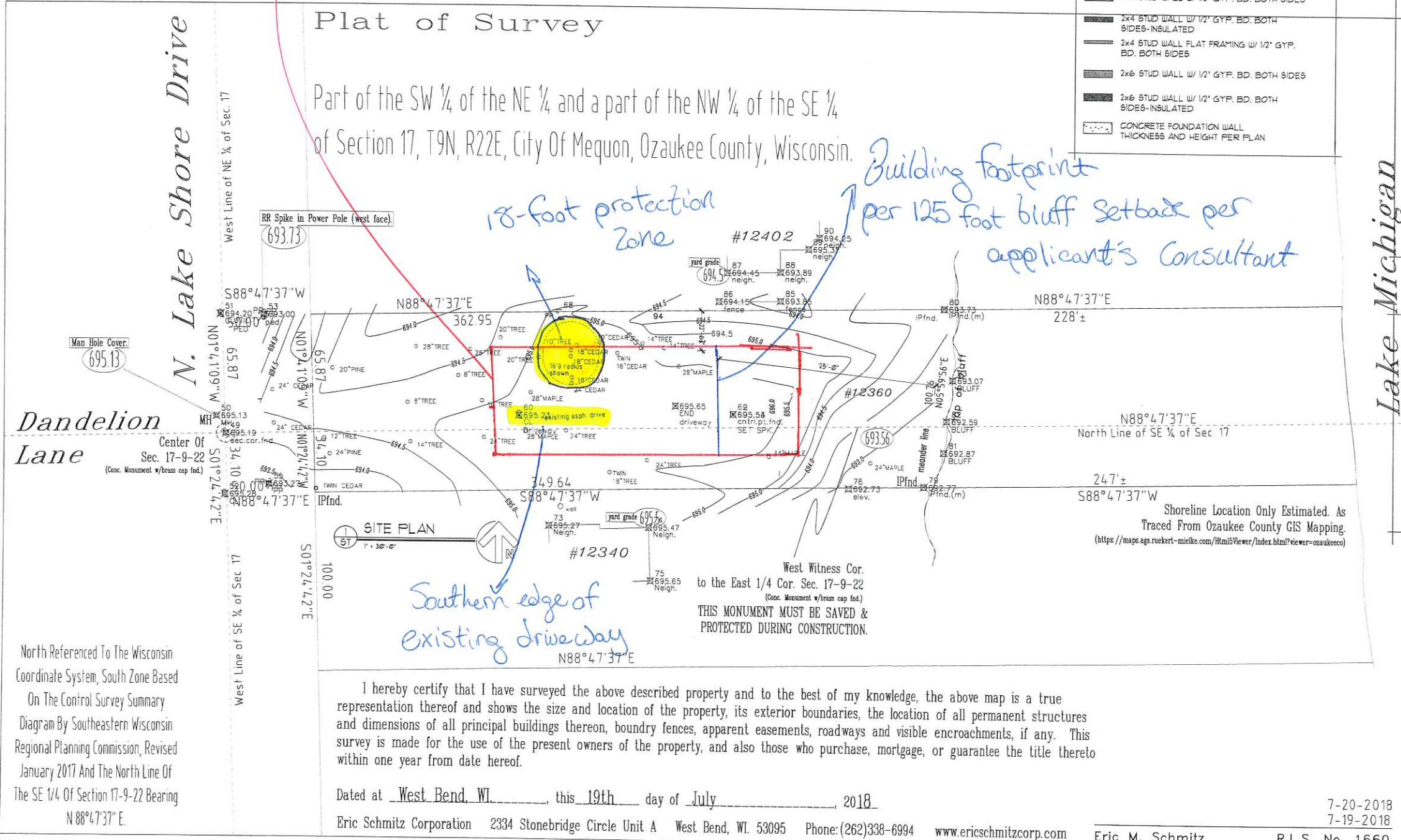
REVISIONS

NO.	DESCRIPTION	DATE

Red - Building footprint per zoning code

18-foot protection zone

Building footprint per 125 foot bluff setback per applicant's consultant



CALL DIGGERS HOTLINE
1-800-242-8511
TOLL FREE

MS STATUTE 182.0175(1974)
REQUIRES MIN. 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE

MILW. AREA 414-259-1181

GERALD & KAREN SPLITTGERBER
12360 N. LAKE SHORE DRIVE
MEQUON, WI 53092

Lakeside Development Company
The finest in architecture & construction management
10033 N. Port Washington Rd. Suite 300 Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax: (262) 241-2310
www.lakesidedevelopment.com

DATE: MAR 05, 2024
JOB: 24XX
DRAWN BY: TAR
CHECKED BY: TAR

ST1

Packet Pg. 48

I hereby certify that I have surveyed the above described property and to the best of my knowledge, the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all permanent structures and dimensions of all principal buildings thereon, boundry fences, apparent easements, roadways and visible encroachments, if any. This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof.

Dated at West Bend, WI, this 19th day of July, 2018.

Eric Schmitz Corporation 2334 Stonebridge Circle Unit A West Bend, WI 53095 Phone: (262) 338-6994 www.ericsschmitzcorp.com

Eric M. Schmitz R.L.S. No. 1660

North Referenced To The Wisconsin Coordinate System, South Zone Based On The Control Survey Summary Diagram By Southeastern Wisconsin Regional Planning Commission, Revised January 2017 And The North Line Of The SE 1/4 Of Section 17-9-22 Bearing N 88°47'37" E.

ELEVATION NOTE

PROPOSED TOP OF FOUNDATION WALL = 691.1
TYPICAL GRADE AT FOUNDATION WALL = 696.5
GRADE AT EXPOSURE = N.A.
FIRST FLOOR SUBFLOOR = 698.5
TOP OF FIRST FLOOR SUBFLOOR (A.S.F.-1) REFERENCED
AS 0'-0" HEREAFTER

* HEIGHT ELEVATIONS (±) ARE REFERENCED FROM
ABOVE FIRST FLOOR SUBFLOOR IF NOTED A.S.F.-1
ABOVE SECOND FLOOR SUBFLOOR IF NOTED A.S.F.-2
BELOW FIRST FLOOR SUBFLOOR IF NOTED B.S.F.-1

SQUARE FEET

TOTAL FINISHED SQUARE FOOTAGE = 2,962 SF.
LOWER LEVEL FINISHED = 0 SF.
FIRST FLOOR = 2,524 SF.
SECOND FLOOR = 438 SF.

LEGEND

- PLAN DETAILS
SEE SHEETS 2 THRU 4.
- ELEVATION DETAIL-SEE SHEETS 1 AND 11
- INTERIOR ELEVATION DETAILS SEE SHEET
6 AND 6.1
- DOOR NUMBER
- ELEVATION DATUM
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH
SIDES-INSULATED
- 2x4 STUD WALL FLAT FRAMING W/ 1/2" GYP.
BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH
SIDES-INSULATED
- CONCRETE FOUNDATION WALL
THICKNESS AND HEIGHT PER PLAN

SHEET INDEX:

ST1 - SITE PLAN NO HOUSE
ST - SITE PLAN
A - SITE PLAN AT 1/8" = 1'-0"

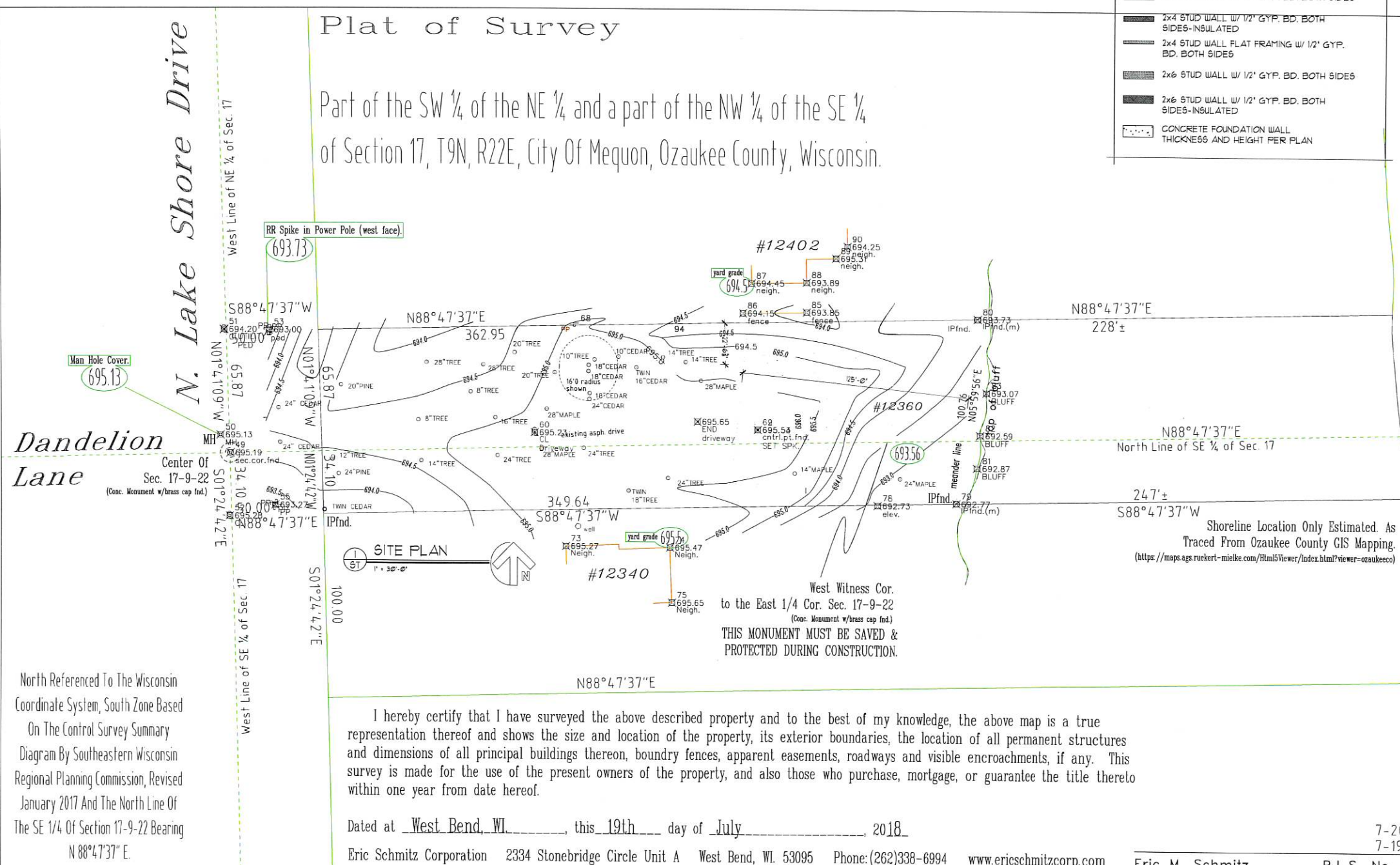
APPROVED
BY: _____
BY: _____
DATE: _____

REVISIONS

NO.	DESCRIPTION	DATE

Plat of Survey

Part of the SW 1/4 of the NE 1/4 and a part of the NW 1/4 of the SE 1/4
of Section 17, T9N, R22E, City Of Mequon, Ozaukee County, Wisconsin.



Lake Michigan

SITE MAP



TO OBTAIN LOCATIONS OF
PARTICIPANTS UNDERGROUND
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TOLL FREE

WIS STATUTE 182.0175(1974)
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MILW. AREA 414-259-1181

GERALD & KAREN SPLITTGERBER
12360 N. LAKE SHORE DRIVE
MEQUON, WI 53092

LakeSide Development
Company

The finest in architecture & construction management

10033 N. Port Washington Rd. Suite 300 Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax: (262) 241-2310
www.lakesidedevelopment.com

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DATE: MAR 05, 2024
JOB: 24XX
DRAWN BY: TAR
CHECKED BY: TAR

SITE
ST1

SITE PLAN

Applicant's Materials

115 W. Vintage Drive
 Mequon, WI 53092
 January 18, 2024

Dear Planning Commission:

Jerry and I have lived in Mequon for the past 29 years. We have spent the last 2 years looking for a lot in Mequon on Lake Michigan to build our "age in place" dream home. We have hired the firm Lakeside Development to design and build our home on a property we recently purchased at 12360 N. LakeShore Drive.

Before starting the design we obtained a bluff and shoreline inspection report from Miller Engineering as well as meeting with Mike Gies, the city of Mequon forester. Mike identified two cedar trees he was hoping we could save. We also consulted the report from Emily Blum, the engineer who did the bluff inspection report, as to how far to keep the home from the bluff.

We then sat down with the architects at Lakeside to share our vision of our new home. The most important elements of the new home are:

- *first floor master suite
- *study on the first floor that can be shut off from the rest of the home
- *screen porch
- *3 car garage to allow for future live in help
- *first floor bedroom suite for future live in help
- *two second floor bedrooms and bath for family visits

With the lot being only 100 feet wide, we can only get a home 55 feet wide. Given this restriction and the recommended setback from the bluff, it is impossible to build the house that we need on this property without removing the 2 cedar trees. If we were to keep the two cedar trees and maintain the 14 ft. setback from the base of the trees (this is Mike Gies' requirement to avoid potentially killing the trees), the home would need to move 52 feet closer to the bluff putting the home 73 feet from the bluff. This would not be allowed by the DNR and we have been advised, even if it were allowed, we would be foolish being so close to an unstable bluff. Any patio would encroach even further.

We were able to determine the setback from the bluff of the three homes to the north of our property and the three homes to the south (see GIS map). The average setback is 125 feet from the bluff. This is the minimum setback recommended by Miller Engineering.

Jerry and I are in our mid seventies and want to design a home we can spend the rest of our lives in. At some point we know we will require live in help. The second first floor bedroom with its own entry will allow this person to have their own space. The third stall in the garage will allow this person to have their own parking out of the elements.

We understand when specimen trees are removed, replacement trees will need to be planted. These new trees will be planted in areas where they have plenty of room to thrive. The existing cedar trees are less than 5 feet apart restricting their growth as well as being a safety hazard being so close to the home.

We have been looking for a long time for the right property on the lake. This is the first site we have found that meets our needs. If we are forced to keep these two trees, we will unfortunately need to sell the property and continue looking. We would very much appreciate your support.

Sincerely,



Karen and Gerald Splittgerber

ELEVATION NOTE

PROPOSED TOP OF FOUNDATION WALL = 691.1
TYPICAL GRADE AT FOUNDATION WALL = 696.5
GRADE AT EXPOSURE = N.A.
FIRST FLOOR SUBFLOOR = 698.5
TOP OF FIRST FLOOR SUBFLOOR (A.S.F.-1) REFERENCED
AS 0'-0" HEREFTER

* HEIGHT ELEVATIONS (•) ARE REFERENCED FROM
ABOVE FIRST FLOOR SUBFLOOR IF NOTED A.S.F.-1
ABOVE SECOND FLOOR SUBFLOOR IF NOTED A.S.F.-2
BELOW FIRST FLOOR SUBFLOOR IF NOTED B.S.F.-1

SQUARE FEET

TOTAL FINISHED SQUARE FOOTAGE = 2,962 S.F.
LOWER LEVEL FINISHED = 0 S.F.
FIRST FLOOR = 2,524 S.F.
SECOND FLOOR = 922 S.F.

LEGEND

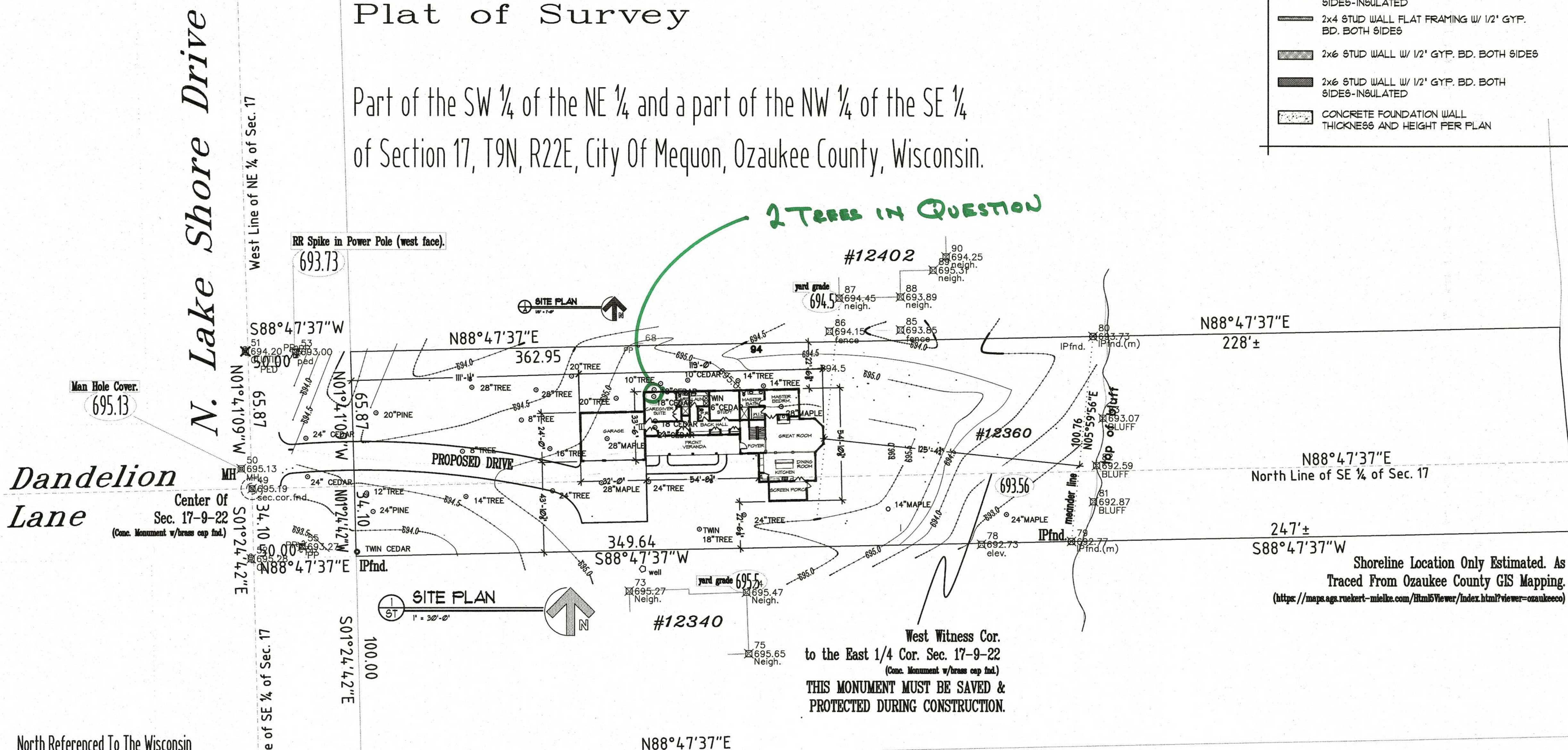
- PLAN DETAILS
SEE SHEETS 2 THRU 4.1
- ELEVATION DETAIL-SEE SHEETS 1 AND 1.1
- INTERIOR ELEVATION DETAILS SEE SHEET
6 AND 6.1
- DOOR NUMBER
- ELEVATION DATUM
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH
SIDES-INSULATED
- 2x4 STUD WALL FLAT FRAMING W/ 1/2" GYP.
BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH
SIDES-INSULATED
- CONCRETE FOUNDATION WALL
THICKNESS AND HEIGHT PER PLAN

SHEET INDEX:

ST - SITE PLAN
A - SITE PLAN AT 1/8" -1'-0"

Plat of Survey

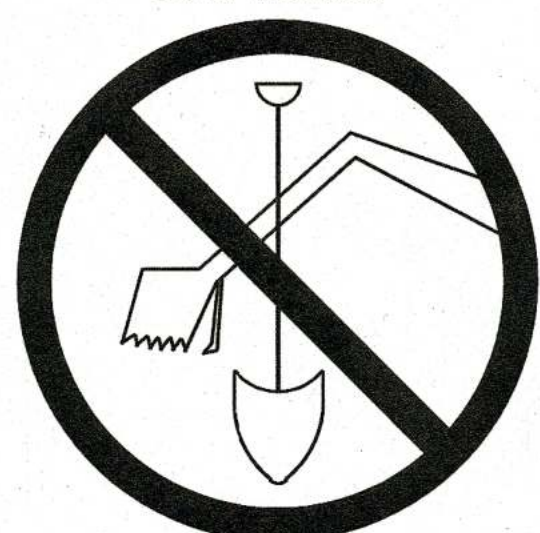
Part of the SW 1/4 of the NE 1/4 and a part of the NW 1/4 of the SE 1/4
of Section 17, T9N, R22E, City Of Mequon, Ozaukee County, Wisconsin.



SITE MAP



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MILW. AREA 414-259-1181

North Referenced To The Wisconsin
Coordinate System, South Zone Based
On The Control Survey Summary
Diagram By Southeastern Wisconsin
Regional Planning Commission, Revised
January 2017 And The North Line Of
The SE 1/4 Of Section 17-9-22 Bearing
N 88°47'37" E.

Dated at West Bend, WI, this 19th day of July, 2018

Eric Schmitz Corporation 2334 Stonebridge Circle Unit A West Bend, WI 53095 Phone: (262)338-6994 www.ericsschmitzcorp.com

Eric M. Schmitz

R.L.S. No. 1660

7-20-2018
7-19-2018

FOR BIDDING PURPOSES ONLY NOT FOR CONSTRUCTION

GERALD & KAREN SPLITTERGER
12360 N. LAKE SHORE DRIVE
Attachment: Packet Docs, Splitterger (9202 : Karen & Gerald Splitterger)

Lakeside Development
Company

DATE: J 17,
JOB: 2,
DRAWN BY:
CHECKED BY:
SIT

SIT

SITE 1 N

Packet Pg. 53

ELEVATION NOTE

PROPOSED TOP OF FOUNDATION WALL = 691.1
TYPICAL GRADE AT FOUNDATION WALL = 696.5
GRADE AT EXPOSURE = N.A.
FIRST FLOOR SUBFLOOR = 698.5
TOP OF FIRST FLOOR SUBFLOOR (A&F.-1) REFERENCED
AS 0'-0" HEREFTER

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FIRST FLOOR = 2,524 SF.
SECOND FLOOR = 922 SF.

SHEET INDEX:

ST - SITE PLAN
A - SITE PLAN AT 1/8" = 1'-0"

APPROVED

BY:

BY:

DATE:

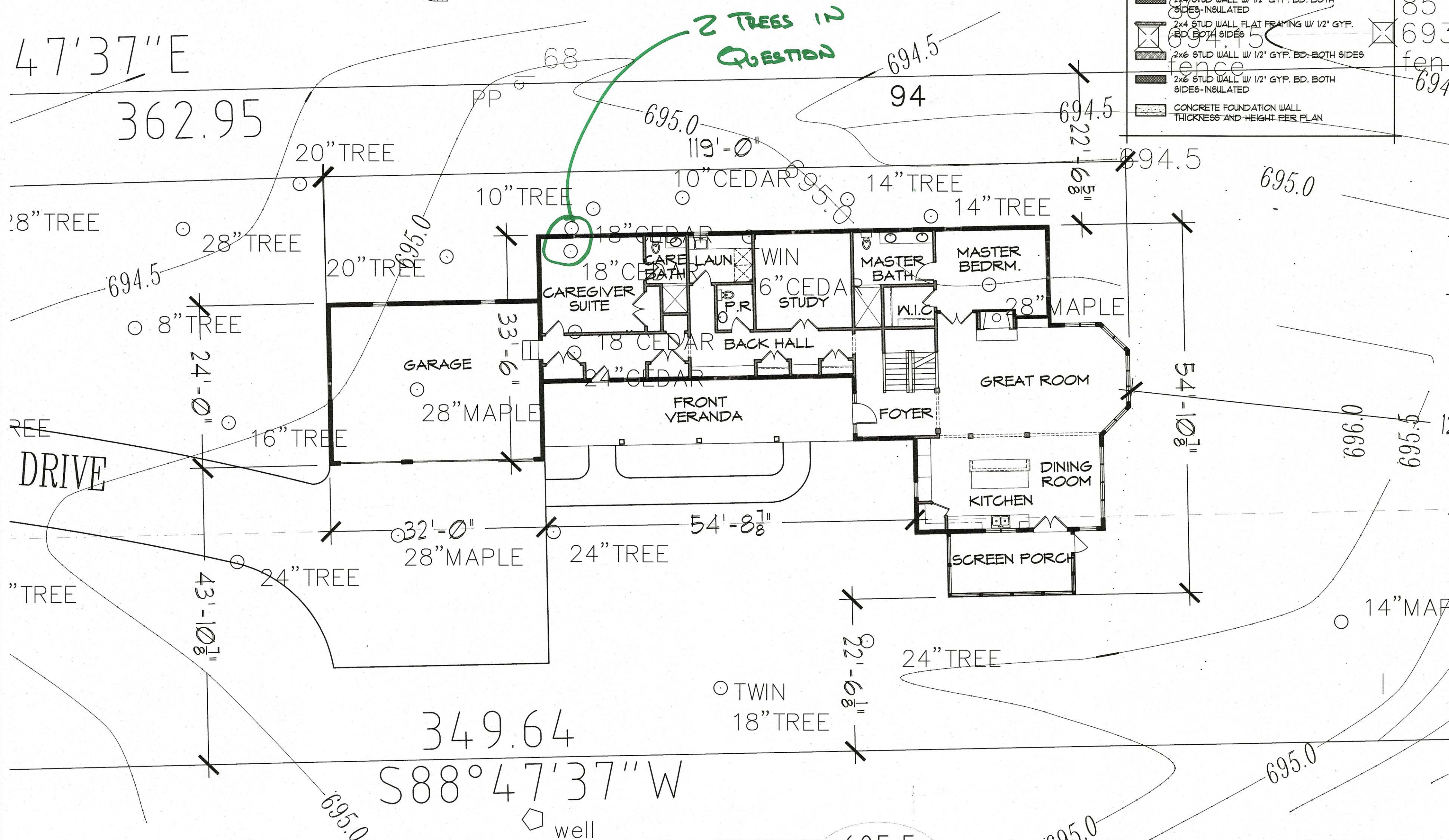
REVISIONS

1/1/2024 10:30:24 AM



SITE PLAN

1/8" = 1'-0"



LEGEND

- PLAN DETAILS
SEE SHEETS 2 THRU 4
- ELEVATION DETAIL-SEE SHEETS 1 AND 11
- INTERIOR ELEVATION DETAILS SEE SHEET 4 AND 21
- DOOR NUMBER
- ELEVATION DATUM
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES-INSULATED
- 2x4 STUD WALL FLAT FRAMING W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES-INSULATED
- CONCRETE FOUNDATION WALL THICKNESS AND HEIGHT PER PLAN

SITE MAP



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MILW. AREA 414-259-1181

GERALD & KAREN SPLITTGERBER
12360 N. LAKE SHORE DRIVE
MEQUON, WI 53092

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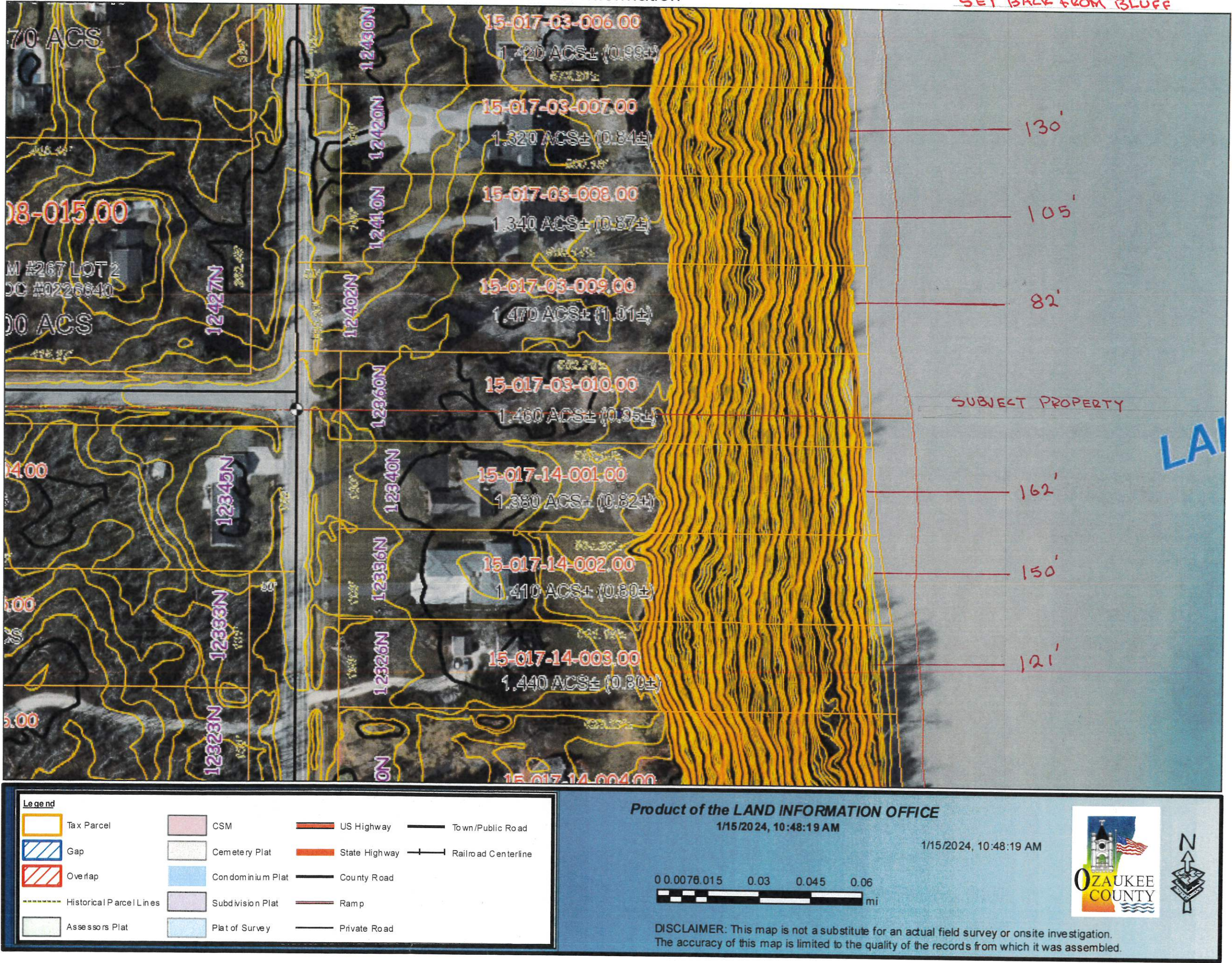
DATE: JAN 17, 2024
JOB: 24XX
DRAWN BY: TAR
CHECKED BY: TAR

SITE

A

SITE PLAN

FOR BIDDING PURPOSES ONLY NOT FOR CONSTRUCTION



MILLER

ENGINEERS SCIENTISTS

An Employee-Owned Company

April 5, 2023

20666-001

Mr. & Mrs. Ridley
1229 W Baldwin Court
Mequon, WI 53092

Subject: **Bluff & Shoreline Inspection Report**
12360 N Lake Shore Drive, Mequon, Wisconsin

Dear Mr. & Mrs. Ridley:

This letter summarizes our bluff and shoreline observations and conclusions pursuant to our March 29, 2023, site reconnaissance at 12360 N Lake Shore Drive in Mequon, Wisconsin.

BACKGROUND INFORMATION

The subject 1.46-acre property is located at the intersection of Lake Shore Drive and Dandelion Lane and is approximately 0.5 miles south of the Concordia Campus in Mequon. The lot is currently empty except for an existing distressed asphalt driveway that led to the house that had been razed between 2015 and 2017. Surface grades are relatively flat at 695' NAVD until reaching the approximately 110' tall lakeshore bluff.

Aerial images available on the Wisconsin Shoreline Inventory and Oblique Photo Viewer website and Ozaukee County Parcel GIS reveal that the bluff slope has been mostly vegetated until the last upward trend of Lake Michigan water levels around 2015 (refer to the attached *Aerial Photograph Log*). Images from the past 7 years depict the natural progression of steep bare soil scarps propagating up the bluff slope.

The Lake Michigan shoreline and subsequent erosion rates and bluff stability in this region have been studied over the years, with the most recent large-scale studies performed before the most recent high-water levels. The *Lake Michigan Shoreline Recession and Bluff Stability in Southeastern Wisconsin: 1995* (refer to the attached pages for this reach) reports signs of a large slump block across the entirety of the bluff face as well as shallow slides and earth flows in 1995. A long-term shoreline recession rate was reported as 0.3 feet per year between 1963 and 1995. Using the aerial images provided on the Ozaukee County GIS website, we estimate bluff crest recession of 0.2 to 0.4 feet per year between 1940 and 2022 and bluff toe recession of approximately 1 to 1.5 feet per year between 1980 and 2020. This erosion typically occurs as larger individual successive slips over time in increments of 5 to 15 feet of bluff crest recession versus small incremental slips per year.

Mr. and Mrs. Ridley
 April 2023
 Page 2 of 3

Long-term bluff recession is natural and the result of the relatively young (only 4,000 years old) geomorphology of the shoreline at the present water level regime (refer to the attached graph titled *Lake Michigan-Huron Water Levels in Recent Geologic Time*). Water levels have continued to fluctuate over that same range throughout contemporary history (refer to attached *Lake Michigan-Huron Historic Water Levels* graph). During periods of high-water levels, such as occurred in 2020, storm waves erode the base of the bluff and create steep erosion scarps. These scarps initiate shallow sliding, which propagates up the slope. This process can be observed throughout the aerial photographs in the attached *Aerial Photograph Log* with the steep scarps along the bluff toe in 2016 initiating up-slope propagation of the soil slides and increasing height of bare soil. Additionally, shallow sliding can be initiated by the natural freeze-thaw and wetting-drying weather cycles inherent in Wisconsin, which weaken the upper several feet of soil.

A different and deeper mode of slope failure occurs at some locations along the lake bluffs in this region. This deeper failure is typically caused by water-bearing soil layers such as silt and sand seams which can be present intermittently throughout the bluffs along the western shores of Lake Michigan. The 1995 study Profile 12-8 was performed along a southern adjacent neighboring property and noted such a layer ("lake sediment") present in the lower third of the bluff.

OBSERVATIONS

The current bluff crest is approximately 50 feet east from the concrete monument with a brass cap located in the eastern portion of the lot (the monument is labeled as the "West Witness Cor." per the attached 2018 *Plat of Survey*). The current steep scarps along the bluff crest are approximately 5' to 10' tall (refer to the attached *Site Photograph Log*). The remaining approximately upper third of the bluff slope is vegetated and its highly irregular surface grades are evidence of ongoing shallow soil slides. The lower two-thirds of the bluff slope is bare and very steep. Water was observed along the bluff surface at the interface between the vegetated and non-vegetated portions of the bluff. A silt or sand seam was visible along the bare soil scarp along the approximately lower third of the bluff and appeared to be moist and not currently bearing water.

While we were unable to access the shoreline, we observed from the bluff slope that the bottom of the bluff is currently unprotected from wave erosion and there is currently an approximately 30' wide sand and gravel beach.

CONCLUSIONS & RECOMMENDATIONS

The bluff primarily consists of lean clay which is capable of temporarily retaining a near vertical slope but is not stable long term. Therefore, future shallow slides are expected to occur until the bluff slope achieves a quasi-equilibrium slope (typically approximately 2 parts horizontal to 1 part vertical). Recent bluff toe recession rates have been exceeding the bluff crest recession rate so additional westward advancement of the bluff crest must occur to reach a quasi-equilibrium slope. Based on the current approximate bluff toe location from the Ozaukee County GIS aerials, the bluff crest is expected to recess approximately 50' to 70' west overtime in response to the present bluff toe position. However, if the bluff toe remains unprotected from wave erosion, then future high-water levels will re-initiate this cycle and continue the natural bluff recession. Once a stable slope develops and the bluff toe is protected from future wave erosion, the slope could be revegetated with native deep-rooted plants to reduce surface erosion of the slope. That could be deferred for decades if any new structures are set back substantially more than the code minimum.

Mr. and Mrs. Ridley
 April 2023
 Page 3 of 3

The soil profile visible across the bare portions of the slope did not indicate the presence of water bearing seams on the bluff surface and the silt or sand seam that was observed was not saturated. The moist silt or sand layer does not currently present a concern for bluff stability; however, changes in groundwater flow may lead to future saturation of silt or sand seams which may aggravate the bluff stability.

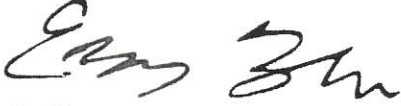
Future development of the lot should place all structures and significant investments as far west as is feasible to allow the bluff system and natural shoreline dynamics to continue as long as possible. If, however, future development is planned to occur further east than 200 feet from the west property boundary, then we recommend a deep boring and further slope stability analysis be performed to determine the appropriate actions to improve slope stability to accommodate the location of the improvements. To obtain permit approval for a new building on the property, the current bluff toe will need to be surveyed to confirm the new structure is setback a minimum of 2 parts horizontal to 1 part vertical from the bluff toe or at least 75' setback from the current bluff crest per the City of Mequon Code Section 58-416 C.2. A slope stability analysis may result in a recommended bluff crest setback further west than the minimum per the City code due to the specific conditions of the site.

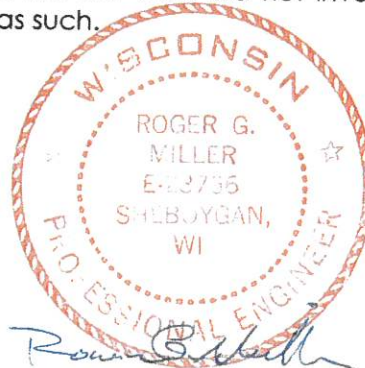
The conclusions and recommendations in this report are based on conditions observed during our site visit in combination with available published data. The conclusions we drew should not be considered an all-inclusive list. Our work did not involve an exhaustive site evaluation and should not be construed as such.

Please call or email with any questions.

Sincerely,

MILLER ENGINEERS & SCIENTISTS


 Emily Blum, PE
 Project Manager




 Roger G. Miller, PE
 President

4/5/2023

Attachments:

- Aerial Photograph Log
- Lake Michigan Shoreline Recession and Bluff Stability in Southeastern Wisconsin: 1995 - excerpt
- Lake Michigan-Huron Water Levels in Recent Geologic Time
- Lake Michigan-Huron Historic Water Levels
- 2018 Plat of Survey
- Site Photograph Log

I:\DATA\20600\20646 - Plevia Bluff Inspection (Grafton)\001 - Bluff Inspection\22-20-01 - Site Inspection\Reports\Bluff & Shoreline Inspection Report.docx

Oblique photographs herein are from the Shoreline Oblique Viewer website (<https://floodscience.maps.arcgis.com/apps/instant/minimalist/index.html?appid=c47ab45bb8c046e099a46df28837ca88>).

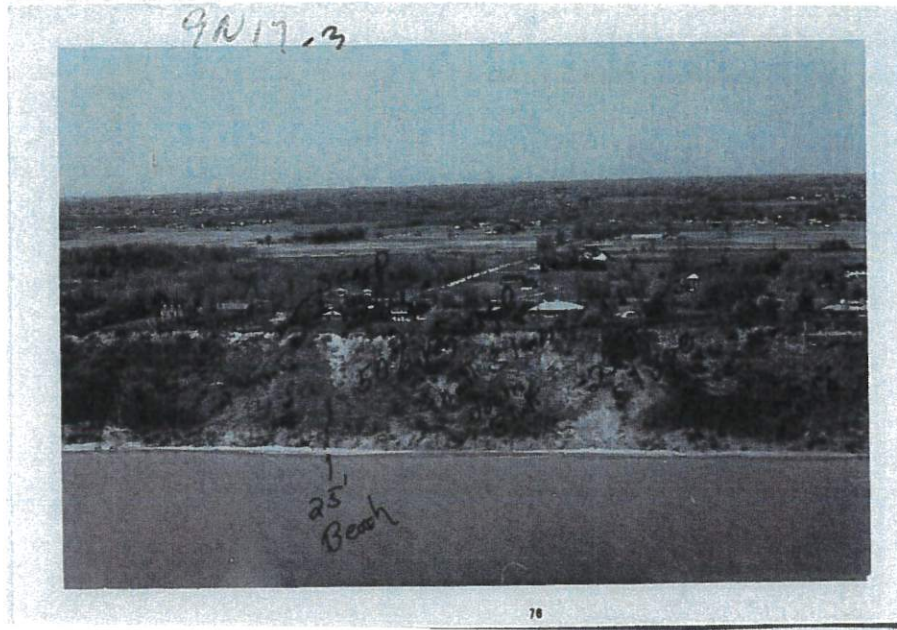


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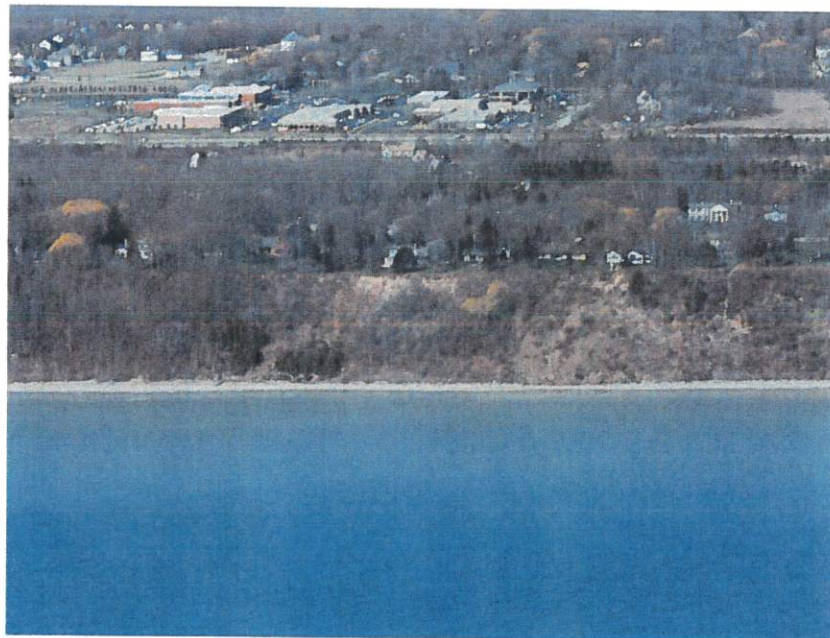


Photo 2: 2007

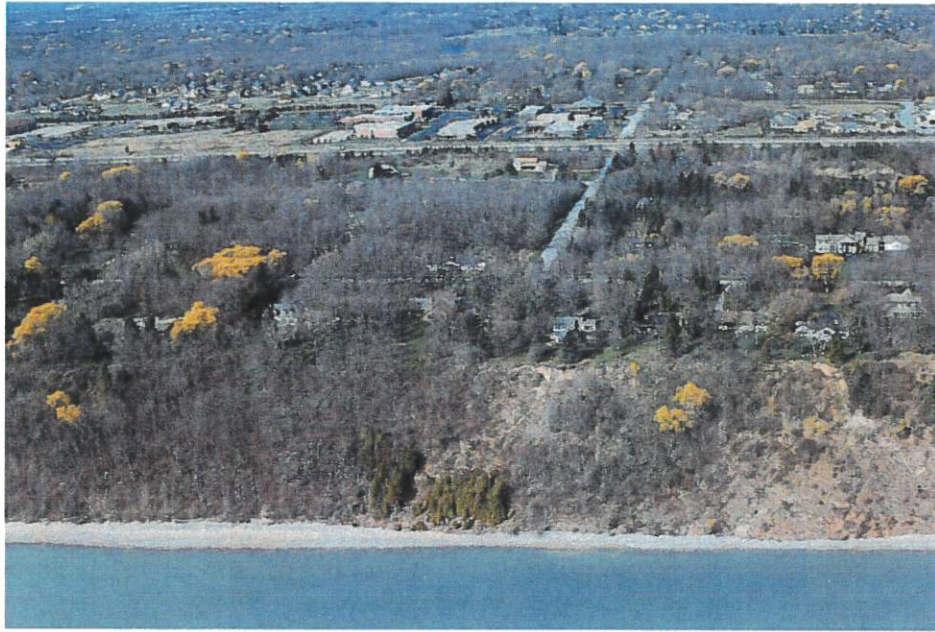


Photo 3: 2012

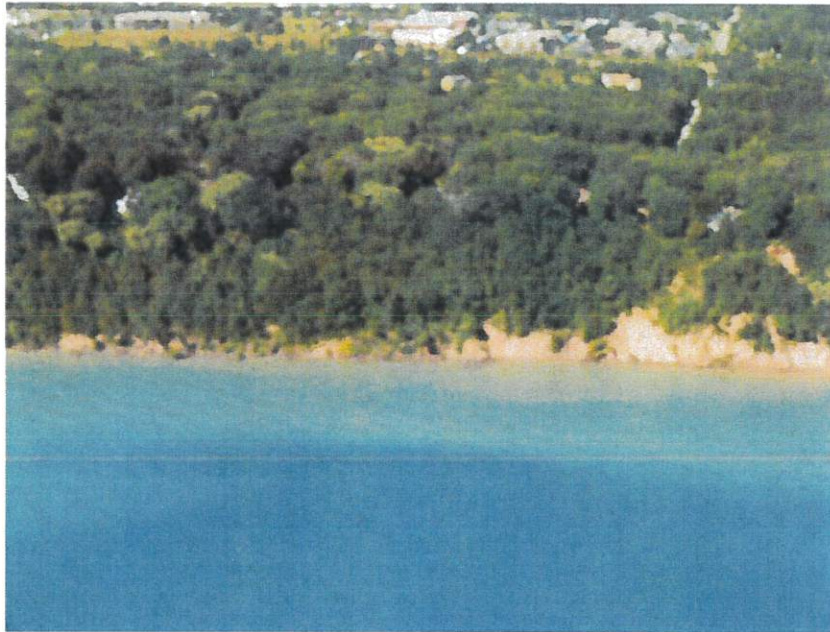


Photo 4: 2016

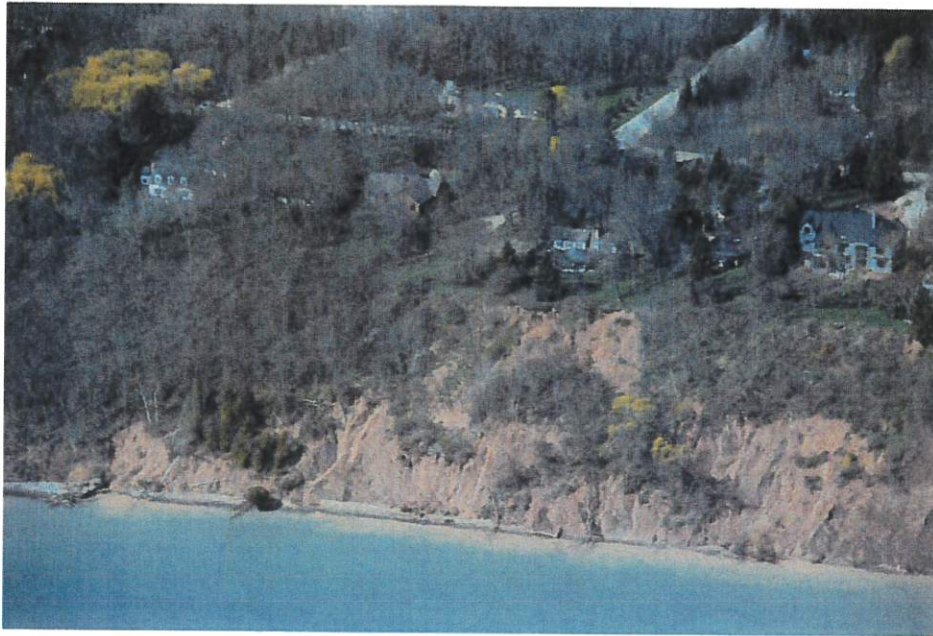


Photo 5: 2017

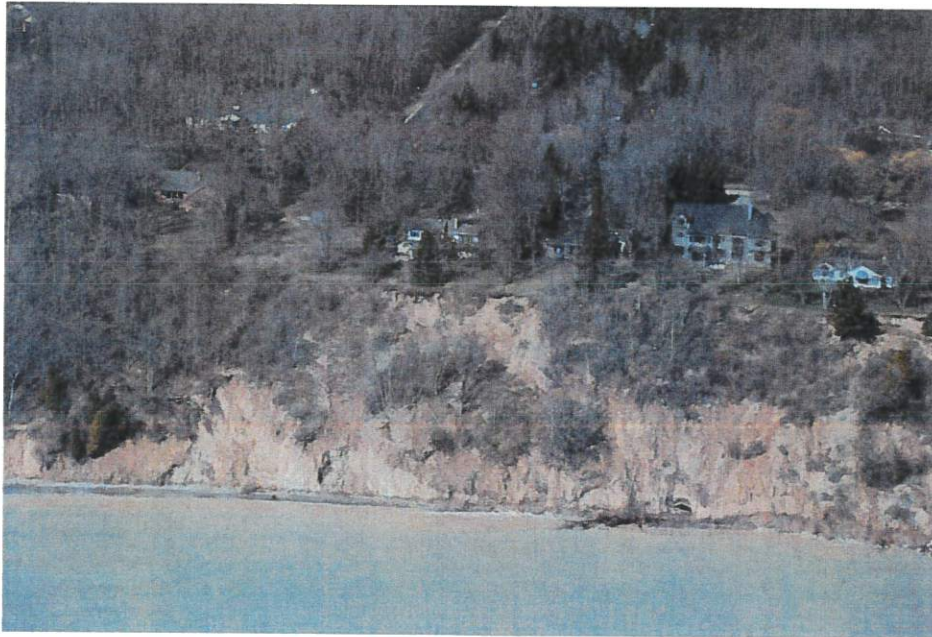


Photo 6: 2018

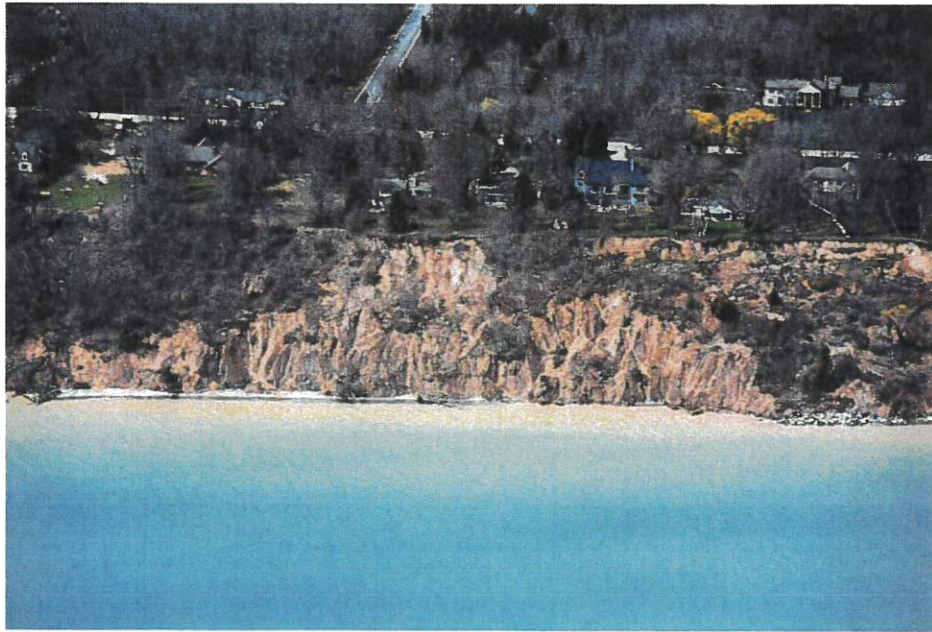


Photo 7: 2019



Photo 8: 2020

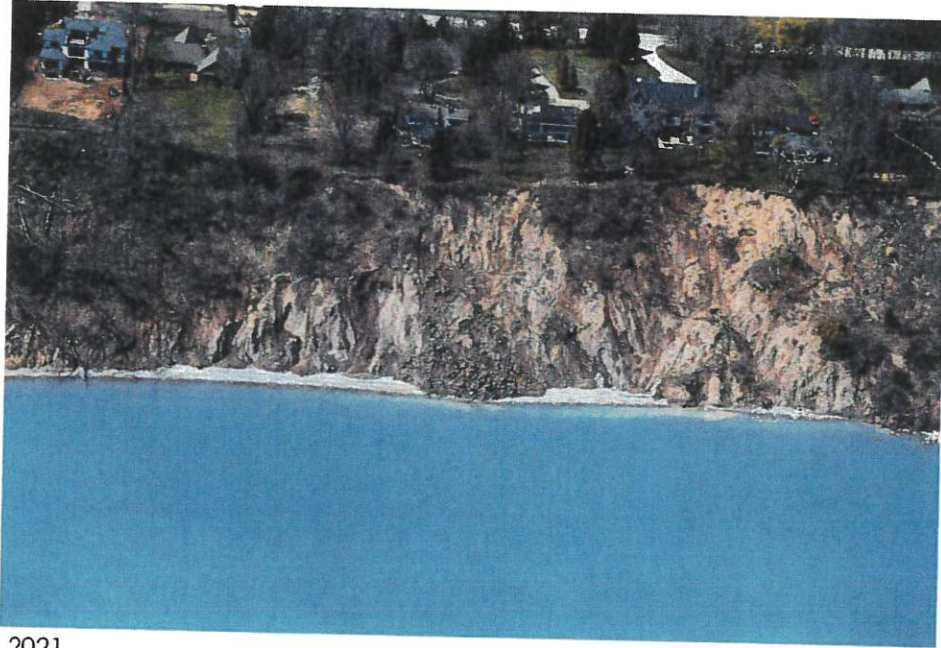


Photo 9: 2021



Photo 10: 2022

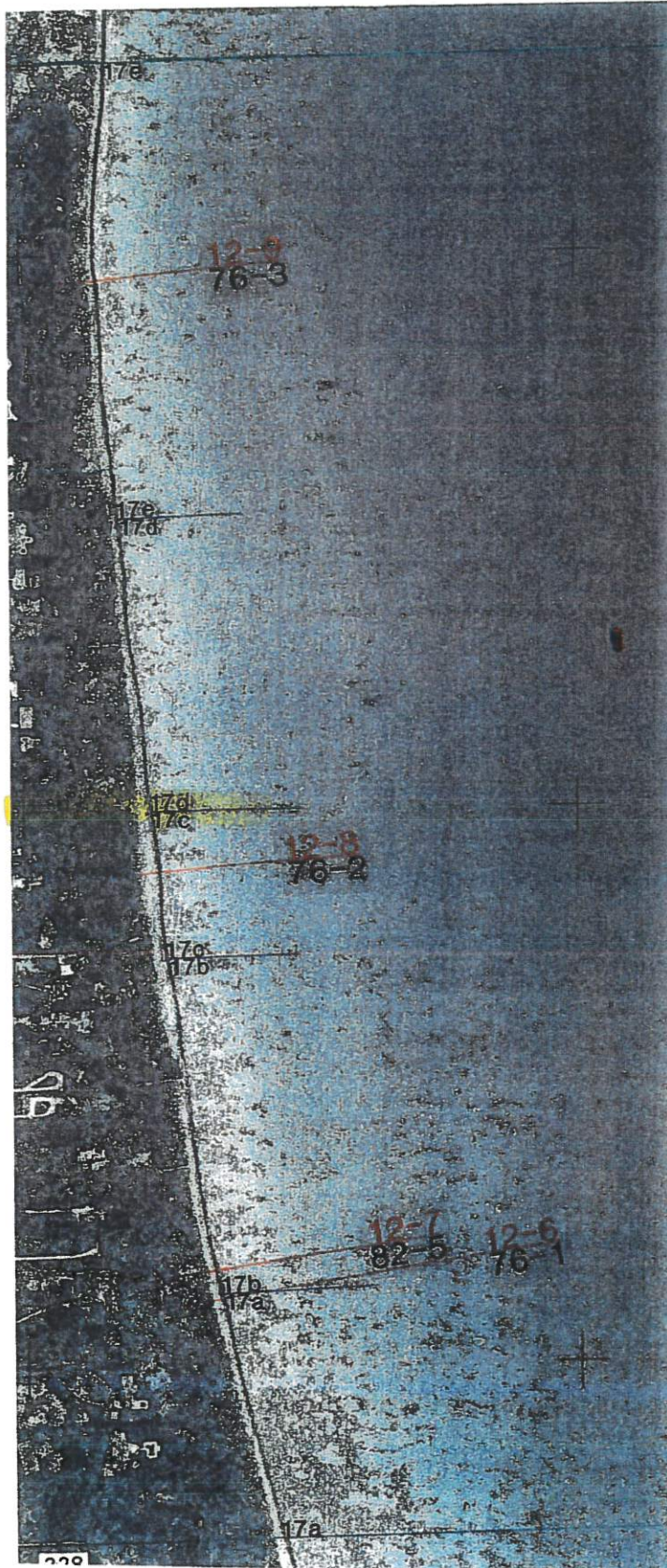
LAKE MICHIGAN SHORELINE RECESSION AND BLUFF STABILITY IN SOUTHEASTERN WISCONSIN: 1995

Attachment: Packet Docs_Splittgerber (9202 : Karen & Gerald Splittgerber)

Map 69

SHORELINE EROSION REACH 12: LOCATION OF BLUFF PROFILES AND EROSION ANALYSIS ZONES

U.S. Public Land Survey Section 17, Township 9 North, Range 22 East
City of Mequon, Ozaukee County



LEGEND

- PROFILE SITE LOCATION
- 12-6 PROFILE NUMBER: 1995 FIELD INVENTORY
- 76-1 PROFILE NUMBER: 1976 AND 1987 FIELD INVENTORY
- EROSION ANALYSIS SECTION LIMITS
- EROSION ANALYSIS ZONE LIMITS
- 17a EROSION ANALYSIS ZONE NUMBER

Source: T.B. Edil, D.M. Mickelson, and SEWRPC.

to be about 20 feet, and the beach material was reported to be sand and gravel. No measurements or observations were made of the nearshore lakebed depth or material within this zone in 1995 or in 1976.

Shoreline recession data for Erosion Zone 21b were estimated at one location. The data indicated that no significant recession had occurred between 1963 and 1995.

Erosion Zone 21c

Erosion Zone 21c extends from the northerly limits of Erosion Zone 21b north to the north line of the section, as shown on Map 68. The beach in this zone was about 50 feet in width. The shoreline in this zone is unprotected. The upper one-third of the bluff slope was reported as being vegetated with mature trees. The lower portion of the bluff shows evidence of translational sliding that is similar to what was taking place at this site in 1976.

During the 1977 study, one bluff stability analyses was conducted within Zone 21c which had a safety factor of 0.65. It was not remeasured in 1995 because of difficulty of access.

In 1995, the beach within Zone 21b was about 50 feet in width. In the 1977 study, the beach width was reported to be about 20 feet, and the beach material was reported to be sand and gravel. No measurements or observations were made of the nearshore lakebed depth or material within this zone in 1995 or in 1976.

No shoreline recession data for Erosion Zone 21b was estimated.

U.S. Public Land Survey Section 17, Township 9 North, Range 22, City of Mequon, Ozaukee County

This shoreline analysis section extends from Glen Oaks Lane extended north to Highland Road extended, in the City of Mequon, as shown on Map 69. In 1995, the lakeshore area was occupied by residential lands. In 1995, the section was protected by a variety of shoreline protection structures, including rubble fills, revetments, and groins. The section was fronted by a beach of between 25 and 75 feet in width, with the widest area of beach located in the central portion of the section. The bluff in this section was about 100 feet in height. The bluff materials in this section were generally covered, but were estimated to be primarily intermixed silt and clay and sand and till, overlain by till. For analysis purposes, Section 17 was further subdivided into five erosion zones, as shown on Map 69. The inventory and

analysis findings relating to bluff, beach, and nearshore area conditions and shoreline recession are discussed below for each of the five erosion zones in Section 17.

Erosion Zone 17a

Erosion Zone 17a extends from the south line of Section 17 at Glen Oaks Road extended, in the City of Mequon, north about 0.2 mile, as shown on Map 69. This zone had a beach of up to 50 feet in width fronting the bluff which had a height of about 100 feet. The bluff was protected by a number of shoreline protection structures, including a revetment and small groins. Vegetation, comprising grasses, horsetails, sumac, and juniper, covered approximately 75 percent of the bluff slope. In 1995, signs of shallow translational slides and earthflows in the ravines were present, and small scarps were observed. The 1995 field observations indicated that there have been no visible changes in the bluff slope.

In 1995, one bluff profile field survey was made within Erosion Zone 17a by occupying a site for which a field survey was conducted in 1976. The reoccupied site had a similar geometry to that documented in 1976, although the bluff slope had more of a convex character at the bluff toe during 1995 than during 1976. The stability of the bluff in Zone 17a of Reach 12 was characterized by Profile No. 12-6. Results of the slope stability analysis, shown in Figure 68, indicated that the bluff was marginally stable in the zone with respect to rotational failures, with a safety factor of 1.08, based upon the deterministic bluff stability analysis method. Profile 12-6 was also analyzed using the probabilistic bluff stability analysis method which resulted in a range of safety factors from 0.94 to 1.39 for the 250 conditions considered. The analytical results indicated a safety factor of less than 1.0 for two, or 8 percent, of the 25 critical conditions, as represented by the set of most critical conditions determined in each of the 25 analyses considered. In addition, a safety factor of less than 1.0 was determined for six, or 2.4 percent, of the 250 conditions analyzed. Given the analytical results and the 1995 field observations, the bluffs were considered marginally stable with respect to both rotational and translational failures. The 1977 study reported a bluff safety factor of 1.0.

The beach ranged up to about 50 feet in width within Erosion Zone 17a. In the 1977 study, the beach width was reported to be about 20 feet, and the beach materials were reported to be gravel at the water's edge, grading to sand at the bluff toe. At Profile No. 12-6, the nearshore lakebed depth of five feet was reached at 100

feet offshore in 1976. The nearshore lakebed materials were not noted. No measurements or observations were made of the nearshore lakebed depth or material at this site in 1995 or 1987.

Shoreline recession data for Erosion Zone 17a were estimated at one location. These data indicated a recession of about 20 feet, or about 0.6 foot per year, occurred between 1963 and 1995. The data indicated that most of the recession occurred prior to 1975, with no further recession occurring between 1975 and 1995. Thus, the bluff appeared to be partially stabilized within this zone. The 1977 study did not report a recession rate for this zone.

In 1995, small slumps and localized flows were observed on the lower portions of the bluff slopes within Erosion Zone 17a which appeared to be due, in part, to the revetment and groin system which partially protected the bluff toe being overtopped.

Erosion Zone 17b

Erosion Zone 17b extends from the northern limit of Erosion Zone 17a north about 0.2 mile, as shown on Map 69. This zone had a beach of up to 50 feet in width fronting the bluff which had a height of about 100 feet. The bluff was partially protected by a revetment. Vegetation, comprising sumac and shrubs on the upper bluff slopes and horsetails and juniper on the lower bluff slopes, covered approximately 50 percent of the bluff slope, largely the upper bluff slope. In 1995, the lower bluff slope was largely exposed, and signs of a fresh scarp and bluff toe erosion were present. Evidence of a large slump block was observed in the northern portion of the zone where the boundary between the vegetated surfaces of the bluff slope and the failing surface of the bluff slope decreased in elevation. The 1995 field observations indicated between zero and 10 feet of retreat in the bluff top since 1976.

In 1995, one bluff profile field survey was made within Erosion Zone 17b by occupying a site for which a field survey was conducted in 1987. The stability of the bluff in Zone 17b of Reach 12 was characterized by Profile No. 12-7. Results of the slope stability analysis, shown in Figure 68, indicated that the bluff was marginally stable in the zone, with a safety factor of 1.16, based upon the deterministic bluff stability analysis method. Profile No. 12-7 was also analyzed using the probabilistic bluff stability analysis method. The analytical results indicated a safety factor of greater than 1.0 for 250, or 100 percent, of the 250 conditions analyzed. Given the analytical results and the 1995 field obser-

ations, the bluffs were considered stable with respect to rotational failures. The 1995 field observations indicated that translational failures may occur. The 1977 study did not report a bluff safety factor.

The beach ranged up to about 50 feet in width within Erosion Zone 17b, with the widest portion of the beach located in the northern portion of the zone. In the 1977 study, the beach width was reported to be between five and 20 feet, and the beach materials were reported to be gravel at the water's edge, grading to sand at the bluff toe. No measurements or observations were made of the nearshore lakebed depth or material at this site in 1995 or in 1976 or 1987.

Shoreline recession data for Erosion Zone 17b were estimated at one location. These data indicated a recession of about 10 feet, or about 0.3 foot per year, occurred between 1963 and 1995. The data indicated that most of the recession occurred prior to 1975, with no further recession occurring between 1975 and 1995. Thus, the bluff appeared to be partially stabilized within this zone. The 1977 study did not report a recession rate for this zone.

In 1995, fresh scarps were observed on the bluff slopes within Erosion Zone 17b, which indicated deep-seated slumping in portions of this zone. A staircase, constructed on the bluff face between 1989 and 1994, was observed to be broken in places, further indicating slope failure. A revetment located at the base of the stairway appeared to be being overtopped and largely ineffective in protecting the bluff toe at this site. Notwithstanding, the 1995 field observations indicated little change in the appearance of the bluff within this zone.

Erosion Zone 17c

Erosion Zone 17c extends from the northern limit of Erosion Zone 17b north about 0.1 mile to about Dandelion Lane extended, in the City of Mequon, as shown on Map 69. This zone had a beach of up to 75 feet in width fronting the bluff which had a height of about 100 feet. The bluff was unprotected in this zone. Vegetation, consisting of shrubs, covered approximately 50 percent of the bluff slope, which was a decrease in the amount of vegetation coverage since 1976. In 1995, signs of a large, deep-seated slump were observed throughout the zone, extending from the beach to the scarp at the bluff top. The 1995 field observations indicated between zero to 10 feet of retreat in the bluff top since 1976.

In 1995, one bluff profile field survey was made within Erosion Zone 17c by occupying a site for which a field

survey was conducted in 1976. The reoccupied site had a significantly different geometry to that documented in 1976. A scarp appeared to be developing at the bluff top in 1995, and the elevated portion of the lower bluff slope, immediately above the bluff toe, observed in 1976 appeared to be absent in 1995, although a step was observed in the bluff slope at this location. The stability of the bluff in Zone 17c of Reach 12 was characterized by Profile No. 12-8. Results of the slope stability analysis, shown in Figure 69, indicated that the bluff was stable in the zone with respect to rotational failures, with a safety factor of 1.48. The 1977 study reported a bluff safety factor of 0.89 on the lower bluff slope and 1.43 on the upper bluff slope.

The beach ranged up to about 75 feet in width within Erosion Zone 17c. In the 1977 study, the beach width was reported to be about 20 feet, and the beach materials were reported to be gravel at the water's edge, grading to sand at the bluff toe. At Profile No. 12-8, the nearshore lakebed depth of five feet was reached at 110 feet offshore in 1976. The nearshore lakebed materials were noted to be sand. No measurements or observations were made of the nearshore lakebed depth or material at this site in 1995 or in 1987.

Shoreline recession data for Erosion Zone 17c were estimated at one location. These data indicated a recession of about 10 feet, or about 0.3 foot per year, occurred between 1963 and 1995. The data indicated a recession of 10 feet, or 0.5 foot per year, occurring between 1975 and 1995. Thus, the bluff top appeared not to be stabilized within this zone. The 1977 study did not report a recession rate for this zone.

Erosion Zone 17d

Erosion Zone 17d extends from the northern limit of Erosion Zone 17c at Dandelion Lane, in the City of Mequon, north about 0.2 mile, as shown on Map 69. This zone had a beach of up to 50 feet in width fronting the bluff which had a height of about 100 feet. The bluff was unprotected in this zone. Vegetation, comprising mature trees such as cedar, dogwood, and aspen, covered approximately 90 percent of the upper bluff slope. Vegetation, comprising horsetails and weeds, covered approximately 60 percent of the lower bluff slope, which appeared to be an increase in the amount of vegetation coverage since 1975. In 1995, signs of earth flows and shallow translational slides were present. Evidence of the slow movement of a large rotational block was observed on the upper bluff scarp in portions of the zone where the upper bluff slope was considerably steeper than the lower bluff slope. The 1995 field observations indicated

between zero and five feet of retreat in the bluff top since 1976.

No bluff stability analyses were conducted within Erosion Zone 17d in this study or in 1976.

The beach ranged up to about 75 feet in width within Erosion Zone 17d. In the 1977 study, the beach width was reported to be about 20 feet, and the beach materials were reported to be gravel at the water's edge, grading to sand at the bluff toe. No measurements or observations were made of the nearshore lakebed depth or material at this site in 1995 or in 1976 or 1987.

Shoreline recession data for Erosion Zone 17d were not estimated. The 1977 study did not report a recession rate for this zone.

In 1995, evidence of active shoreline erosion was observed on the bluff slopes within Erosion Zone 17d. It appeared that slope failure was likely to continue, with the resultant loss of woodland vegetation on the bluff top and increased bluff top retreat.

Erosion Zone 17e

Erosion Zone 17e extends from the northern limit of Erosion Zone 17d north about 0.3 mile, as shown on Map 69. This zone had a beach of up to 25 feet in width fronting the bluff which had a height of about 100 feet. The bluff was unprotected in this zone. Vegetation, comprising mature trees such as cedar, dogwood, and aspen, covered approximately 60 percent of the upper bluff slope. In 1995, signs of earth flows and shallow translational slides were present. Evidence of the slow movement of a large rotational block was observed on the upper bluff scarp in portions of the zone where the upper bluff slope was considerably steeper than the lower bluff slope. The 1995 field observations indicated no visible retreat of the bluff top since 1976.

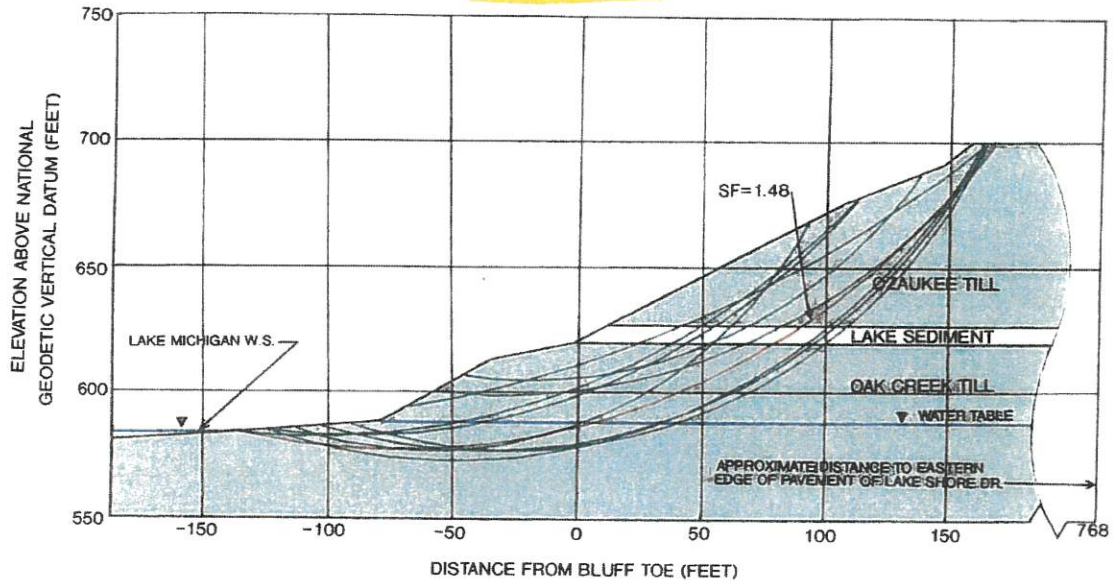
In 1995, one bluff profile field survey was made within Erosion Zone 17e by occupying a site for which a field survey was conducted in 1976. The reoccupied site had a slightly different geometry to that documented in 1976. The step in the bluff slope observed in 1976 appeared as three distinct steps in 1995, with each step having a less steep slope than in 1976. Further, the slope at the bluff toe appeared to have become less steeply sloped in 1995 than in 1976. The stability of the bluff in Zone 17e of Reach 12 was characterized by Profile No. 12-9. Results of the slope stability analysis, shown in Figure 69, indicated that the bluff was stable in the zone with respect to rotational failures, with a safety factor of 1.40. How-

Figure 69

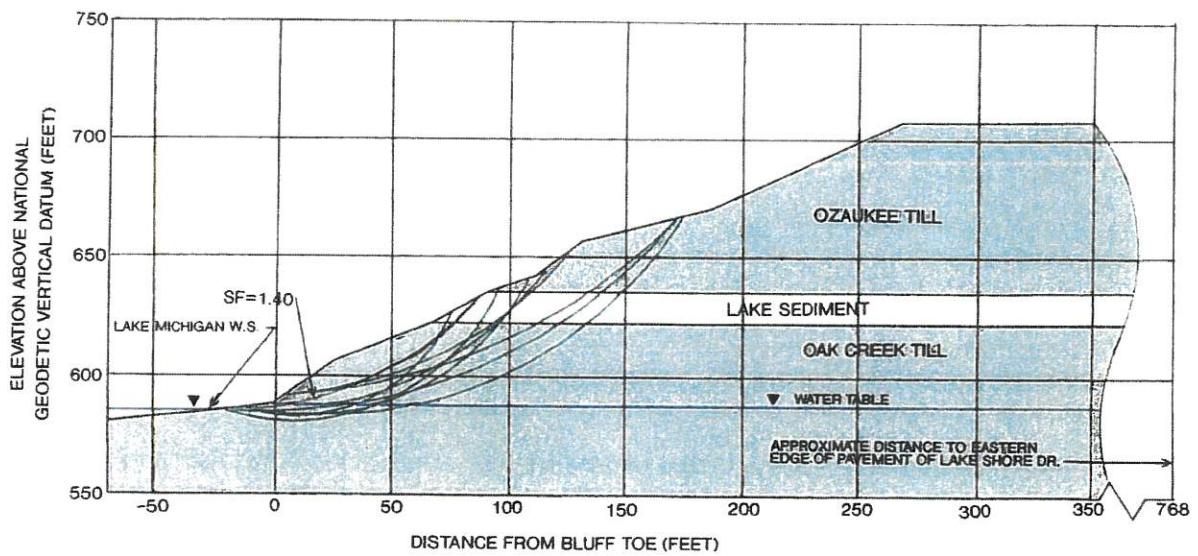
DETERMINISTIC BLUFF SLOPE STABILITY ANALYSES

U.S. Public Land Survey Section 17, Township 9 North, Range 22 East
City of Mequon, Ozaukee County

PROFILE 12-8
T.9N. R.22E. SEC. 17



PROFILE 12-9
T.9N. R.22E. SEC. 17

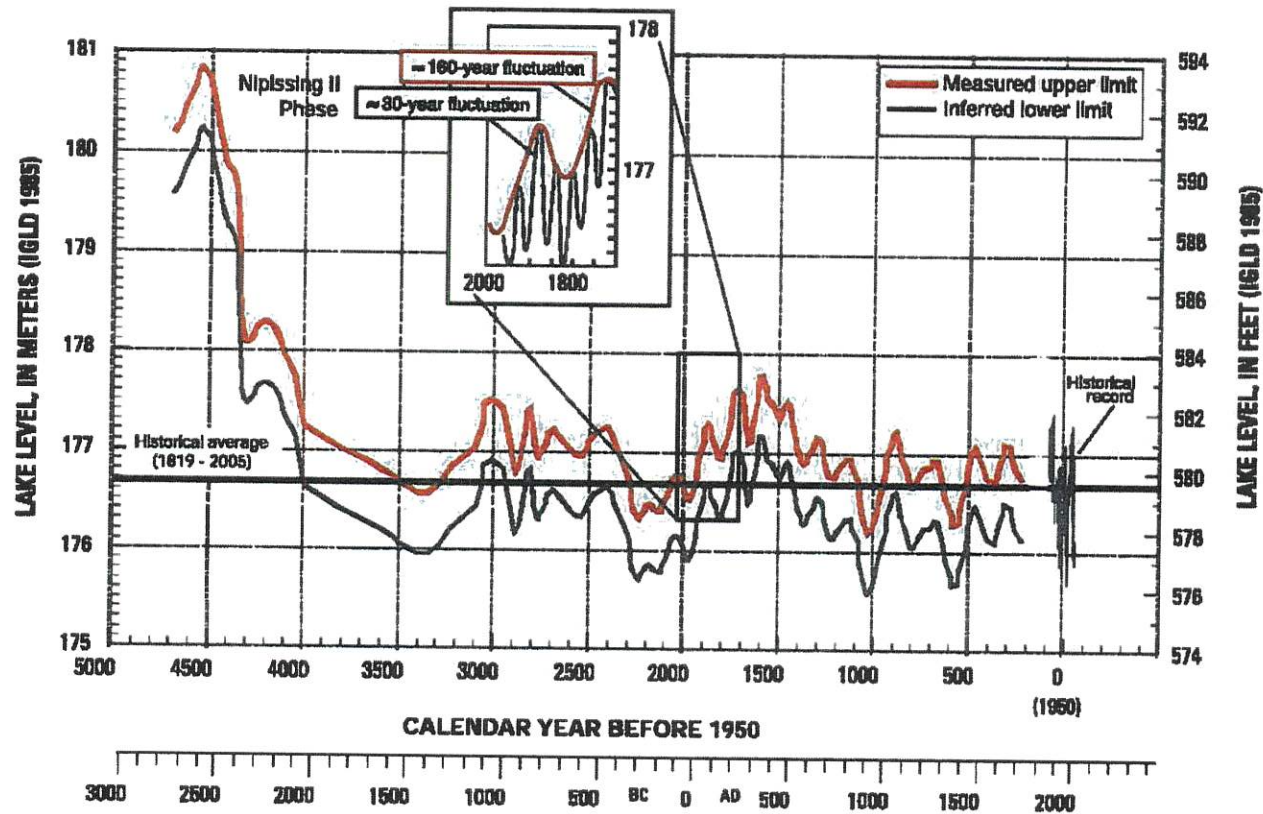


Source: T.B. Edil, D.M. Mickelson, and SEWRPC.

Lake Michigan Water Levels in Recent Geologic Time

Lake-Level Variability and Water Availability in the Great Lakes:

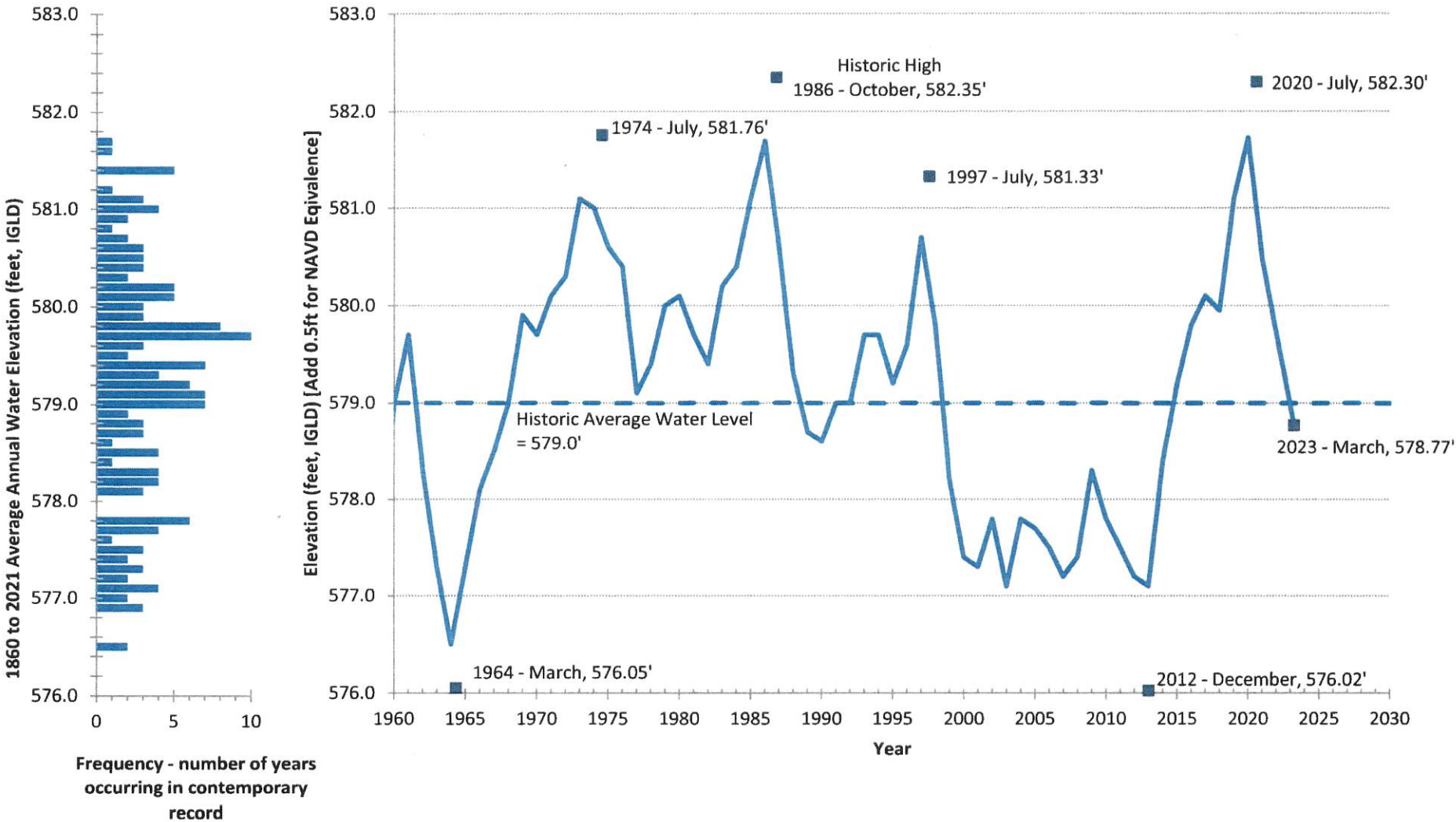
U.S. Geological Survey Circular 1311, Wilcox et al., 2007



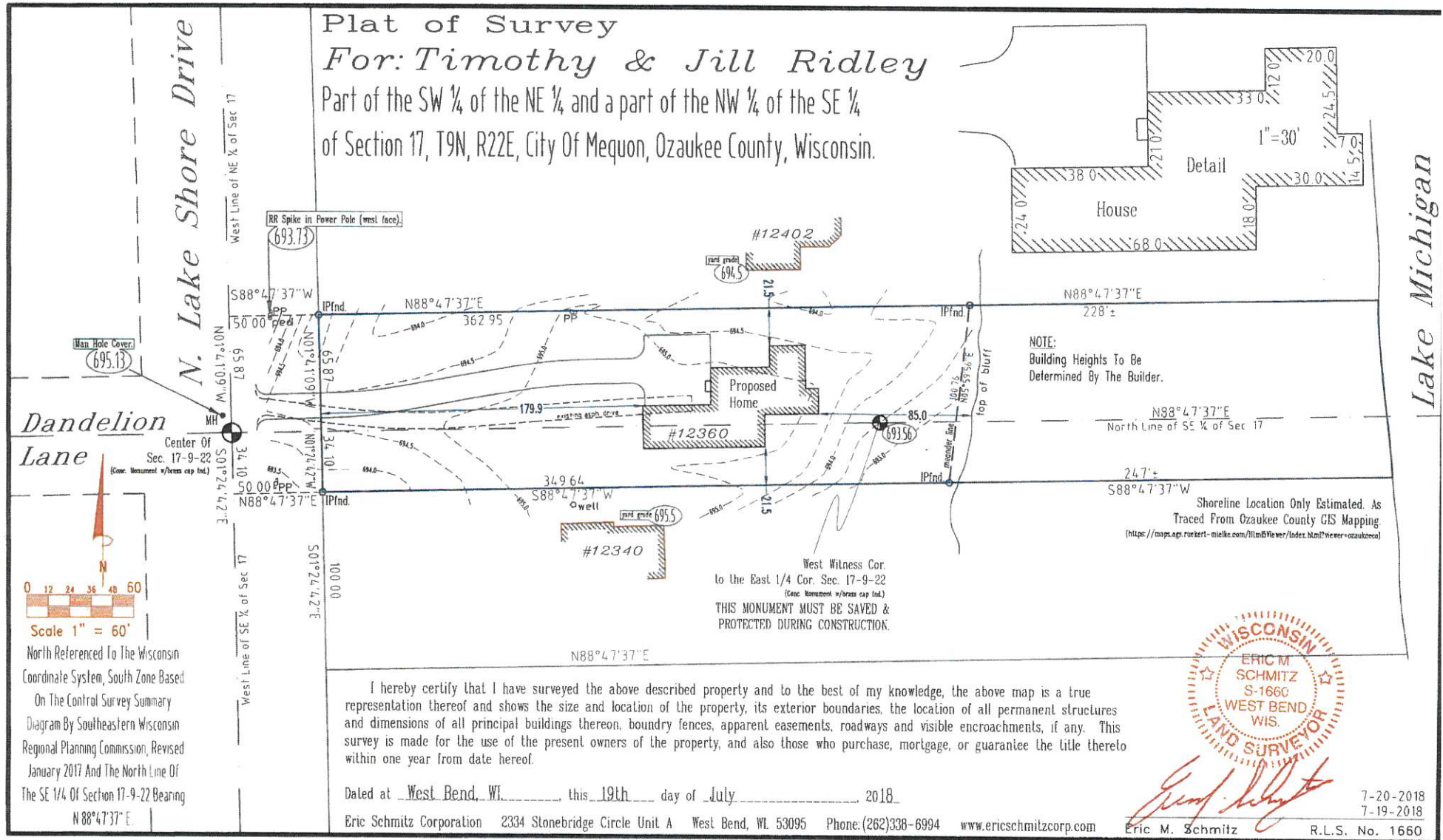
Hydrograph of late Holocene lake level and historical lake level for Lake Michigan-Huron. The red line is interpreted from beach-ridge studies, whereas the lower black line is an inferred lower limit using the range of the historical record as a guide.

Lake Michigan - Huron Historic Water Levels

Average Annual Historic Water Levels and Histogram
(Based on USACE records)



Attachment: Packet Docs_Splittgerber (9202 : Karen & Gerald Splittgerber)



ELEVATION NOTE

PROPOSED TOP OF FOUNDATION WALL = 693.11
TYPICAL GRADE AT FOUNDATION WALL = 696.5
GRADE AT EXPOSURE = N/A
FIRST FLOOR SUBFLOOR = 698.5
TOP OF FIRST FLOOR SUBFLOOR (ASF-1) REFERENCED AS 0'-0" HEREAFTER

* HEIGHT ELEVATIONS (•) ARE REFERENCED FROM ABOVE FIRST FLOOR SUBFLOOR IF NOTED ASF-1
ABOVE SECOND FLOOR SUBFLOOR IF NOTED ASF-2
BELOW FIRST FLOOR SUBFLOOR IF NOTED B.S.F.-1

SQUARE FEET

TOTAL FINISHED SQUARE FOOTAGE = 2,962 SF.
LOWER LEVEL FINISHED = 0 SF.
FIRST FLOOR = 2,524 SF.
SECOND FLOOR = 438 SF.

SHEET INDEX:

ST1 - SITE PLAN NO HOUSE
ST - SITE PLAN
A - SITE PLAN AT 1/8" = 1'-0"

LEGEND

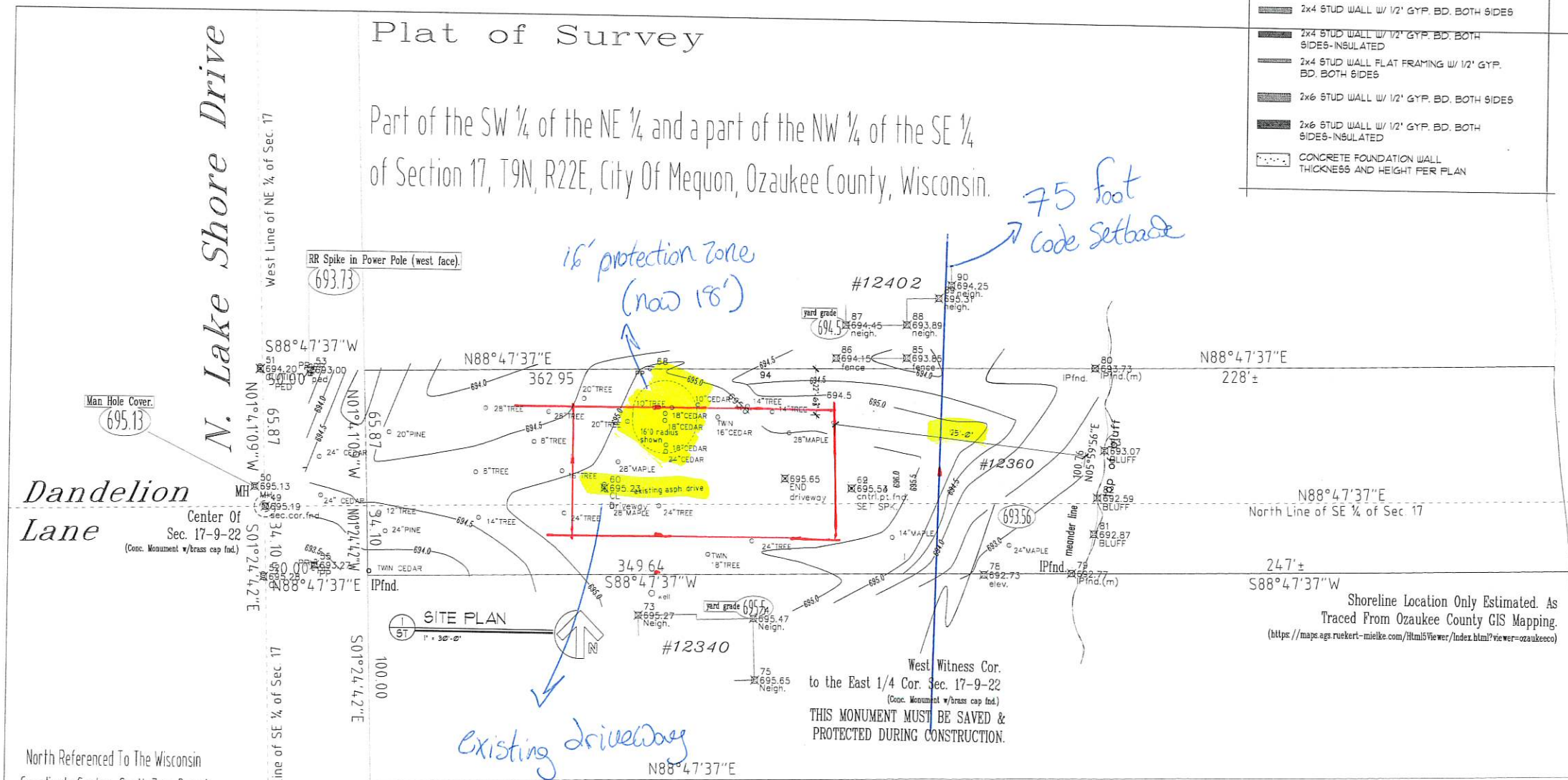
- PLAN DETAILS SEE SHEETS 2 THRU 4J
- ELEVATION DETAIL-SEE SHEETS 1 AND 1J
- INTERIOR ELEVATION DETAILS SEE SHEET 6 AND 6J
- DOOR NUMBER
- ELEVATION DATUM
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x4 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES-INSULATED
- 2x4 STUD WALL FLAT FRAMING W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES
- 2x6 STUD WALL W/ 1/2" GYP. BD. BOTH SIDES-INSULATED
- CONCRETE FOUNDATION WALL THICKNESS AND HEIGHT PER PLAN

Plat of Survey

Part of the SW 1/4 of the NE 1/4 and a part of the NW 1/4 of the SE 1/4 of Section 17, T9N, R22E, City Of Mequon, Ozaukee County, Wisconsin.

75 foot Code Setback

16' protection zone (now 18')



North Referenced To The Wisconsin Coordinate System, South Zone Based On The Control Survey Summary Diagram By Southeastern Wisconsin Regional Planning Commission, Revised January 2017 And The North Line Of The SE 1/4 Of Section 17-9-22 Bearing N 88°47'37" E.

I hereby certify that I have surveyed the above described property and to the best of my knowledge, the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all permanent structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any. This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof.

Dated at West Bend, WI, this 19th day of July, 2018.

Eric Schmitz Corporation 2334 Stonebridge Circle Unit A West Bend, WI 53095 Phone: (262)338-6994 www.ericsschmitzcorp.com

Eric M. Schmitz R.L.S. No. 1660

SITE MAP



TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN



CALL DIGGERS HOTLINE
1-800-242-8511
TOLL FREE

WIS. STATUTE 182.0175(1974)
REQUIRES MIN. 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE

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ST1



Photo 1: Looking east from N Lake Shore Drive along the existing asphalt driveway and subject lot.



Photo 2: Looking east from the eastern end of the existing asphalt driveway at the yard along the top of the bluff.



Photo 3: Looking south from the northern property boundary at the current steep scarps along the crest of the bluff.



Photo 4: Looking west at the bluff face and steep scarps along the crest of the bluff.



Photo 5: Looking northwest from just south of the subject property at the bluff face at the boundary between the vegetated portion of the slope and the bare portion of the slope.

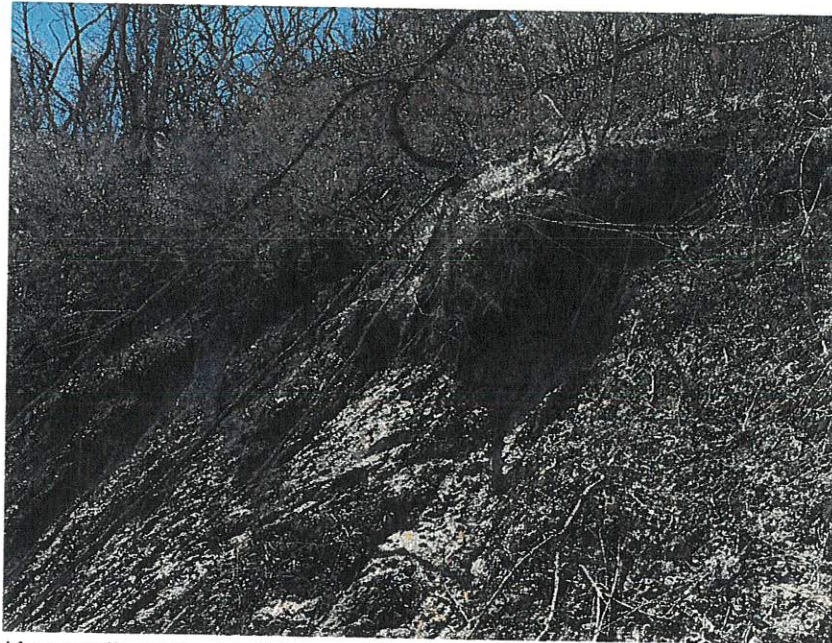


Photo 6: Looking south at the bluff face at the boundary between the vegetated and bare portions of the slope. Surface water along the bluff face was noted at this boundary.



Photo 7: Looking north at the steep bare soil slope extending across the lower two-thirds of the bluff. Circled in red is a silt or sand seam visible on the bluff face.

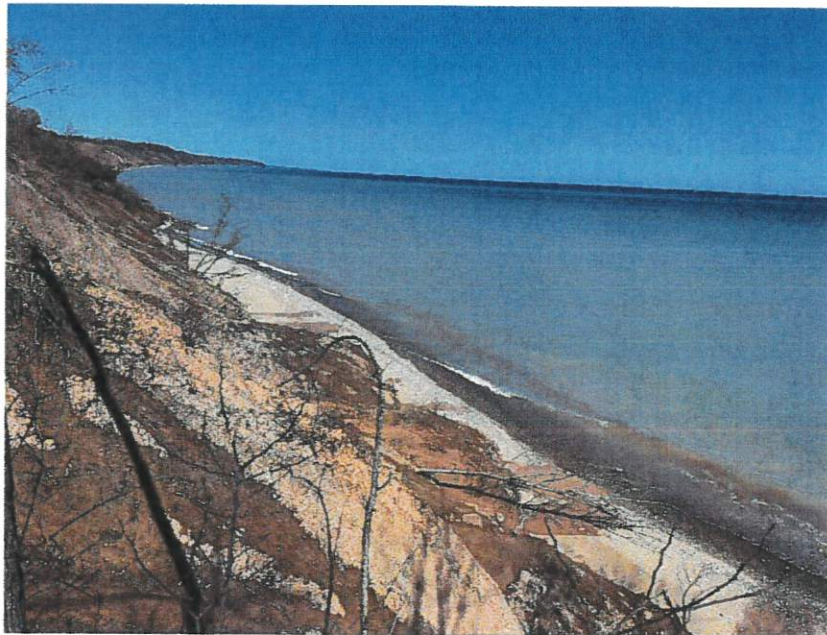


Photo 8: Looking north along the bare soil slope extending across the lower two-thirds of the bluff and the Lake Michigan shoreline.



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: Jac Zader, Assistant Director Community Development
DATE: March 18, 2024
SUBJECT: Chapter 58, Article XI of the Municipal Code related to Floodplain Zoning

Background

The Federal Emergency Management Agency (FEMA) mission is helping people before, during and after disasters. Floodplain management is one aspect of federal assistance provided by FEMA. Other program assistance includes coordinating recovery efforts in the wake of severe storms, hurricanes, wildfires and earthquakes, as well as managing other aspects related to hazard response. Recently, FEMA released updated draft floodplain maps for the Milwaukee River Watershed and Flood Insurance Study. In addition, the Wisconsin Department of Natural Resources is requiring the city to adopt the updated model floodplain ordinance and flood storage district maps as part of this process. The ordinance is required to be approved by FEMA and DNR by July 31, 2024. Since the ordinance is located in Chapter 58, a recommendation from Planning Commission is required.

On March 12th, staff gave a presentation (see attached slides) to the Common Council on Floodplain Management in order to provide them sufficient background information in order to give staff direction regarding how to proceed with potential adoption of the model ordinance. Direction from the Council was to proceed with adoption of the model ordinance in a way that would preserve the property rights to the greatest extent possible of the residents impacted by the new regulations. The link to the video of the presentation is shown below: [Link
<https://mequoncitywi.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=4582&Format=Minutes>](https://mequoncitywi.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=4582&Format=Minutes)

Analysis

The city is not allowed to modify the model ordinance in any way that would make it less stringent other than the option to adopt provisions of 2019 Act 175. Act 175 was created by the legislature to give communities an option that would eliminate the “50% rule” for structural alterations to a dwelling provided that certain things are done including the elevation of the structure above the base flood elevation. The Common Council did support the option of adopting the provisions of Act 175 into the model ordinance. The provisions that are related to the Community Rating System have been kept in the Ordinance for now. These are provisions that are more stringent but would allow for the potential of lower insurance rates for the community if the city decided to participate in the program (see attached flyer for more information). Other changes to the Ordinance that are being proposed by staff include the following:

- Clarifying the department enforcing the provisions of the Ordinance
- Codifying requirements that are addressed in other parts of the code.
- Eliminating provisions that would permit certain uses in Floodplain.
- Clarifying vague language in the model ordinance.

Due to the compressed adoption schedule and short turnaround from the Common Council meeting, staff is requesting Planning Commission give staff the authority to work with the City

Attorney to address these outstanding issues. The issues that need to be addressed are identified by an asterisk in the proposed ordinance.

Staff Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

2022Model ord with TOC_Final01_08-24 working document (DOCX)

City of Mequon CCOW Floodplain Discussion (PPTX)

fema_community-rating-system_local-guide-flood-insurance-2018 (PDF)

Floodplain Ordinance for City of Mequon

Effective: **Date**

A cooperative effort of
WI Department of Natural Resource (DNR)
and
Federal Emergency Management Agency (FEMA)

Adoption schedule tracking

1. **Date of Public Hearing:** _____
a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. **Date of Adoption:** _____
3. **Dates of Publication or Posting:** _____
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:** _____
a. _____

!! Instructional Information Only !!

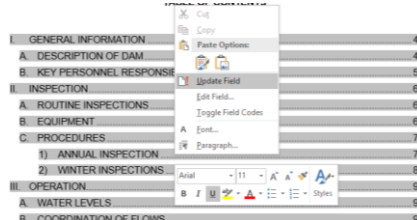
[Please delete THIS ENTIRE PAGE when ordinance update is complete.]

After all updates are done, you will need to update the table of contents. Because this is a linked function within document, the page references will update automatically when you tell it to do so:

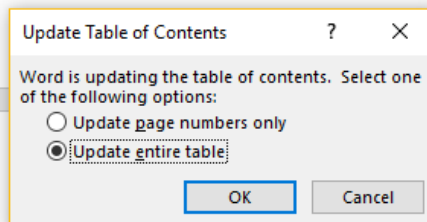
1. Click anywhere in the table of contents so that gray shows up behind the words.

I. GENERAL INFORMATION	4
A. DESCRIPTION OF DAM	4
B. KEY PERSONNEL RESPONSIBILITIES	5
II. INSPECTION	6
A. ROUTINE INSPECTIONS	6
B. EQUIPMENT	7

2. Right click anywhere in the table of contents so that a window pops up. Select "Update Field"



3. Select "Update entire table" so that both the headings and page numbers update. If you changed heading names you may notice that some of the headings will not be capitalized correctly – you will need to find them in the document for formatting and then repeat steps 1-3.



If you make further changes (like deleting this page) and just need to update the page numbers, repeat steps 1-3...this time, you can select "Update page numbers only".

TABLE OF CONTENTS

1.0	STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS	5
1.1	STATUTORY AUTHORIZATION.....	5
1.2	FINDING OF FACT	5
1.3	STATEMENT OF PURPOSE.....	5
1.4	TITLE.....	5
1.5	GENERAL PROVISIONS.....	5
	(1) AREAS TO BE REGULATED.....	5
	(2) OFFICIAL MAPS & REVISIONS	5
	(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS	6
	(4) LOCATING FLOODPLAIN BOUNDARIES	6
	(5) REMOVAL OF LANDS FROM FLOODPLAIN.....	6
	(6) COMPLIANCE	7
	(7) MUNICIPALITIES AND STATE AGENCIES REGULATED.....	7
	(8) ABROGATION AND GREATER RESTRICTIONS.....	8
	(9) INTERPRETATION	8
	(10) WARNING AND DISCLAIMER OF LIABILITY	8
	(11) SEVERABILITY	8
	(12) ANNEXED AREAS FOR CITIES AND VILLAGES	8
2.0	GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS	8
2.1	HYDRAULIC AND HYDROLOGIC ANALYSES.....	9
2.2	WATERCOURSE ALTERATIONS.....	9
2.3	CHAPTER 30, 31, WIS. STATS., DEVELOPMENT	9
2.4	PUBLIC OR PRIVATE CAMPGROUNDS	109
1.0	FLOODWAY DISTRICT (FW).....	11
3.1	APPLICABILITY	11
3.2	PERMITTED USES	11
3.3	STANDARDS FOR DEVELOPMENT IN THE FLOODWAY	12
3.4	PROHIBITED USES	14
4.0	FLOODFRINGE DISTRICT (FF)	14
4.1	APPLICABILITY	15
4.2	PERMITTED USES	15
4.3	STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE	15
5.0	OTHER FLOODPLAIN DISTRICTS	17
5.1	GENERAL FLOODPLAIN DISTRICT (GFP).....	17
5.2	FLOOD STORAGE DISTRICT	18
2.0	NONCONFORMING USES.....	19
6.1	GENERAL	19
6.2	FLOODWAY DISTRICT	24
6.3	FLOODFRINGE DISTRICT	25
6.4	FLOOD STORAGE DISTRICTS	25

7.0	ADMINISTRATION	25
	1.1 DIRECTOR OF COMMUNITY DEVELOPMENT.....	25
	7.2 AGENCY	30
	7.3 BOARD OF APPEALS.....	31
	7.4 TO REVIEW APPEALS OF PERMIT DENIALS	33
	7.5 FLOODPROOFING STANDARDS	34
	7.6 PUBLIC INFORMATION	34
8.0	AMENDMENTS.....	35
	8.1 GENERAL	35
9.0	ENFORCEMENT AND PENALTIES.....	36
10.0	DEFINITIONS	36

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Mequon, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, 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.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) 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. (b) below. These maps and revisions are on file in the office of the Department of Community Development, City of Mequon.

(a) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS)

1. Flood Insurance Rate Map (FIRM), panel number 165, 168, 169, 188, 189, 193, 194, 230, 231, 232, 233, 234, 251, 252, 253, 254, 256, 257, 258, 259 dated **7/31/2024**
2. Flood Insurance Study (FIS) for Ozaukee County, dated 12/31/2024).

- (b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Floodplain study for Little Menomonee Creek and Little Menomonee River completed by Laura Herrick, SEWRPC and approved by the Department of Natural Resources on 1/14/2022.
2. Flood Storage Map, panel number 8 dated 12/31/24 approved by the DNR.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

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

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between 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 (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *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 s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

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

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0

Amendments.

- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - 1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation.
 - 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
- c) 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. ~~70.70~~. Does not need to comply with Section (a) above.

(6) COMPLIANCE

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), 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, 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 s. 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 s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 for cities or s. 87.30, Stats. which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Ozaukee County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding in accordance with FEMA Technical Bulletin 10 and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

Commented [JZ1]: *Need language about base zoning

- 1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

Commented [JZ2]: *Need definition

- 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 if the structure is less than two feet above the base flood elevation.
- b. be constructed with flood-resistant materials.

- c. be constructed by methods and practices that minimize flood damage ~~s if the lowest finished floor structure is less than two feet above the base flood elevation;~~ and
 - d. Mechanical and utility equipment must be elevated ~~to or one foot~~ 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 ~~the lowest finish floor is two feet above the base flood elevation and:~~
- 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.

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 s. 7.1(2).

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- 1) No floodplain development shall:
 - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - b. Cause any increase in the regional flood height due to floodplain storage area lost.
- 2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *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.

2.3 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 s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- ~~1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection.~~
- ~~2) A land use permit for the campground is issued by the zoning administrator.~~
- ~~3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants.~~
- ~~4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency 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;~~
- ~~5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in sub. (4) to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations.~~
- ~~6) All mobile recreational vehicles placed on site must meet one of the following:~~
 - ~~a. Be fully licensed, if required, and ready for highway use; or~~
 - ~~b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or~~
 - ~~c. Meet the requirements in either s. 3.0, 4.0, 5.1, or for the floodplain district in which the structure is located.~~

~~A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.~~
- ~~7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section.~~
- ~~8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.~~
- ~~9) 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~~
- ~~10) 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~~

11) Standards for structures in a campground:

- ~~a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, 5.1, or for the floodplain district in which the structure is located.~~
- ~~b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.~~
- ~~c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.~~
- ~~d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).~~
- ~~e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).~~

~~12) A land use permit shall be obtained as provided under 7.1(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.~~

1.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

3.2 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 s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

~~2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport~~

~~landing strips.~~

~~3)2)~~ 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 s. 3.3(4).

~~4)3)~~ Uses or structures accessory to permanent public open space uses or classified as historic structures that comply with s. 3.3 and 3.4.

~~5)4)~~ ~~Extraction of sand, gravel or other materials that comply with s. 3.3(4).~~

~~6)5)~~ Functionally water-dependent public 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.

~~7)6)~~ Public utilities, streets and bridges that comply with s. 3.3(3).

~~8)~~ ~~Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.~~

~~9)7)~~ 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.

~~10)~~ ~~Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.~~

~~11)8)~~ 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.

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

Commented [J23]: *Add section on setbacks lot cover

1) GENERAL

- a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).

2) STRUCTURES

Structures accessory to permanent public 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:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage.

- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding.
 - 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and.
 - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement.
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 - 1. The lowest floor must be elevated to or above the regional flood elevation.
 - 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - 4. The use must be limited to parking, building access or limited storage.
- g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup.
 - 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5).
 - 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors.
 - 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

5. Placement of utilities to or above the flood protection elevation.

3) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate floodproofing measures are provided to the flood protection elevation; and
- b. Construction meets the development standards of s. 2.1.

Commented [JZ4]: *Need definition

4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of s. 2.1 are met.
- b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, ~~including the following uses:~~

~~Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.~~

~~Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.~~

~~Uses not in harmony with or detrimental to uses permitted in the adjoining districts.~~

~~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.~~

~~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.~~

~~Any solid or hazardous waste disposal sites.~~

~~Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and~~

~~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.~~

4.0 FLOODFRINGE OVERLAY DISTRICT (FFO)

Commented [JZ5]: *Add language about base zoning

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 2.0 shall apply in addition to the following requirements, in addition to the base zoning district, according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

Commented [CVH6]: Replace with "one (1) foot above regional flood elevation" for CRS communities.
BFE +1 required for CRS.

(2) ACCESSORY STRUCTURES OR USES

In addition to s. 2.0, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

In addition to s. 2.0 unless otherwise prohibited, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 2.0, unless otherwise prohibited, 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 s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures as defined by the Department of Community Development shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

~~(11) MANUFACTURED HOMES~~

- ~~a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.~~
- ~~b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

 - ~~1. have the lowest floor elevated to the flood protection elevation; and~~
 - ~~2. be anchored so they do not float, collapse, or move laterally during a flood.~~~~
- ~~c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).~~

~~(12)(11) MOBILE RECREATIONAL VEHICLES~~

~~All mobile recreational vehicles must be on site for less in accordance with 58.441 (11) than 180 consecutive days and be either:~~

- ~~a) fully licensed and ready for highway use; or~~
- ~~b) shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).~~

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

5.0 OTHER FLOODPLAIN DISTRICTS**5.1 GENERAL FLOODPLAIN DISTRICT (GFP)****1) 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 s. 1.5(2)(a).

2) FLOODWAY BOUNDARIES

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

3) PERMITTED USES

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2)

Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

- a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - 2. If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.
- b) 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.
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

Commented [CVH7]: Add: "plus one additional foot of freeboard."

The CRS prerequisite applies to AO zones as well as AE zones where a specific elevation is required by NFIP minimum standards.

Commented [VHMAD(8)]: Change to " three (3) feet above the flood protection elevation."

The CRS prerequisite applies to AO zones as well as AE zones where a specific elevation is required by NFIP minimum standards.

5) **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:

- a) 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.
- b) 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.
 - 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 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.

(1) APPLICABILITY

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

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

- a. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. 8.0 *Amendments* of this ordinance.
- d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

2.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with 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.
 - b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of

any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a ~~deck~~single 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~~ nine square feet of the deck at a doorway in order to provide safe ingress and egress to the principal structure.

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. If the cost exceeds 50% as defined above. cContiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.
- e) No maintenance 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. If the cost exceeds 50% as defined above. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) 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 s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged by a flood, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in

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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:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

~~f-g. Contiguous dryland access is not required.~~

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
 - 4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
 - a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;

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- b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
- c) The nonconforming building is permanently changed to conform to the applicable requirements of 2.0;
- d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 6.2. 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 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);
- e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 6.3;
- f) 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;
- g) 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:
 - i. 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 s. 6.1(4)(g) above.
 - ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- h) 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:
 - i. 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.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.

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- iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- i) ~~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;~~
- j) ~~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;~~
- k) ~~Recreational vehicles placed on sites within zones A1-30, AH, and AE shall be must either:~~
 - i. ~~Be on-site for fewer than 180 consecutive days; in accordance with 58.441 (11) or~~
 - ii. ~~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~~
 - iii. ~~Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(i) above;~~
- h) ~~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 repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;~~
- m) ~~k) 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 ss. 6.1(4)(f) through (l) (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 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;~~
- n) ~~l) 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~~

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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 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

e)m) 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

p)n) 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 s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

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6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements.
 - b) Meets the requirements of s. 6.1.
 - c) Shall not increase the obstruction to flood flows or regional flood height.
 - d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair, or

maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.

- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- 2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - a) No floor is allowed below the regional flood elevation for residential or commercial structures.
 - b) Human lives are not endangered.
 - c) Public facilities, such as water or sewer, shall not be installed.
 - d) Flood depths shall not exceed two feet.
 - e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
- 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

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6.4 FLOOD STORAGE DISTRICTS

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

7.0 ADMINISTRATION

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

1-17.1 DIRECTOR OF COMMUNITY DEVELOPMENT

- 1) **DUTIES AND POWERS**
The Director of Community Development or its designee is authorized to administer this ordinance and shall have the following duties and powers:

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved.
 - 2. Documentation of certified lowest floor and regional flood elevations.
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
 - e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - 2. Copies of case-by-case analyses and other required information.
 - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
 - g) Submit copies of amendments to the FEMA Regional office.
- 2) **BUILDING PERMIT**
 A building 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 department of community development shall include:
- a) **GENERAL INFORMATION**
 - 1. Name and address of the applicant, property owner and contractor.
 - 2. Legal description, proposed use, and whether it is new construction or a modification.
 - b) **SITE DEVELOPMENT PLAN**
 A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - 1. Location, dimensions, area and elevation of the lot.

2. Location of the ordinary highwater mark of any abutting navigable waterways.
 3. Location of any structures with distances measured from the lot lines and street center lines.
 4. Location of any existing or proposed on-site sewage systems or private water supply systems.
 5. Location and elevation of existing or future access roads.
 6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps.
 7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
 8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
 9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).
- c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**
All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
1. Zone A floodplains and in AE zones within which a floodway is not delineated:
 - a. Hydrology
 - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic modeling
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

- v. the most current version of HEC-RAS shall be used.
 - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
 - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
2. Zone AE Floodplains
- a. Hydrology
If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic model
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - i. Duplicate Effective Model
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

- ii. **Corrected Effective Model.**
The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - iii. **Existing (Pre-Project Conditions) Model.**
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. **Revised (Post-Project Conditions) Model.**
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c. **Mapping**
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
- e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 AGENCY THE DEPARTMENT OF COMMUNITY DEVELOPEMENT

- 1) The Department of Community Development shall:
 - a) oversee the functions of the office and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.

- c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The Department of Community Development shall not:
 - a) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
 - b) amend the text or zoning maps in place of official action by the governing body.

7.3 **BOARD OF APPEALS**

The Board of Appeals, created under s.62.23(7)(e), Stats., 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 Director of Community Development shall not be the secretary of the Board.

1) **POWERS AND DUTIES**

The Board of Appeals shall:

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

2) **APPEALS TO THE BOARD**

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

b) **NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing.
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3).
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

c) **DECISION:** The final decision regarding the appeal or variance application shall:

- 1. Be made within a reasonable time.

2. Be sent to the Department Regional office within 10 days of the decision.
 3. Be a written determination signed by the chairman or secretary of the Board.
 4. State the specific facts which are the basis for the Board's decision.
 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- 3) BOUNDARY DISPUTES
The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
 - b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.
- 4) VARIANCE
- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance will cause unnecessary hardship.
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended.
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
 - b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 1. The variance shall not cause any increase in the regional flood elevation.
 2. The applicant has shown good and sufficient cause for issuance of the variance.
 3. Failure to grant the variance would result in exceptional hardship.
 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

d) When a floodplain variance is granted, the Board ~~shall~~ may notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The ~~Zoning Agency (s. 7.2)~~ or Board shall review all data related to the appeal. This may include:

- a. Permit application data listed in s. 7.1(2).
- b. Floodway/floodfringe determination data in s. 5.1(5).
- c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
- d. Other data submitted with the application or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

- a. Follow the procedures of s. 7.3.
- b. Consider zoning agency recommendations; and
- c. Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

- a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
- b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, or 5.1.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - a. certified by a registered professional engineer or architect; or
 - b. meeting or exceeding the following standards:
 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 2. the bottom of all openings shall be no higher than one foot above grade; and
 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
 - a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors.
 - b. Protect structures to the flood protection elevation.
 - c. Anchor structures to foundations to resist flotation and lateral movement.
 - d. Minimize or eliminate infiltration of flood waters.
 - e. Minimize or eliminate discharges into flood waters.
 - f. Placement of essential utilities to or above the flood protection elevation; and
 - g. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.

Commented [JZ17]: *Standard?

7.6 PUBLIC INFORMATION

- (1) All maps, engineering data and regulations shall be available and widely distributed.

8.0 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 s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height.
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
- (3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b).
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (5) Correction of discrepancies between the water surface profiles and floodplain maps.
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by s. 5.1(5) and 7.1(2). The Building Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
- (2) No amendments shall become effective until reviewed and approved by the Department.

- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

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

Commented [JZ18]: *add penalty section

10.0 DEFINITIONS

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

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See "AREA OF SHALLOW FLOODING".
3. AO ZONE – See "AREA OF SHALLOW FLOODING".
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, 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.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except

where such filling is prohibited by the floodway provisions of this ordinance.

11. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters.
 - The rapid accumulation or runoff of surface waters from any source.
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water,

Commented [JZ19]: *By who

accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

24. **FLOOD FREQUENCY** – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. **FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
29. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
34. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to

development and aggregation of the river or stream bed.

37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:
 - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. 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.
46. 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."
47. 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.
48. 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.

49. **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.
50. **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."
51. **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.
52. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
53. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
54. **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.
55. **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.
56. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
57. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
58. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
59. **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.
60. **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

61. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
69. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or

foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

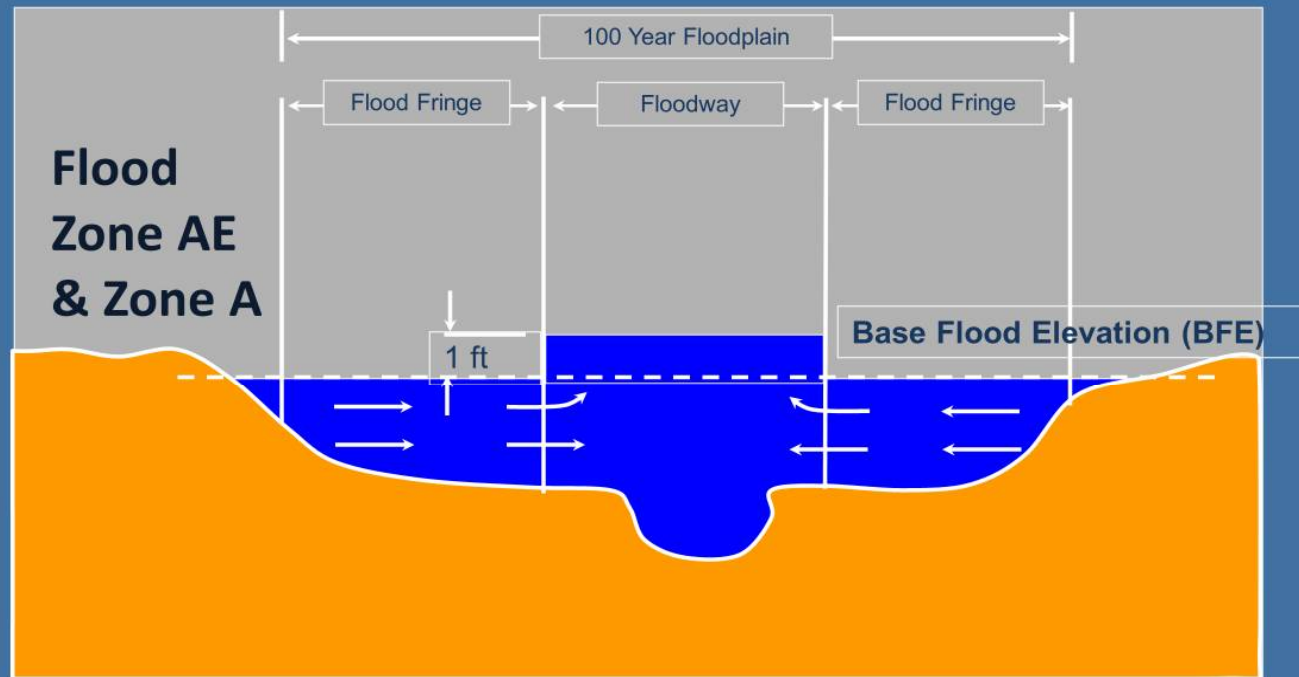
73. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. **SUBDIVISION**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

City of Mequon CCOW Floodplain Discussion

Presentation Outline

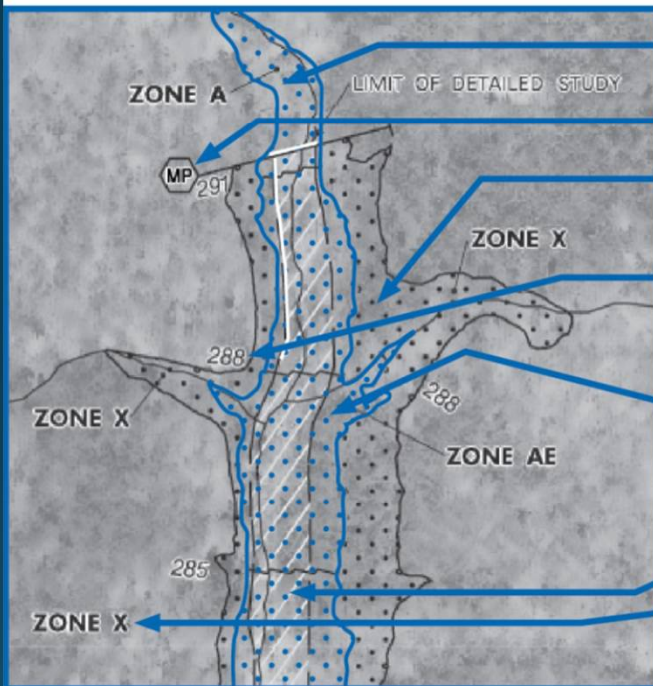
- Floodplain Explained
- Flood Insurance and the NFIP
- Wisconsin NFIP Participation Rates
- County Insurance Participation Rates
- 2024 Map and Model Ordinance Update
- Decisions for the Common Council
- Questions/Discussion

What is the 100-Year Floodplain?



The 100-year floodplain is the land subject to a 1% or greater chance of flooding in any given year. It is also called the Special Flood Hazard Area (SFHA) by FEMA. Floodway is the channel and adjacent land reserved in order to discharge the base flood.

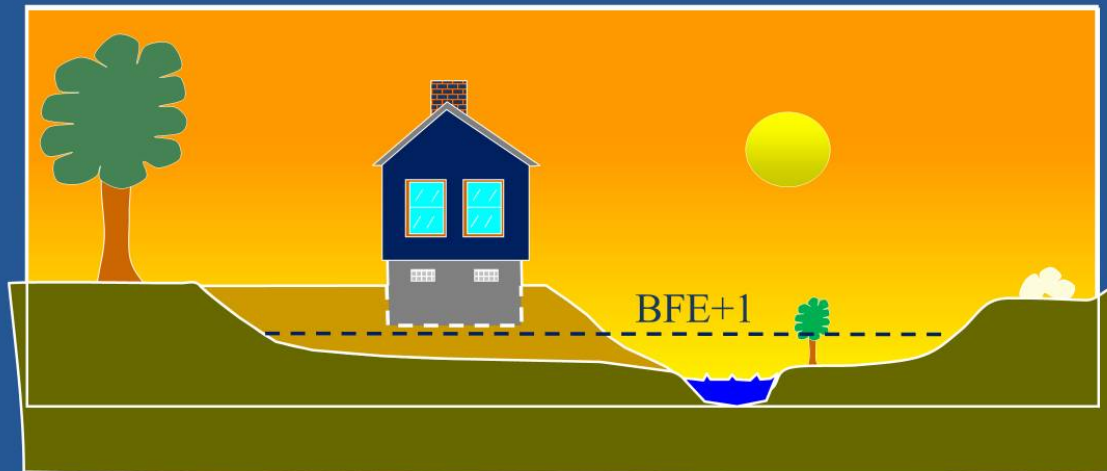
FEMA Flood Insurance Rate Map (Riverine)



- 1 **Zone A** (approximate) is the flood hazard area without BFEs.
- 2 **Cross Section** location.
- 3 **Shaded Zone X** is the 0.2-percent-annual-chance (500-year) floodplain (formerly Zone B).
- 4 **Base Flood Elevation (BFE)** is the water surface elevation of the base flood rounded to the nearest whole foot (consult FIS profiles and tables for more accurate elevations).
- 5 **Zone AE** is the 1-percent-annual-chance (100-year) floodplain with BFEs (formerly Zones A1-A30).
- 6 The **Floodway** is the cross-hatched area.
- 7 **Unshaded Zone X** is all other areas considered low risk (formerly Zone C).

Elevated Residential Structures in Riverine AE & A Zones

Lowest floor must be elevated at or above BFE



National Flood Insurance Program

- National Flood Insurance Act of 1968
 - Reduce future flood damage
 - Protect property owners
- **Flood Maps** – FEMA produces flood maps (FIRM)
- **Flood Regulations** – Communities must adopt the flood maps and minimum FEMA construction requirements into local zoning regulations
- **Flood Insurance** – FEMA makes federal flood insurance available to property owners in NFIP participating communities
- WDNR is agent for FEMA in Wisconsin
 - More restrictive than FEMA

National Flood Insurance Program

- Not a mandatory program
- Impacts of not participating
 - **Federally Backed Mortgages (Mandatory Purchase Requirement)**
 - **No Federal Disaster Assistance for community**
 - Wisconsin Dells 2008 Lake Delton Flood
 - **Communities Ineligible for Certain Grants**

National Flood Insurance Program

Since 1968, the National Flood Insurance Program (NFIP) has used flood insurance to empower Americans to protect the lives they've built.

1968

The National Flood Insurance Act of 1968 launches the NFIP with two primary goals: reducing future flood damage and protecting property owners.

1973

The Flood Insurance Protection Act of 1973 requires the purchase of flood insurance for some homeowners in high-risk flood zones.

1979

Executive Order 12127 officially makes the NFIP part of the Federal Emergency Management Agency (FEMA).

1989

After making landfall in South Carolina, Hurricane Hugo causes more than \$375 million in NFIP claims damage.

1993

The Midwest Floods cause more than \$270 million in NFIP claims damage.

1995

Spring flooding in Louisiana causes more than \$585 million in NFIP claims damage.

2003

The NFIP digitizes its flood mapping process, modernizing how the program represents flood risk.

2004

The Flood Insurance Reform Act of 2004 eliminates incentives to rebuild on properties that repeatedly flood, increases transparency of the claims process, and establishes a flood insurance training requirement for insurance professionals.

2005

Hurricane Katrina becomes the most expensive hurricane in American history. In just one year, NFIP claims damage exceeds \$17 billion.

2012

The Biggert-Waters Flood Insurance Reform Act of 2012 authorizes the national mapping program and implements rate changes to increase the NFIP's fiscal soundness.

Hurricane Sandy causes more than \$8 billion in NFIP claims damage.

2014

The Homeowner Flood Insurance Affordability Act of 2014 restores grandfathering and places limits on flood insurance rate increases, ushering in a new customer-centric era at the NFIP.

2017

Hurricanes Harvey, Irma, and Maria result in more than \$6.3 billion in NFIP claims damage.

2018

FEMA announces a future-focused strategic plan to build a national culture of preparedness and close the insurance gap.

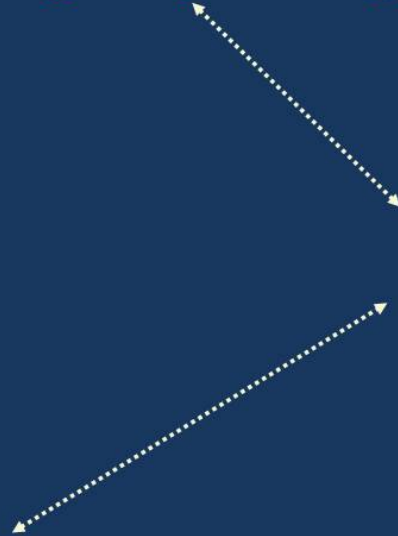
Roles and Responsibilities

Federal Emergency Management Agency



**State NFIP Coordinating
Agency - WDNR**

Mequon (regulates development through zoning)



Flood Insurance Basics

- Flood damage is excluded under standard homeowners and renters' insurance policies. However, flood coverage is available in the form of a separate policy both from the National Flood Insurance Program (NFIP) and from a few private insurers.
- Congress created the NFIP in 1968 in response to the rising cost of taxpayer-funded disaster relief for flood victims and the increasing amount of damage caused by floods.
- The NFIP makes federally backed flood insurance available in communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.
- The NFIP provides coverage for up to \$250,000 for the structure of the home and up to \$100,000 for personal possessions. The NFIP policy provides replacement cost coverage for the structure of the home but only actual cash value for personal possessions.
- Excess flood insurance is also available from some private insurers for those who need additional insurance protection over and above the basic policy or whose community does not participate in the NFIP.
- Excess flood insurance is available in all parts of the country—in high-risk flood zones along the coast and close to major rivers as well as in areas of lower risk—wherever the federal program is available. It can be purchased from specialized companies through independent insurance agents, or from regular homeowners' insurance companies that have arrangements with a specialized insurer to provide coverage to their policyholders.

Flood Insurance Basics cont.

- Water that falls from the sky that damages your home is covered by your Homeowner's Insurance Policy.
- Broken pipe, sewer backflow covered by homeowner's policy or separate policy rider.

Wisconsin Participation in NFIP

- To participate in the NFIP, municipality must adopt and enforce floodplain management regulations or ordinance that meet FEMA minimum standards
- Municipality enforces the federal NFIP standards through local zoning and building permit process
- Wisconsin
 - 105 communities do not participate (60 with Flood Plain)
 - 560 communities participate
 - 11 communities suspended

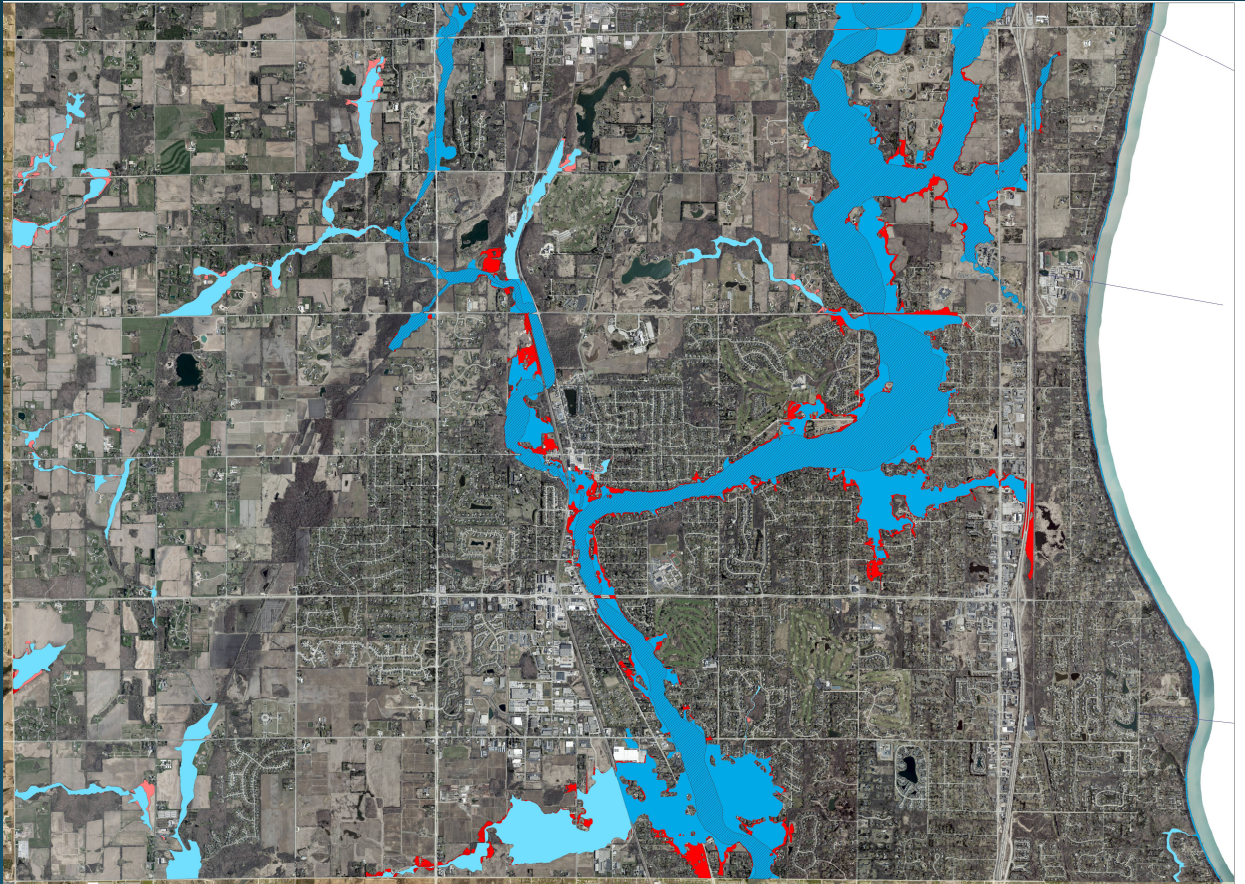
County Participation in NFIP

COMMUNITY	Policies In Force	Total Coverage	Total Written Premium plus FPF
BELGIUM	1	\$84,000	\$299
CEDARBURG	26	\$7,454,000	\$23,060
FREDONIA	1	\$175,000	\$569
GRAFTON	18	\$4,464,000	\$12,132
MEQUON	138	\$35,733,000	\$151,998
OZAUKEE COUNTY (Uniconcorporated)	55	\$13,276,000	\$49,690
PORT WASHINGTON	41	\$10,805,000	\$12,970
SAUKVILLE	70	\$16,655,000	\$73,108
THIENSVILLE	7	\$2,426,000	\$29,260

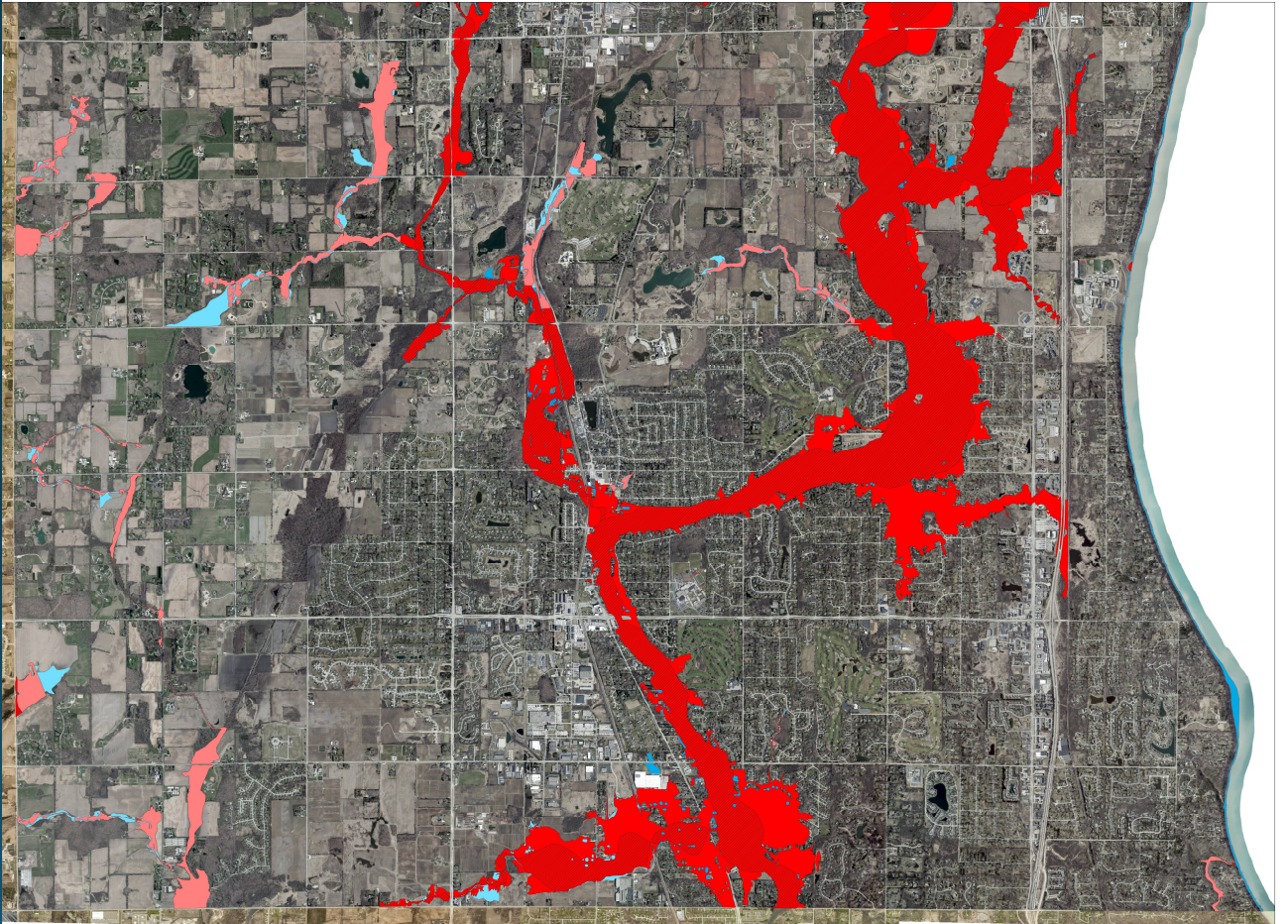
2024 Map and Ordinance Update

- 2024 FIRM Maps
 - Last updated in 2007
- Model Ordinance
 - May modify but cannot be less stringent
- Flood Storage Districts
 - DNR requirement not recognized by FEMA
- Little Menomonee Study
 - Separate study not shown on draft FIRM maps

Impacts of 2024 Map Changes

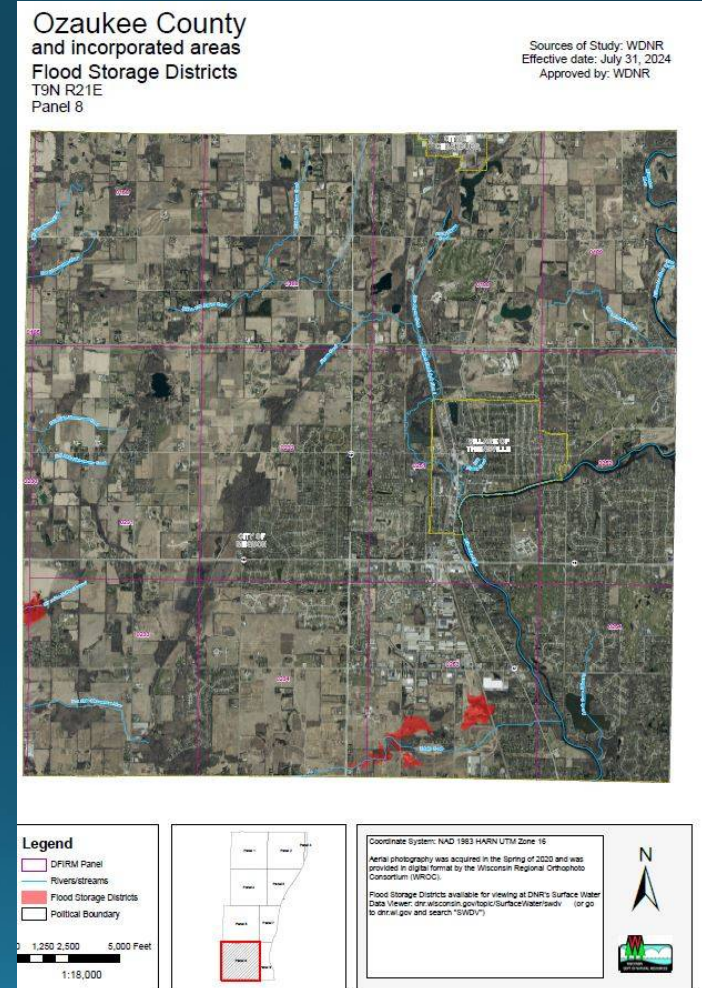


Impacts of 2024 Map Changes



Flood Storage Districts

- Requires Compensatory Storage
- Mostly Wetlands / Some upland area
- More Restrictive than FEMA



2024 Map and Ordinance Update

- Impacts to the Community
 - Flood designations expanded in some areas
 - Existing LOMA's and LOMR-F superseded in some cases (43)
 - LOMA's and State Flood Plain Requirements
 - Impacts to existing nonconforming buildings
 - Some good and some bad

Common Council Decisions

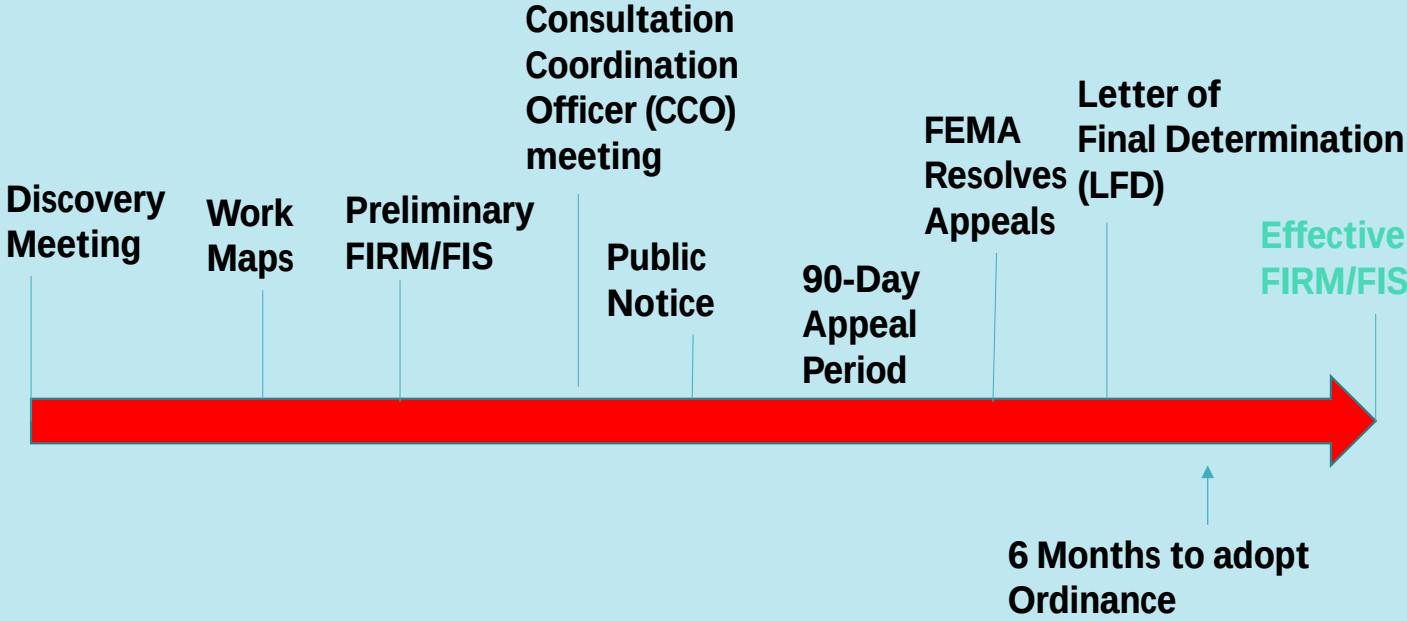
- Remain in NFIP or opt out
- Adopt Act 175 Provisions
 - Act 175 was enacted March 2020 and impacts how local governments can regulate nonconforming structures in the floodplain by adding an option to rebuild structures if certain conditions are met.
- Adopt CRS (Community Rating System) provisions
 - The CRS credits a community that participates by reducing premiums for policy holders but does require more stringent requirements in the model ordinance.
- Modify Current Zoning Districts
 - Current FW and FFO zoning districts do not match proposed FIRM maps.

Zoning vs FEMA example



Mapping Process Timeline

Congressional Appropriation \$



Questions??



National Flood Insurance Program Community Rating System

A Local Official's Guide to
Saving Lives, Preventing Property Damage, and
Reducing the Cost of Flood Insurance

FEMA B 573 / 2018



FEMA

The Community Rating System Works

Every year, flooding causes hundreds of millions of dollars' worth of damage to homes and businesses around the country. Standard homeowners and commercial property insurance policies do not cover flood losses. To meet the need for this vital coverage, the Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP).

The NFIP offers reasonably priced flood insurance to all properties in communities that comply with minimum standards for floodplain management.

The NFIP's Community Rating System (CRS) credits community efforts beyond those minimum standards by reducing flood insurance premiums for the community's property owners. The CRS is similar to—but separate from—the private insurance industry's programs that grade communities on the effectiveness of their fire suppression and building code enforcement efforts.

CRS discounts on flood insurance premiums range from 5% up to 45% (see Table 1), based on CRS credit points that are awarded to

communities. The discounts provide an incentive for communities to implement new flood protection activities that can help save lives and property when a flood occurs.

The CRS provides credit under 19 public information and floodplain management activities described in the *CRS Coordinator's Manual*.

You're probably already doing many of these activities. To get credit, community officials will need to prepare documentation that verifies these efforts.

The CRS assigns credit points for each activity. Table 2 lists the activities and the possible number of credit points for each one. The table also shows the average number of credit points communities earn for each activity. These averages may give you a better indication than the maximums of what your community can expect.

To be eligible for a CRS discount, your community must do Activity 310, Elevation Certificates. If you're a designated repetitive loss community, you must also do Activity 510, Floodplain Management Planning. Other activities are optional.

Based on the total number of points your community earns, the CRS assigns you to one of ten classes. Your discount on flood insurance premiums is based on your class.

For example, if your community earns 4,500 points or more, it qualifies for Class 1, and property owners in the in the Special Flood Hazard Area (SFHA) get a 45% discount on their insurance

premiums. If your community earns as little as 500 points, it's in Class 9 and property owners in the SFHA get a 5% discount. If a community does not apply or fails to receive at least 500 points, it's in Class 10, and property owners get no discount.

Table 1, below, shows the number points required for each class and the corresponding discount.

Table 1.
How much discount property owners in your community can get

Rate Class	Discount for SFHA *	Discount for Non-SFHA **	Credit Points Required
1	45%	10%	4,500 +
2	40%	10%	4,000–4,499
3	35%	10%	3,500–3,999
4	30%	10%	3,500–3,499
5	25%	10%	3,000–2,999
6	20%	10%	2,500–2,499
7	15%	5%	1,500–1,999
8	10%	5%	1,000–1,499
9	5%	5%	500–999
10	0	0	0–499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHAs, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.

Table 2.

What You Can Do to Get Credit

The CRS grants credit for 19 different activities that fall into four series:

Series 300	Public Information	Maximum Points*	Average Points
	This series credits programs that advise people about the flood hazard, flood insurance, and ways to reduce flood damage. The activities also provide data insurance agents need for accurate flood insurance rating.		
310	Elevation Certificates Maintain FEMA elevation certificates for new construction in the floodplain. (At a minimum, a community must maintain certificates for buildings built after the date of its CRS application.)	116	38
320	Map Information Service Provide Flood Insurance Rate Map information to those who inquire, and publicize this service.	90	73
330	Outreach Projects Distribute outreach projects with messages about flood hazards, flood insurance, flood protection measures, and/or the natural and beneficial functions of floodplains.	350	87
340	Hazard Disclosure - Real estate agents advise potential purchasers of flood-prone property about the flood hazard. - Regulations require notice of the hazard.	80	14
350	Flood Protection Information The public library and/or community's website maintains references on flood insurance and flood protection.	125	38
360	Flood Protection Assistance Give inquiring property owners technical advice on how to protect their buildings from flooding, and publicize this service.	110	55
370	Flood Insurance Promotion Assess flood insurance coverage within the community and implement a plan to promote flood insurance.	110	39
Series 300		Total	981
			3448

*Maximum and average points are subject to change. See the current CRS Coordinator's Manual for the latest information.

Series 400	Mapping & Regulations	Maximum Points*	Average Points
	This series credits programs that limit floodplain development or provide increased protection to new and existing development.		
410	Floodplain Mapping - Develop new flood elevations, floodway delineations, wave heights, or other regulatory flood hazard data for an area not mapped in detail by the flood insurance study. - Have a more restrictive mapping standard.	802	60
420	Open Space Preservation - Guarantee that currently open public or private floodplain parcels will be kept free from development. - Zone the floodplain for minimum lot sizes of 5 acres or larger.	2,020	509
430	Higher Regulatory Standards - Limit new buildings and/or fill in the floodplain. - Require freeboard. - Require soil tests or engineered foundations. - Require compensatory storage. - Require coastal construction standards in AE Zones. - Have regulations tailored to protect critical facilities or areas subject to special flood hazards (for example, alluvial fans, ice jams, subsidence, or coastal erosion).	2,042	270
440	Flood Data Maintenance - Keep flood and property data on computer records. - Use better base maps. - Maintain elevation reference marks.	222	115
450	Stormwater Management - Regulate new development throughout the watershed to ensure that post-development runoff is no greater than pre-development runoff. - Regulate new construction to minimize soil erosion and protect or improve water quality.	755	132
Series 400		Total	5,841
			1,08

Series 500	Flood Damage Reduction	Maximum Points*	Average Points
	This series credits programs that reduce the flood risk to existing development.		
510	Floodplain Management Planning • Prepare, adopt, implement, and update a comprehensive flood hazard mitigation plan using a standard planning process. • Prepare an analysis of the repetitive flood loss areas within the community. <i>Note: category C repetitive loss communities must receive credit for either the floodplain management plan or the repetitive loss area analysis, above.</i> • Prepare, adopt, implement, and update a plan to protect natural functions within the community's floodplain.	622	175
520	Acquisition and Relocation • Acquire and/or relocate floodprone buildings so that they are out of the floodplain.	2,250	195
530	Flood Protection • Protect existing floodplain development by floodproofing, elevation, or minor flood control projects.	1,600	73
540	Drainage System Maintenance • Have a program for and conduct annual inspections of all channels and detention basins; remove debris as needed.	570	218
Series 500		Total	5,042
			661

Series 600	Flood Preparedness	Maximum Points*	Average Points
	This series credits flood warning, levee safety, and dam safety projects.		
610	Flood Warning and Response • Provide early flood warnings to the public, and have a detailed flood response plan keyed to flood crest predictions.	395	254
620	Levees • Annually inspect and maintain existing levees; have a system for recognizing the threat of levee failure and/or overtopping, disseminating warnings, and providing emergency response; and coordinate with operators of critical facilities.	235	157
630	Dams • Have a high-hazard-potential dam that could affect the community; have a system for recognizing the threat of dam failure, disseminating warnings, planning and practicing emergency responses; and coordinating with operators of critical facilities.	160	35
Series 600 Total		790	446
All Series Total		12,654	2,53

Additional Credit

Your community can get additional credit for regulating development outside the SFHA to the same standards as development inside the SFHA. There is also credit for assessing future flood conditions, including the impacts of future development, urbanization, and changing weather patterns. See the *CRS Coordinator's Manual* for full details.

Many communities can qualify for what the CRS calls “state-based credit,” based on the activities or regulations a state or regional agency implements within communities. For example, some states have disclosure laws eligible for credit under Activity 340 (Hazard Disclosure). Any community in those states can receive the state-based credit.

Your community may want to consider floodplain management activities not listed in the *CRS Coordinator's Manual*. You should evaluate these activities for their ability to increase public safety, reduce property damage, avoid economic disruption and loss, and protect the environment. In addition, you can request a review of these activities to determine whether they could be eligible for CRS credit. FEMA welcomes innovative ways to prevent or reduce flood damage.

How to Apply

Participation in the CRS is voluntary. If your community is in full compliance with the rules and regulations of the NFIP, you may apply. There's no application fee, and all CRS publications are free.

Your community's chief executive officer (your mayor, city manager, or other top official) must appoint a CRS coordinator to serve as the liaison between the community and FEMA. The coordinator should know the operations of all departments that deal with floodplain management and public information. And the coordinator should be able to speak for the community's chief executive officer.

To begin the application process, your community submits a letter of interest to your FEMA Regional Office and documents that you are implementing floodplain management activities that warrant at least 500 CRS credit points. On the [CRS Resources website](http://www.CRSresources.org) (www.CRSresources.org) you can find a sample letter; the CRS Quick Check, a tool that helps you assess your community's possible credit points; and further instructions.

You may also want to download from that website a copy of the *CRS Coordinator's Manual*, which describes the program in full and provides specific information, including eligible activities, required documentation, and resources for assistance.

Help is also available through the contact information below.

CRS-related materials and many more resources are available at the [CRS Resources website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) and on [FEMA's website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) (<https://www.fema.gov/national-flood-insurance-program-community-rating-system>).

After your community applies for a CRS classification, the CRS will verify the information and arrange for flood insurance premium discounts.

For more info, write, phone, or fax:

NFIP/CRS

P.O. Box 501016

Indianapolis, IN 46250-1016

(317) 848-2898

Fax: (201) 748-1936

e-mail: nfipcrs@iso.com

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www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: Kim Tollefson, Director of Community Development
DATE: March 18, 2024
SUBJECT: Chapter 58-303: Arrival Corridor specific development and design standards

Background:

As part of the ongoing efforts to revitalize and encourage redevelopment of the Town Center neighborhood, staff is recommending a text amendment that corrects specific development and design standards within the two applicable zoning districts: Town Center zoning district and Arrival Corridor zoning district.

In 2017, certain development and design standards were added to address the scale and massing of residential dwellings whether within a mixed-use development, mixed-use building and dependent upon its location with each zoning district. Staff has discovered that certain terminology used in 2017 did not directly align with uses, development types and structure types as defined in the zoning's Specific Development and Design Standards. Consistency is critical due to distinct design standards and the required entitlement process associated with the variety of projects that could be applied for. This issue was, and continues to be, at the forefront of staff's analysis at the creation of these zoning districts due to the mixed-use nature desired for the neighborhood.

Analysis:

Staff is proposing text amendments related to the following **terms** for clarification of design standards under multiple development scenarios and locations and for clarification of entitlement processes:

- Mixed-Use buildings
- Multiple-family dwellings, up to 16 units
- Multiple-family dwellings, greater than 16 units
- Planned Residential Development
- Single-family dwellings
- Two-family dwellings

Staff is proposing a text amendment to the limitation of PUDs in the Arrival Corridor district, which restricted the ability to request, through a PUD, the ability to have more than a total of 16 dwelling units, regardless of building type, in the Arrival Corridor district. Staff recommends protecting the ability for the legal right to request through a PUD, ultimately reserving the authority for such a project to the Common Council.

Staff notes that the text amendments are not otherwise substantive, other than the above note for PUDs in the Arrival Corridor district. There are no other changes to policy, type of development, building mass, building design or density in any manner. The proposed text simply protects the City of its intent related to scale, density and location as well as ensuring consistent

administration of the zoning code with those intents and provides transparency to the private market about legal applications and entitlement processes.

Staff Recommendation:

Planning staff recommend **approval** of the following text amendments for the Town Center and Arrival Corridor zoning districts.

Attachments:

Use Table Exhibit (XLSX)

Process Standards Chart Exhibit (XLSX)

58-301 and 58-302 TRACK CHANGES (DOCX)

58-303 SSDS TRACK CHANGES (DOCX)

Table 58-301-1 Uses in the Town Center District			
	Town Center	Arrival Corridor	Specific Development Standards
Residential Uses:			
Home Occupations	P	P	
Artists live/work units	P	P	•
Mutiple-family dwellings, eight units or less, if part of a mixed-use development	P	P	•
Multiple-family dwellings, nine units to 16, if part of a mixed-use development	C	PUD	•
Bed and Breakfast	C	C	•
Planned Residential Development	PUD	PUD	•

Town Center / Arrival Corridor Process and Standards Chart					
Residential Use	Town Center	Development Lot Size	Mixed Use Required	Other Rqmnts	Process
	Home Occupations	X 1/2 acre			P
	Artist's Live/Work Units	X 1/2 acre			P
	Multiple-Family Dwellings 8 units or less	X 1/2 acre	Yes 30% must be commercial	structure must contain 2-16 units + design	P
	Multiple-Family Dwellings 9 to units 16 units	X 1/2 acre	Yes 30% must be commercial	structure must contain 2-16 units + design	CUG
	Bed and Breakfast	X 1/2 acre			CUG
	Planned Residential Development:	X 1 acre			PUD
	SF	X per CC approval		design	
	Two Family	X per CC approval		design	
	MF Dwelling: 3-16	X 1 acre since no individual lot			
	MF Dwelling:17+	X 1 acre since no individual lot	Yes 30% must be commercial	Must be within a mixed-use structure	
Residential Use	Arrival Corridor	Development Lot Size	Mixed Use Required	Other Rqmnts	Process
	Home Occupations	X 1 acre			P
	Artist's Live/Work Units	X 1 acre			P
	Multiple-Family Dwellings 8 units or less	X 1 acre		structure must contain 2-16 units + design	P
	Multiple-Family Dwellings 9 to units 16 units	X 1 acre		structure must contain 2-16 units + design	PUD
	Bed and Breakfast	X 1 acre			CUG
	Planned Residential Development:	X 1 acre			PUD
	SF	X per CC approval		design	
	Two Family	X per CC approval		design	
	MF Dwelling: 3-16	X 1 acre since no individual lot			
	MF Dwelling:17+	NA			

Dwellings = structure
Development = whole site

TRACK CHANGES

Arrival Corridor

58-302(h)(3) Lot dimension requirements.

(3) *Maximum number of dwelling units.* The maximum number of dwelling units allowed per development is 16 units, except as approved and may not be varied through a PUD.

58-302(j)(3) General district regulations.

(3) *Mixed-use building.* Secured access is required for the residential uses when part of a mixed-use building. A minimum of 75 percent of the ground floor of a mixed-use building shall be commercial uses. A mixed-use building is not subject to section 58-303, Specific Development Standards, Multiple-family dwellings, up to 16 units, for the following design standards: b., e., f., g.

Town Center

58-301(j)(3) General district regulations.

(3) *Mixed-use building.* Secured access is required for the residential uses when part of a mixed-use building. A minimum of 75 percent of the ground floor of a mixed-use building shall be commercial uses. A mixed-use building is not subject to section 58-303, Specific Development Standards, Multiple-family dwellings, up to 16 units, for the following design standards: b., e., f., g.

TRACK CHANGES

Sec. 58-303. - Specific development and design standards.

(a) *Purpose.* Specific development and design standards are established to provide supplemental regulations to address unique characteristics of certain land uses.

(b) *Standards.* The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Mixed-use development. A mixed-use development contains residential and non-residential uses authorized in Table 58-301-1 and Table 58-302-1 within a building, or set of buildings on a development site. A mixed-use development shall contain a minimum 30 percent of the development's total square footage as non-residential use(s) and shall contain landscaped and outdoor public spaces for the use of consumers and residents.

Multiple family dwellings, up to 16 units. A development that includes multiple-family dwellings containing more than two units, and up to 16 units, with or without non-residential uses, located in the Town Center or Arrival Corridor district shall comply with the following:

- a. The height shall not exceed two and one-half stories.
- b. Distinct second story dwelling units shall be prohibited.
- c. The placement of dwellings shall not be located on a lot that abuts Mequon Road.
- d. The placement of dwellings shall reinforce the street, maximize natural surveillance and visibility and facilitate pedestrian access and circulation.
- e. The front façade of the structure shall include one principal entrance and a porch, with a minimum depth of six feet, for each dwelling and shall be placed directly towards the adjacent primary public or private street or front yard as determined by the Department of Community Development.
- f. A pedestrian access from the adjacent primary public or private street or front yard to the principal entrance of each dwelling shall be provided and maintained.
- g. A landscaped front yard for each unit adjacent to the primary adjacent public or private street or front yard shall provide and maintain a minimum of one tree.
- h. Parking between the dwelling and the street shall be prohibited.

i. Vehicular access shall only be from the rear or interior side and shall include below-grade parking and, or an attached garage with a private driveway that can accommodate a minimum of one vehicle.

j. All facades shall create orderly variation, including projections such as balconies, covered patios and bay windows.

Multiple-family dwellings greater than 16 units. Multiple-family dwellings greater than 16 units, with or without non-residential uses, are prohibited in the Arrival Corridor district. Multiple-family dwellings greater than 16 units, may be located in the Town Center district if part of a mixed-use development as defined in section 58-303 Specific development and design standards; however, if located on a lot that abuts Mequon Road, or Cedarburg Road south of Mequon Road, such dwelling shall be within a mixed-use building as defined in section 58-301(j)(3), general district regulation.

Nightclubs. A nightclub is an establishment engaged in the sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses or a sit-down restaurant which provides more than 50 percent of its service to the sale of alcoholic beverages.

Ornamental metals. Ornamental metals shall be allowed only as accent materials such as grills, railing, panels and gutters.

Painted metal roof. Metal roof shall include copper coated, terne metal or painted metal to resemble weathered copper.

Parking facilities. The design of a parking facility shall not dominate the street frontage or building facade which faces a public street or significant public space. All vehicles shall be screened from view and at least 60 percent of the first floor facade shall be occupied with active uses and shall be designed with architectural detail and windows to create visual interest.

Pet supply stores, pet grooming facilities and pet daycares. The specific requirements are set forth in division 11.

Planned residential development. A development containing any of the following residential dwellings, combination thereof, with or without non-residential uses, may be allowed through application of section 58-331, Planned Unit Development Overlay and subject to each as defined by section 58-303, Specific Development and Design Standards:

a. *Single-family dwellings.* ~~Single-family dwellings, of any number, located in the Town Center or Arrival Corridor districts shall comply with the following:~~

~~1. The minimum lot area shall be established by the Council through an approved PUD.~~

~~2. The required street frontage shall be a minimum of 36 feet and a maximum of 80 feet.~~

~~3. The front yard setback shall be a minimum of ten feet and a maximum of 25 feet from the abutting street.~~

~~4. The side and rear yards shall be a minimum of five feet and shall be increased by two for every additional story above the ground floor and increased by one foot for a half-story.~~

~~5. The height shall not exceed two and one-half stories and shall be architecturally designed with a gable or hip roof form.~~

~~6. The placement of dwellings shall not be located on a lot that abuts Mequon Road.~~

~~7. The placement of dwellings shall reinforce the street, maximize natural surveillance and visibility and facilitate pedestrian access and circulation.~~

~~8. The front façade of dwellings shall include one principal entrance and a porch, with a minimum depth of six feet, and shall be placed directly towards the adjacent primary public or private street.~~

~~9. A pedestrian access from the adjacent primary public or private street to the principal entrance of the dwelling shall be provided and maintained.~~

~~10. A landscaped front yard for each unit adjacent to the primary adjacent public or private street shall provide and maintain a minimum of one tree.~~

~~11. Parking between the dwelling and the street shall be prohibited.~~

~~12. Vehicular access shall only be from the rear and shall include an attached garage and a private driveway that can accommodate a minimum of one vehicle.~~

~~b. *Two-family dwellings.* Two-family dwelling, of any number, located in the Town Center or Arrival Corridor districts shall comply with the specific development and design standards listed above for single-family dwellings.~~

~~c. *Elderly housing.* Elderly housing, of any number of dwellings, located in the Town Center or Arrival Corridor districts shall comply with the same specific development and design standards as defined in 58-303, Multiple family dwellings.~~

~~cd. *Multiple-family dwellings, up to 16 units.*~~

~~d. *Multiple-family dwellings greater than 16 units.* Multiple-family dwellings greater than 16 units are prohibited in the Arrival Corridor district through a PUD. Multiple-family dwellings greater than 16 units, with or without non-residential uses, are prohibited in the Arrival Corridor district. Multiple-family dwellings greater than 16 units, may be located in the Town Center district if part of a mixed-use development as defined in section 58-303 Specific development and design standards; however, if located on a lot that abuts Mequon Road, or Cedarburg Road~~

south of Mequon Road, such dwelling shall be within a mixed-use building as defined in section 58-301(j)(3), general district regulation.

Pre-cast stone. Pre-cast stone shall be allowed in a finish approved by the planning commission.

Rubber as a roof material. Rubber is permitted where not visible from ground level.

a. Single-family dwellings. Single-family dwellings, of any number, located in the Town Center or Arrival Corridor districts shall comply with the following:

1. The minimum lot area shall be established by the Council through an approved PUD.
2. The required street frontage shall be a minimum of 36 feet and a maximum of 80 feet.
3. The front yard setback shall be a minimum of ten feet and a maximum of 25 feet from the abutting street.
4. The side and rear yards shall be a minimum of five feet and shall be increased by two for every additional story above the ground floor and increased by one foot for a half-story.
5. The height shall not exceed two and one-half stories and shall be architecturally designed with a gable or hip roof form.
6. The placement of dwellings shall not be located on a lot that abuts Mequon Road.
7. The placement of dwellings shall reinforce the street, maximize natural surveillance and visibility and facilitate pedestrian access and circulation.
8. The front façade of dwellings shall include one principal entrance and a porch, with a minimum depth of six feet, and shall be placed directly towards the adjacent primary public or private street.
9. A pedestrian access from the adjacent primary public or private street to the principal entrance of the dwelling shall be provided and maintained.
10. A landscaped front yard for each unit adjacent to the primary adjacent public or private street shall provide and maintain a minimum of one tree.
11. Parking between the dwelling and the street shall be prohibited.
12. Vehicular access shall only be from the rear and shall include an attached garage and a private driveway that can accommodate a minimum of one vehicle.

Sit-down restaurants. A sit-down restaurant is engaged in the preparation and retail sale of food and beverages, which is characterized by table service to the customer and is not a delicatessen, fast food or coffee shop. Drive-thru services shall be prohibited.

Town center brewery. A town center brewery is an establishment that produces less than 10,000 barrels of beer on site per year.

Two-family dwellings. Two-family dwelling, of any number, located in the Town Center or Arrival Corridor districts shall comply with the specific development and design standards listed above for single-family dwellings.

Window signs. The size of the sign shall not account for more than 20 percent of the window size.