



**VILLAGE OF JACKSON
PLAN COMMISSION MEETING AGENDA**

Thursday, December 18, 2025 at 7:00 PM

Jackson Municipal Complex
Village Board Room
N168W19851 Main Street
Jackson, WI 53037

1. Call to Order and Roll Call
2. Approval of Minutes for the Plan Commission Meeting of November 20, 2025
3. Review of Extra-Territorial Three-Lot Certified Survey Map - Parcels: T7_0523, T7_052700A, and T7_052700Z - Hans Lamm
4. Review and Discussion of Revised Zoning Code Updates - Articles 10-13 (*Rev. 12/09/2025*) (*DRAFT*)
5. Citizens/Village Staff to Address the Plan Commission
6. Adjourn

Persons with disabilities requiring special accommodations for attendance at the meeting should contact the Administration Department at the Jackson Municipal Complex at least one (1) business day prior to the meeting.

It is possible that members of the Village Board may attend the above meeting. No action will be taken by any governmental body at this meeting other than the governmental body specifically referred to in this meeting notice. This notice is given so that members of the Village Board may attend the meeting without violating the open meeting law.

VILLAGE OF JACKSON
PLAN COMMISSION MEETING
Thursday, November 20, 2025 at 7:00 PM
Minutes

1. Call to Order and Roll Call

The meeting was called to order at 7:00 PM by Pres. Heckendorf.

Members Present: Pres. Heckendorf, Tr. Emmrich, Tr. Kruepke, Duane Hafemeister, Jon Molkentin, Dan Reik, and Matt Van Eperen

Members Excused: None

Members Absent: None

Staff Present: Inspections and Zoning Director Collin Johnson, and Clerk Jackie Schuh

Pres. Heckendorf requested the order of discussion for items 5, 6, and 7 be changed to 7, 6, and then 5. There was no opposition to the change from the Commission.

2. Approval of Minutes for the Plan Commission Meeting of October 16, 2025

The motion to approve Minutes for the Plan Commission Meeting of October 16, 2025 was made by Tr. Emmrich and seconded by M. Van Eperen.

Vote: 7 ayes, 0 nays. Motion carried.

3. Ordinance #25-12 Amending Certain Sections of Chapter 16 - Environment

The motion to recommend the Village Board approve Ordinance #25-12 Amending Certain Sections of Chapter 16 - Environment was made by M. Van Eperen and seconded by D. Hafemeister.

Vote: 7 ayes, 0 nays. Motion carried.

4. Conditional Use Review - Jackson Preparatory Academy - N168W22224 Main Street - Jasmine Gray

Pres. Heckendorf motioned, seconded by M. Van Eperen to recommend the Village Board approve the Conditional Use for the Jackson Preparatory Academy for Jasmine Gray subject to the following requirements:

1. Owner/operator shall maintain a license as a Licensed Group Child Care Center, issued by the State of Wisconsin Department of Children and Families.
2. Upon receipt of a complaint, the conditional use approval may be subject to review, suspension, and/or revocation by the Village of Jackson.

Vote: 7 ayes, 0 nays. Motion carried.

Pres. Heckendorf stated the next item for discussion is item 7.

5. Discussion of Summary of Review Authority - Zoning Code Update

Tim Schwecke, of Civi Tek Consulting, provided a summary of review procedures as written in the proposed code, as well as a table containing an at-a-glance overview of the type, frequency, authority, and appeals process for each of the procedures. He reviewed the current conditional use process, explaining that the process could be simplified by granting staff and the Plan Commission more authority. Per Schwecke, if conditional use public hearings were held at the Plan Commission level, public comments could be taken into consideration prior to making recommendations to the Village Board.

Discussion followed regarding what the conditional use process would look like, how it would impact applicants, how decisions would be made, and what an appeals process might look like. The Commission was supportive of the idea and recommended the development of a new public hearing process continue.

6. Review and Discussion of Revised Zoning Code Updates - Articles 6-9 (Rev. 11/07/2025) (Draft)

Tim Schwecke, of Civi Tek Consulting, provided a summary of Articles 6-9 of the Zoning Code Update in-progress, highlighting key differences and changes from the existing code, identifying possible areas for mixed residential housing and cottage-style housing which would provide a range of housing options for residents.

The next item of discussion was item 5.

7. Zoning Code Update - Consolidation of Residential Zoning Districts R-1 through RT-11

Tim Schwecke, of Civi Tek Consulting, reviewed zoning districts as proposed on the zoning map, explaining consolidations of existing zoning areas, new zoning codes and their definitions, and strategies for the possible development of a focal point for the Village.

This item was informational only, and no action was necessary.

Pres. Heckendorf identified item 6 as the next discussion on the agenda.

8. Citizens/Village Staff to Address the Plan Commission

None.

9. Adjourn

The motion to adjourn the meeting was made by Tr. Emmrich and seconded by J. Molkenntin.

Vote: 7 ayes, 0 nays. Motion carried. The meeting adjourned at 8:20PM.

Respectfully Submitted,

Jacqueline Schuh

DRAFT

Village of Jackson
PLAN COMMISSION APPLICATION

Application/Permit #: _____

PROPERTY INFORMATION

- COMMERCIAL INDUSTRIAL RESIDENTIAL OTHER _____
- CONDITIONAL USE PLANNED UNIT DEVELOPMENT CERTIFIED SURVEY MAP
- New New CONCEPT PLAN
- Amendment Amendment COMP. PLAN AMENDMENT
- Special Use Special Use OTHER _____
- (For existing Cond. Use ONLY) (For existing PUD ONLY)

Property Address: 2708, 2708-A, 2656 SHERMAN RD. Unit: _____ Jackson, WI

Parcel #: _____ Lot Size: _____ sq. ft. Building Area: _____ sq. ft.

Current Zoning: B-1 B-2 M-1 M-2 I-1 PUD Other _____ Floodplain: Y / N

APPLICANT INFORMATION

Name(s): JOHN W. LAMM

Mailing Address: 2708 SHERMAN RD, JACKSON State WI Zip 53037

Office: (262) 677-3010 Cell: (262) 208-0030 Fax: (262) 677-0505

Email: hlamm@lammscape.com

BUSINESS INFORMATION (If New Business)

Legal Business Name: JOHN LAMM OF JACKSON, INC.

D/B/A: LAMMSCAPES FEIN #: _____

Mailing Address: 2708 SHERMAN RD, JACKSON State WI Zip 53037

Office: (262) 677-3010 Cell: () _____ Fax: (262) 677-0505

Email: _____

Website: www.lammscapes.com

PROPERTY OWNER INFORMATION

Name(s): JOHN LAMM OF JACKSON, INC.

Address: 2708 SHERMAN RD, JACKSON State WI Zip 53037

Office: (262) 677-3010 Cell: () _____ Fax: () _____

Email: _____

ARCHITECT / ENGINEER / CONTRACTOR INFORMATION (Circle One)

Firm Name: _____

Primary Contact: _____

Address: _____ State _____ Zip _____

Office: () _____ Cell: () _____ Fax: () _____

Email: _____

Please provide as much detailed information as possible. (Add additional pages if needed.)

Briefly explain what you are requesting to be reviewed and/or approved: ESTABLISH NEW PROPERTY LINES PER CSM DATED 10-17-25, CREATING 3 NEW LOTS. THIS HAS ALREADY BEEN APPROVED AT TOWN OF JACKSON PARK + PLANNING AND TOWN BOARD, SUBJECT TO VILLAGE APPROVAL.

Provide a brief overview of proposed use(s) of entire property and/or lease space: RESIDENTIAL

Hours of Operation: N/A

Provide a brief overview of proposed daily on-site operations: N/A

Describe any potential environmental impacts from the proposed use including but not limited to exterior storage, noise, smoke, dust, odors, hazardous materials, vibration, horns, speakers, vehicles and equipment operation and exterior generators, HVAC, or other stationary mechanical equipment, etc.: N/A

Describe all businesses, properties and other entities located adjacent to the proposed use: LAMMS APES - LANDSCAPE COMPANY

Describe any proposed, development, on-site improvements, or other construction/remodeling activities: N/A

Describe any proposed grading, and/or stormwater management plan: N/A

Describe any proposed landscape plan/improvements including driveways, sidewalks, vegetative plantings, etc.: N/A

Describe any proposed on-site security measures including site lighting: N/A

Describe any existing or proposed Life Safety Systems (Includes fire hydrants, fire suppression & fire alarm systems): N/A

Describe the projected traffic circulation and impacts: N/A

List all setbacks from rights-of-way and property lines and height limitations: N/A

Provide status of State/Federal License(s) or Certificate(s) required for operation, if any: N/A

Does this project require other Jurisdictional Approvals from other Governmental or Regulatory entities?
 No Yes If yes, explain: TOWN OF JACKSON APPROVED, SUBJECT TO VILLAGE OF JACKSON APPROVAL

Describe any proposed signage including type, size, and location: N/A

If construction is proposed, describe proposed exterior building materials (type, color, etc.): N/A

Describe any site-specific features/constraints, etc.: N/A

Outline proposed parking requirements including number of spaces plus those dedicated for handicapped parking: N/A

Describe all proposed screening/buffering from adjacent properties (where required by ordinance): N/A

Describe the proposed provisions for refuse and recycling collection/storage and required screening/buffering: N/A

Projected Sewer/Wastewater Usage: 0 gal/year

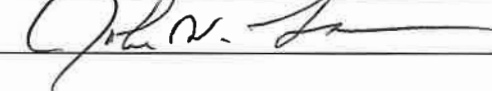
Projected Water Usage: 0 gal/year

ACKNOWLEDGEMENT & SIGNATURES

I/We hereby certify that I/We have reviewed the above Village of Jackson Plan Commission application and requirements, and hereby certify that the above information, attachments, and exhibits are complete, true and correct. I/We further understand that any missing or incomplete information may result in a delay of the review of this application. The Village reserves the right to request additional information as deemed necessary.

You MUST sign and date this Application!

Applicant Name (Print): JOHN W. LAMM

Applicant Signature: 

Co-Applicant Name (Print): _____

CO-Applicant Signature: _____

Date of Application: _____

SUBMIT TO: Village of Jackson – Building Inspection Dept.
W194 N16660 Eagle Drive
Jackson, WI 53037

PAYMENT INFO: Payment is required at the time of submittal.
Cash, Checks, or Credit Cards are accepted (fees apply)
(Make checks payable to Village of Jackson)

QUESTIONS?

Zoning Director: For questions concerning application submittal, zoning, or technical questions.
Phone: (262) 677-9696 x810
Email: collin.johnson@villageofjacksonwi.gov

TERMS OF THIS PERMIT

1. This permit shall become effective upon Village approval and where required, the execution and recording by the owners of the premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. The permit shall be void unless: (a) pursuant to the Building and Zoning Codes of the Village, the approved use is commenced or (b) the building permit is obtained within 12 months of the date of Village Board approval.
3. This approval is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Village of Jackson.
4. Construction and operation of this permit shall be in strict conformity to the approved building, site, and operational plans which were filed in connection with the application for this approval (as attached and/or referenced).
5. Any of the conditions of this permit which would normally be the responsibility of the tenants of the premises, shall be made a part of their lease by the owner.

VILLAGE APPROVAL:

TEMPORARY Expiration Date: _____, 20____

Plan Commission Approval: Meeting Date: _____, 20____

Village Board Approval: Meeting Date: _____, 20____

In-House Approval (O-T-C): Date: _____, 20____

Approved by: Village Administrator

Conditions and Duration of Approval:

Depending on the request, approvals shall generally be continual or temporary in nature. ALL approvals are subject to the Conditions of Approval outlined below. All conditional or special uses/approvals shall, upon complaint, be subject to review, amendment, or revocation by the Village. Where temporary approvals are issued, such approvals shall be subject to the time limitations specified.

Conditions of Approval: _____

APPLICATION DENIED: Date: _____, 20____

Staff Initials: _____

Reason for Denial: _____

FOR OFFICE USE ONLY
Acct. #: 100-00-45730-000-00

Date Received: 12 / 9 / 2025
Amount: \$150.00

Payment Type: CH / CC / CASH
Check/Rcpt. #: 30004
Received By: CMJ

VILLAGE OF JACKSON

N168W19851 MAIN ST
JACKSON, WI 53037

Receipt Nbr: 306570
Date: 12/09/2025
Check

RECEIVED FROM JOHN LAMM

\$150.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	Received on account 100-00-45730-000-000 PLANNING / ZONING FEES LAMM CSM	150.00

TOTAL RECEIVED 150.00

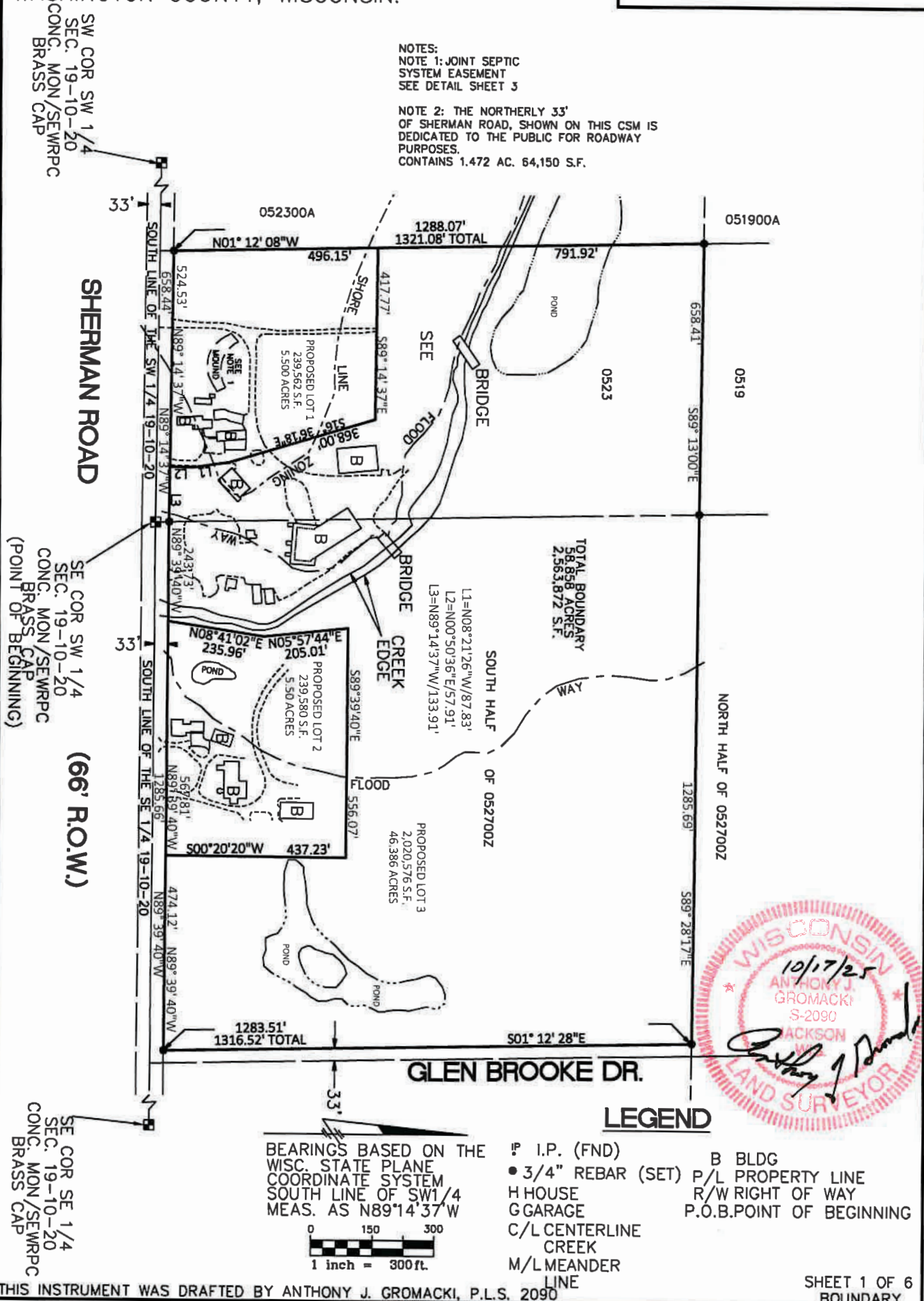
Receipt Memo: LAMM CSM/CK#30004

WASHINGTON COUNTY CERTIFIED SURVEY
MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE
SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 ALL IN SECTION 19, TOWN 10
NORTH, RANGE 20 EAST, TOWN OF JACKSON,
WASHINGTON COUNTY, WISCONSIN.

NOTES:
NOTE 1: JOINT SEPTIC
SYSTEM EASEMENT
SEE DETAIL SHEET 3

NOTE 2: THE NORTHERLY 33'
OF SHERMAN ROAD, SHOWN ON THIS CSM IS
DEDICATED TO THE PUBLIC FOR ROADWAY
PURPOSES.
CONTAINS 1.472 AC. 64,150 S.F.



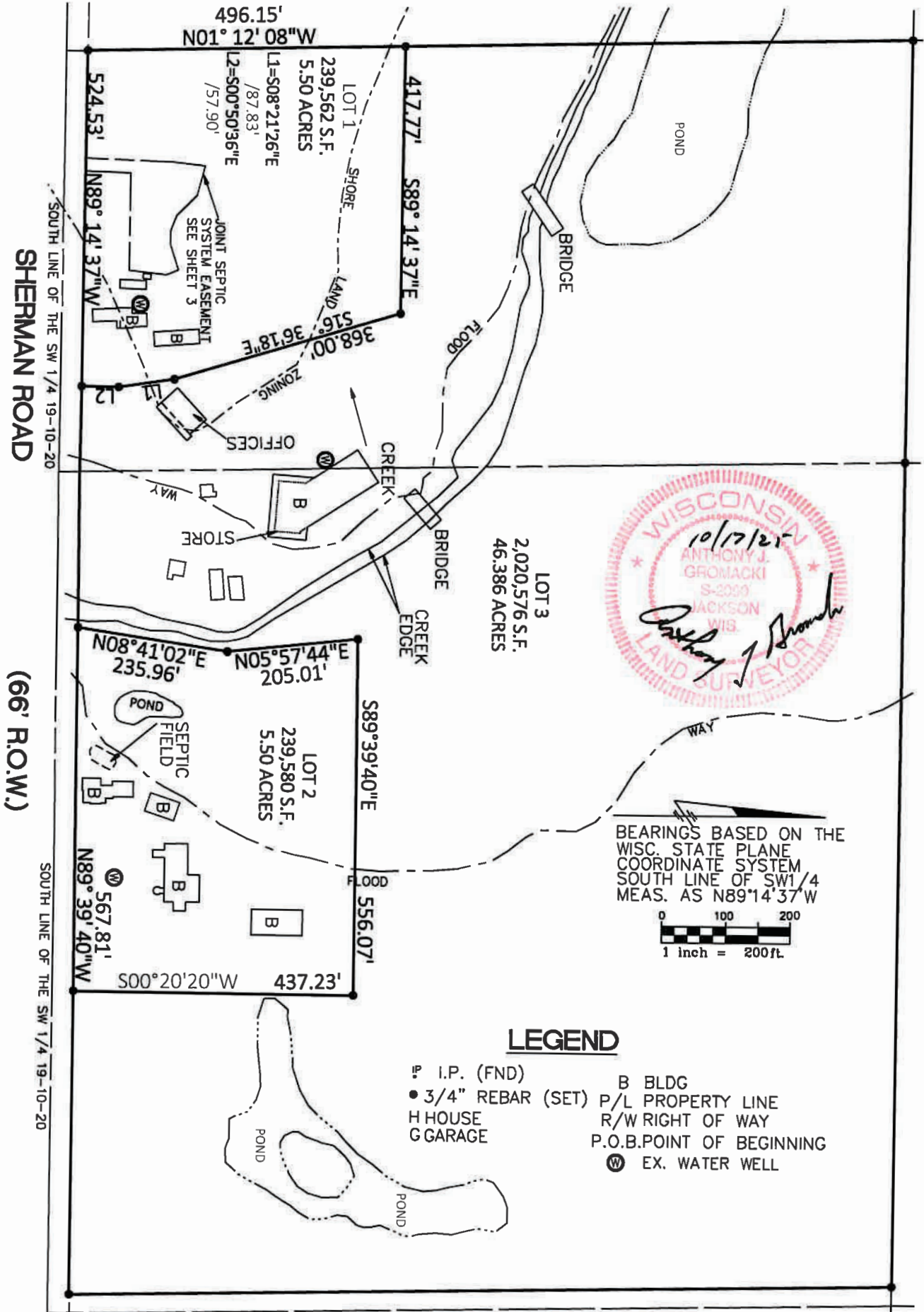
- LEGEND**
- I.P. (FND)
 - 3/4" REBAR (SET)
 - HOUSE
 - GARAGE
 - C/L CENTERLINE
 - CREEK
 - M/L MEANDER LINE
 - B BLDG
 - P/L PROPERTY LINE
 - R/W RIGHT OF WAY
 - P.O.B. POINT OF BEGINNING

BEARINGS BASED ON THE
WISC. STATE PLANE
COORDINATE SYSTEM
SOUTH LINE OF SW 1/4
MEAS. AS N89°14'37"W

0 150 300
1 inch = 300 ft.

WASHINGTON COUNTY CERTIFIED SURVEY
MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN.



WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

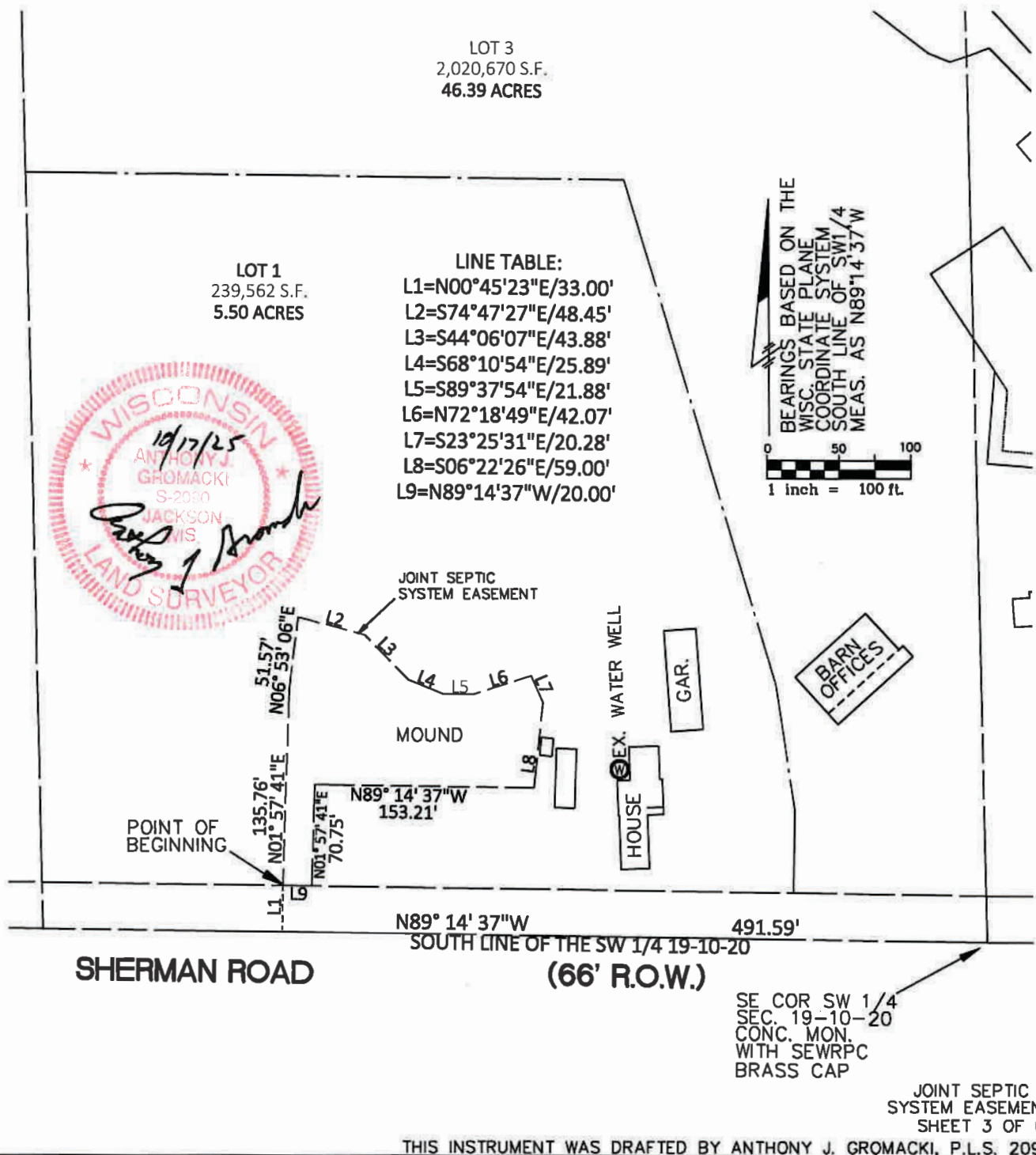
THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN.

LEGAL DESCRIPTION FOR A JOINT SEPTIC SYSTEM EASEMENT:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 19; THENCE N89°14'37"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, 491.59 FEET; THENCE N00°45'23"E 33.00 FEET TO THE POINT OF BEGINNING; THENCE N01°57'41"E 135.76 FEET; THENCE N06°53'06"E 51.57 FEET; THENCE S74°47'27"E 48.45 FEET; THENCE S44°06'07"E 43.88 FEET; THENCE S68°10'54"E 25.89 FEET; THENCE S89°37'54"E 21.88 FEET; THENCE N72°18'49"E 42.07 FEET; THENCE S23°25'31"E 20.28 FEET; THENCE S06°22'26"E 59.00 FEET; THENCE N89°14'37"W 153.21 FEET; THENCE S01°57'41"W 70.75 FEET; THENCE N89°14'37"W 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.37 ACRES, 16,134 S.F



WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I ANTHONY J. GROMACKI, PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED A THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 19; THENCE N89° 14'37"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, 658.44 FEET; THENCE N01°12'08"W 1321.08 FEET; THENCE S89°13'00"E 658.41 FEET; THENCE S89°28'17"E 1285.69 FEET TO THE WEST RIGHT OF WAY LINE OF GLENBROOK DRIVE; THENCE S01°12'28"E ALONG SAID WEST LINE 1316.52 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 20 EAST; THENCE N89°39'40"W ALONG SAID SOUTH LINE 1285.66 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 58.858 ACRES, 2,563,872 S.F

THAT I HAVE MADE THIS SURVEY AND MAP BY THE DIRECTION OF JOHN M. LAMM AND PATRICIA J. LAMM, CO-OWNERS OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISION OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE PROVISIONS OF THE LAND DIVISION AND SUBDIVISION ORDINANCE FOR THE TOWN OF JACKSON IN SURVEYING, DIVIDING AND MAPPING THE SAID LAND. DATED THIS 17TH DAY OF OCTOBER, 2025

ANTHONY J. GROMACKI
PROFESSIONAL LAND SURVEYOR S-2090



OWNERS'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND SHOWN AND DESCRIBED HEREIN TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP. WE ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:

TOWN OF JACKSON, PARKS AND PLANNING COMMISSION.

TOWN OF JACKSON, TOWN BOARD.

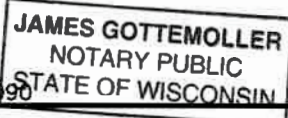
John M. Lamm
JOHN M. LAMM

Patricia J. Lamm
PATRICIA J. LAMM

STATE OF WISCONSIN)
WASHINGTON COUNTY) s.s.
PERSONALLY CAME BEFORE ME THIS 5 DAY OF November, 2025. THE ABOVE NAMED OWNERS ARE TO ME KNOW TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

(NOTARY SEAL) *James Gottemoller* NOTARY PUBLIC, JACKSON, WISCONSIN.

MY COMMISSION EXPIRES 8/11/2028



WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN.

APPROVAL OF THE TOWN OF JACKSON, PARKS AND PLANNING COMMISSION

THIS CERTIFIED SURVEY MAP IN THE TOWN OF JACKSON, JOHN M. LAMM AND PATRICIA J. LAMM, CO-OWNERS OF SAID LAND, IS HEREBY RECOMMENDED FOR APPROVAL BY THE TOWN OF JACKSON PLAN COMMISSION.

DATED: _____, 2026

SIGNED: _____
DAVE KLUG, PARKS AND PLANNING CHAIRMAN

DATED: _____, 2026

SIGNED: _____
JIM MICECH, ZONING ADMINISTRATOR

APPROVAL OF THE TOWN OF JACKSON, TOWN BOARD

RESOLVED, THAT THIS CERTIFIED SURVEY MAP IN THE TOWN OF JACKSON, JOHN M. LAMM AND PATRICIA J. LAMM, CO-OWNERS OF SAID LAND, IS HEREBY APPROVED BY THE TOWN OF JACKSON BOARD.

DATED: _____, 2026

SIGNED: _____
ROBERT HARTWIG, TOWN CHAIRMAN

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF JACKSON.

DATED: _____, 2026

SIGNED: _____
BOB EICHNER, TOWN CLERK

SURVEYOR:
ANTHONY J. GROMACKI P.L.S. ✓
M SQUARED ENGINEERING
N19 W6719 COMMERCE COURT
CEDARBURG, WISCONSIN 53012
PHONE: (262) 376-4246



OWNERS:
JOHN M. AND PATRICIA J. LAMM
2708 SHERMAN ROAD
JACKSON, WISCONSIN 53037

WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN.

VILLAGE OF JACKSON PLAN COMMISSION APPROVAL

THIS LAND DIVISION IS HEREBY APPROVED BY THE VILLAGE OF JACKSON PLAN COMMISSION ON THIS _____ DAY OF _____ 2025

BRIAN J. HECKENDORF, VILLAGE PRESIDENT

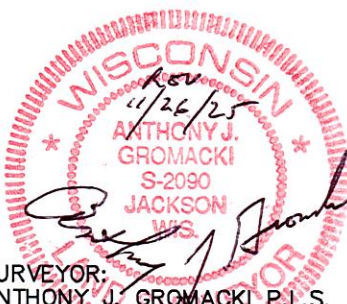
JACQUELINE SCHUH, VILLAGE CLERK

VILLAGE OF JACKSON VILLAGE BOARD APPROVAL

THIS LAND DIVISION IS HEREBY APPROVED BY THE VILLAGE OF JACKSON VILLAGE BOARD ON THIS _____ DAY OF _____ 2026

BRIAN J. HECKENDORF, VILLAGE PRESIDENT

JACQUELINE SCHUH, VILLAGE CLERK



SURVEYOR:
ANTHONY J. GROMACKI P.L.S.
M SQUARED ENGINEERING
N19 W6719 COMMERCE COURT
CEDARBURG, WISCONSIN 53012
PHONE: (262) 376-4246

OWNERS:
JOHN M. AND PATRICIA J. LAMM
2708 SHERMAN ROAD
JACKSON, WISCONSIN 53037

**JOINT SEPTIC SYSTEM
EASEMENT AGREEMENT**

Return to:
Atty Jack W. Rettler
Schloemer Law Firm, S.C.
143 S. Main Street, Third Floor
West Bend, WI 53095

Parcel Numbers

THIS JOINT SEPTIC SYSTEM AGREEMENT (the *Agreement*) is between ERIC AND LAURIE MCGRAW (owner of Lot 1, “McGraw”) and JOHN LAMM OF JACKSON, INC. (owner of Lot 3, “Lammscapes”).

RECITALS:

A. McGraw is the owner of certain real property located in Washington County, Wisconsin, as described on the attached Exhibit A and referred to on that Exhibit A and in this Agreement as “Lot 1”.

B. Lammscapes is the owner of certain real property located in Washington County, Wisconsin, as described on the attached Exhibit B and referred to on that Exhibit B and in this Agreement as “Lot 3”.

C. There is a mound system located on Lot 1 that services both Lot 1 and Lot 3, and McGraw and Lammscapes wish to create a shared mound system easement for the benefit of Lot 1 and Lot 3 so that Lot 1 and Lot 3 may share use and maintenance of the mound system.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grant. McGraw grants an easement and right-of-way use to Lammscapes and Lammscapes' successors and assigns as the owner of Lot 3, to use the mound system located on Lot 1, and currently used by Lot 1 and Lot 3, more specifically described on the attached Exhibit C (the "Easement Area").

The septic system shall be a mound system for the benefit of Lots 1 and 3.

2. Permitted Users. The easement granted in Section 1, above, may be used by the owners of Lot 1 and Lot 3.

3. Maintenance Costs. Unless the owners of Lot 1 and Lot 3 agree otherwise, all maintenance and repair of the septic system shall be performed by the owner of Lot 1, and the owner of Lot 3 agrees to promptly pay its one-half (1/2) equal share of the expenses of maintenance and repair incurred by the owner of Lot 1 within thirty (30) days of billing for the expenses. If the owner of Lot 3 does not promptly pay its share, the owner of Lot 1 may pay the full cost and then have an immediate right to reimbursement from the owner of Lot 3, together with interest at the rate of twelve percent (12%) per year on the unpaid amount and all reasonable attorney fees and other collection costs incurred by the owner of Lot 1. Repairs and maintenance shall be performed at such times and in such a manner as are mutually agreeable to the parties. If the parties are unable to agree within ten (10) days of a written request by one or the other on the need for the repair or maintenance, then the matter shall be referred, upon either party's request, to arbitration.

4. Covenants Run with Land. All of the terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by McGraw and Lammscapes and their respective successors and assigns. The easement granted under Section 1 of this Agreement is an easement appurtenant to Lot 1 and may not be transferred separately from, or severed from, title to Lot 1 and Lot 3, respectively.

5. Termination of Easement. This easement shall terminate if any of the following occur: (1) Lot 1 is transferred to a party that is not a lineal descendant of Eric and Laurie McGraw, or a trust in which the beneficiaries are not lineal descendants of Eric and Laurie McGraw; or (2) Lot 3 is transferred to an entity that is not the successor in interest to John Lamm of Jackson, Inc. If this easement terminates as provided in this Section 5, then the owner of Lot 3 shall install a septic system to service Lot 3.

6. Non-Use. Non-use or limited use of the easement rights granted in this Agreement shall not prevent the benefitting party from later use of the easement rights to the fullest extent authorized in this Agreement.

7. Governing Law. This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

8. Entire Agreement. This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Washington County, Wisconsin.

9. Notices. All notices to either party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. If the other party's address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party's property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

10. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

11. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

12. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party.

Dated: _____, 2025.

Lot 1 Owner:

Eric McGraw

Laurie McGraw

EXHIBIT A

(Legal description of Lot 1)

LOT ONE (1) OF CERTIFIED SURVEY MAP NO. _____ RECORDED ON
_____ IN VOLUME _____ OF CERTIFIED SURVEY MAPS ON PAGES
_____ AS DOCUMENT NO. _____, BEING A PART OF THE SOUTHEAST 1/4 OF
THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN
SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON
COUNTY, WISCONSIN.

EXHIBIT B

(Legal description of Lot 3)

LOT THREE (3) OF CERTIFIED SURVEY MAP NO. _____ RECORDED ON
_____ IN VOLUME _____ OF CERTIFIED SURVEY MAPS ON PAGES
_____ AS DOCUMENT NO. _____, BEING A PART OF THE SOUTHEAST 1/4 OF
THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN
SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON
COUNTY, WISCONSIN.

EXHIBIT C

(Legal description of Easement Property)

LEGAL DESCRIPTION FOR A SHARED MOUND SYSTEM EASEMENT:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 19; THENCE N89°14'37"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, 491.59 FEET; THENCE N00°45'23"E 33.00 FEET TO THE POINT OF BEGINNING; THENCE N01°57'41"E 135.76 FEET; THENCE N06°53'06"E 51.57 FEET; THENCE S74°47'27"E 48.45 FEET; THENCE S44°06'07"E 43.88 FEET; THENCE S68°10'54"E 25.89 FEET; THENCE S89°37'54"E 21.88 FEET; N72°18'49"E 42.07 FEET; THENCE S23°25'31"E 20.28 FEET; THENCE S06°22'26"E 59.00 FEET; THENCE N89°14'37"W 153.21 FEET; THENCE S01°57'41"W 70.75 FEET; THENCE N89°14'37"W 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.37 ACRES, 16,134 S.F.

SHARED WELL AGREEMENT

THIS SHARED WELL AGREEMENT (the Agreement) is between ERIC AND LAURIE MCGRAW (owner of Lot 1, “McGraw”) and JOHN LAMM OF JACKSON, INC. (owner of Lot 3, “Lammscapes”).

RECITALS

WHEREAS, McGraw is the owner of certain real property located in Washington County, Wisconsin, as described on the attached Exhibit A and referred to on that Exhibit A and in this Agreement as “Lot 1”;

WHEREAS, Lammscapes is the owner of certain real property located in Washington County, Wisconsin, as described on the attached Exhibit B and referred to on that Exhibit B and in this Agreement as “Lot 3”;

WHEREAS, there is a well located on Lot 1, and Lammscapes is desirous of securing water from said well for its use on Lot 3, and

WHEREAS, it is the intent of the owner of Lot 1 that the owner of Lot 3 shall have the right to secure water from said well, situated on Lot 1, for the use of Lammscapes on Lot 3.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and in consideration of the mutual covenants contained herein, parties hereto covenant and agree as follows:

1. McGraw agrees to furnish and supply to Lammscapes all water necessary, in accordance with the needs of Lammscapes, as shall be available from the well presently located on Lot 1.
2. It is mutually agreed that the maintenance and upkeep of said well, pump and water systems shall be borne equally by the parties, excepting only that if any expense is incurred through the negligence of one of the owners, such expense shall be borne by that owner.
3. Incident to the maintenance of said well, and incident to the pumping of water therefrom, Lammscapes may enter on and upon Lot 1 to the extent reasonably necessary therefor.
4. It is further mutually agreed by and between the parties hereto, that should said well, pump and/or water system be so impaired by any cause, except the negligence

of either party, as to require its replacement or enlargement in any manner, the cost thereof shall be borne equally by the parties.

5. It is further mutually agreed by and between the parties hereto that this agreement shall remain in full force and effect and shall run with the land, except that should some other form of public or private water system be made available to either party and actually be used by them, then, and in that event, either of the parties may terminate this agreement without notice to the other party.
6. This agreement shall be binding upon the heirs, estates, assignees, successors, transferees or grantees of the parties hereto.

[Signature Page Follows]

This document was drafted by:
Atty. Jack W. Rettler
Schloemer Law Firm, S.C.
143 S. Main Street, Third Floor
West Bend, WI 53095
262-334-3471

EXHIBIT A

(Legal description of Lot 1)

LOT ONE (1) OF CERTIFIED SURVEY MAP NO. _____ RECORDED ON
_____ IN VOLUME _____ OF CERTIFIED SURVEY MAPS ON PAGES
_____ AS DOCUMENT NO. _____, BEING A PART OF THE SOUTHEAST 1/4 OF
THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN
SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON
COUNTY, WISCONSIN.

EXHIBIT B

(Legal description of Lot 3)

LOT THREE (3) OF CERTIFIED SURVEY MAP NO. _____ RECORDED ON
_____ IN VOLUME _____ OF CERTIFIED SURVEY MAPS ON PAGES
_____ AS DOCUMENT NO. _____, BEING A PART OF THE SOUTHEAST 1/4 OF
THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 ALL IN
SECTION 19, TOWN 10 NORTH, RANGE 20 EAST, TOWN OF JACKSON, WASHINGTON
COUNTY, WISCONSIN.

STAFF MEMO

Village of Jackson
Plan Commission

Meeting Date: December 18, 2025

Agenda Item: Item #3

To: Brian Heckendorf, Village President
Village of Jackson Plan Commission
Jen Heidtke, Village Administrator

From: Collin Johnson, Director of Inspections and Zoning

Subject: Review of Extra-Territorial Three Lot Certified Survey Map - Parcels: T7_0523, T7_052700A, and T7_052700Z – Hans Lamm

Background and Analysis:

The applicant, Hans Lamm seeks Village review and approval of a Certified Survey Map (CSM) for various properties identified as Parcels: T7_0523, T7_052700A, and T7_052700Z located on Sherman Road located in the Town of Jackson. The CSM is subject to extra-territorial review and if approved, would amend the boundaries of the existing parcels with Lots 1 and 2 both consisting of 5.5-acres (239,562 sf.), and Lot 3 consisting of 46.386-acres (2,020,576 sf.).

Comprehensive Plan & Zoning Impacts:

The properties are located in the Town of Jackson and therefore, not subject to Village zoning. The Village Comprehensive Map lists the area as largely Medium-Density Residential as well as General Commercial.

Site Plan:

See attached location map and Certified Survey Map (DRAFT).

Additional Staff Comments:

Building Inspection and Zoning

Staff recommends approval of the CSM as submitted.

Review Procedures:

The Plan Commission is advisory; and the Village Board makes the final decision.

Notice Requirements:

- Posting on the agenda

Potential Action:

Motion to recommend the Village Board approve the Certified Survey Map for properties identified as Parcels: T7_0523, T7_052700A, and T7_052700Z.

Attachments:

1. PC Application
2. Location Map

3. Certified Survey Map (DRAFT)
4. Septic and Well Easements

Date: December 9, 2025

To: Village of Jackson Plan Commission
Jen Heidtke, Village Administrator
Collin Johnson, Director of Inspections & Zoning

From: Tim Schwecke, Civi Tek Consulting
Craig Huebner, Graef

Subject: Zoning Code Update Project – Articles 10 - 13

Please find attached the initial drafts of Articles 10 through 13 for your review and consideration. The Plan Commission is scheduled to review these four articles at the next meeting on December 18, 2025. Bring your comments and questions; we'll address them all.

Article 10. Wellhead Protection Overlay District

- The Village's current zoning code has regulations restricting certain land uses that have the potential to contaminate the Village's municipal wells. Those standards are carried over to the new code.

Article 11. Shoreland-Wetland Overlay District

- Under state law, cities and villages are required to adopt land-use regulations to regulate the alteration of wetlands larger than five acres that are located near lakes or streams.

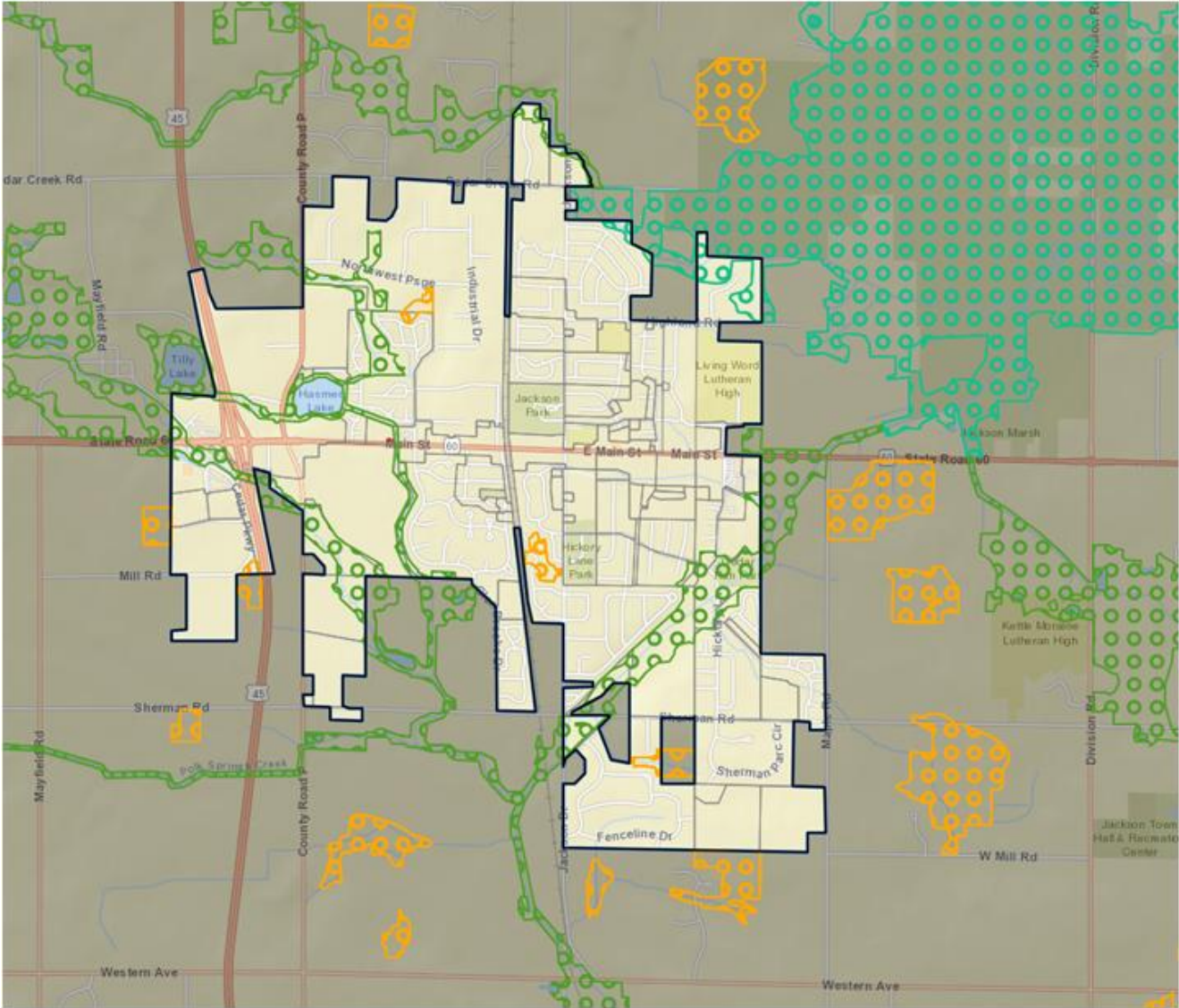
Article 12. Shoreland Overlay District

- Under state law, cities and villages are required to adopt land-use regulations to (1) control the removal of vegetation within 35 feet of lakes and streams and (2) establish a minimum building setback of 50 feet from lakes and streams.
- The Village could adopt a greater setback. Some municipalities in Washington County, for example, impose a 75-foot setback.

Article 13. Environmental Corridor Overlay District

- This is a new article and is intended to implement the Village's comprehensive plan.
- This article is based on the mapping done by Southeastern Wisconsin Regional Planning Commission (SEWRPC). (See map on next page.)
- While the map from SEWRPC shows three types of environmental corridor, the Village's zoning map will show a consolidated environmental corridor overlay.
- The article only applies to land within a mapped environmental corridor and to trees 8 inches and larger (regulated trees). The number of regulated trees that can be removed from a property is based on the parcel size.

-  Isolated Natural Resource Area
-  Primary Environmental Corridor
-  Secondary Environmental Corridor



Attachments:

- Article 10, dated 12-09-2025
- Article 11, dated 12-09-2025
- Article 12, dated 12-09-2025
- Article 13, dated 12-09-2025

**ARTICLE 10
WELLHEAD PROTECTION OVERLAY DISTRICT**

50-1700 Legislative findings

The Village Board makes the following legislative findings relating to the wellhead protection overlay district:

- (1) The Village depends exclusively on groundwater for a safe drinking water supply.
- (2) Certain land uses and practices can seriously threaten or degrade groundwater quality.
- (3) The Village currently has 5 municipal wells in operation, which are numbered 1, 3, 4, 5, and 6.
- (4) The Village has the authority under §§ 62.23 (7)(a) and (c), Wis. Stats., to adopt regulations to protect its municipal wells from contamination.

50-1701 Purpose

This article is adopted to promote the public health, safety, and welfare and is intended to protect the Village's municipal water supply through regulations that restrict certain land uses and practices that are potentially harmful to groundwater quality.

50-1702 Jurisdiction

This article applies to all land within the Village that is in a wellhead protection overlay district.

50-1703 Establishment

A wellhead protection overlay district is established for each of the Village's municipal wells, as outlined in this section (Table 10-1).

50-1704 Non-potable wells

- a. Location.** All non-potable water wells must be installed on the highest point of the property and hydraulically up-gradient from any known or potential pollution source.
- b. Connection to potable water system prohibited.** A non-potable well system may not be connected to the potable water system.
- c. Geothermal well permits.** A non-potable well that is used to supply water solely to heat and/or cool a structure (geothermal well) must obtain a water well permit prior to starting construction. The geothermal well must be a closed loop system type. The location of the proposed well must be submitted with the permit application as well as accurately marking the location of the proposed well on the property. All well permit requests must be submitted to the Public Works Director. The Public Works Director will review the application and may conduct an on-site inspection of the location of the proposed well.

Table 10-1. Wellhead protection overlay districts

Well No.	Description of district
1	2,300-foot radius ^[1]
3	2,900-foot radius ^[1]
4	5-year time of travel ^[2]
5	5-year time of travel ^[3]
6	5-year time of travel ^[4]

Notes:

- 1. Wellhead protection plan, June 1995, no name of preparer
- 2. Wellhead protection plan, dated February 2013, prepared by City Water
- 3. Wellhead protection plan, no date, prepared by Bonestroo, Rosene, Anderlik & Associates, Inc.
- 4. Wellhead protection plan, dated January 2010, prepared by City Water

50-1705 Separation distances

- a. Minimum separation.** The land uses and activities listed below must maintain the specified minimum separation distances from the wellhead, provided the use or activity is otherwise permitted in the base zoning district.

- (1) Fifty feet between a well and a storm sewer main.
- (2) Two hundred feet between a well and any sanitary sewer main, lift station, or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in a place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
- (3) Four hundred feet between a well and private onsite wastewater treatment system (POWTS) receiving less than 8,000 gallons per day, a cemetery, or a stormwater drainage pond.
- (4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval under § SPS 310.10, Wis. Admin. Code from the Department of Safety and Professional Services or its designated agent.
- (5) One thousand feet between a well and land application of municipal, commercial or industrial wastewater lagoons or storage structures; manure stacks or storage structures; and a private onsite wastewater treatment system (POWTS) receiving 8,000 gallons or more per day.
- (6) One thousand two hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval; bulk storage facilities; and pesticide or fertilizer handling or storage facilities.

b. Lesser separation. A lesser separation may be allowed when a hydrogeologic investigation indicates a lesser standard would provide adequate protection of a well from contamination.

50-1706 Land uses

a. Permitted land uses. The following land uses are allowed, if otherwise allowed in the base zoning district:

- (1) municipal wells that meet the requirements in § NR 811.12, Wis. Admin. Code;
- (2) parks and playgrounds provided there are no on-site wastewater disposal system or fuel storage tanks;
- (3) wildlife areas;
- (4) non-motorized (e.g., walking, biking, skiing) recreation trails;
- (5) agricultural uses;
- (6) residential uses; and
- (7) commercial and industrial uses, except those listed as prohibited.

b. Unspecified land uses. Individuals or facilities may request the Village to permit other land uses in the wellhead protection overlay district, that are not expressly prohibited herein. All requests must be made in writing to the Village and must include a report containing the following information, at a minimum:

- (1) A listing of all hazardous, toxic, and other regulated material to assist in the determination of the threat posed by any potential contaminants entailed in the proposed land use by generation or disposal.
- (2) A map designating the location of existing wells and other public water supply systems and facilities in relation to the proposed land use, including significant geologic and natural features.
- (3) Whether public sanitary sewers are available or proposed at the location.
- (4) Private onsite wastewater treatment system (POWTS) tank location, size, and capacity, or sewage lift stations, force mains, and grease traps.
- (5) Expected types and amounts of discharge to sewers, to the ground and to surface waters.
- (6) A proposed emergency plan to detect and control hazardous material leaks and spills, including, but are not limited to, inspections, notification of official emergency containment and clean-up procedures.

- (7) Additional information may be requested by the Zoning Administrator or the Public Works Director to include, but not be limited to, mapping of sensitive geologic or natural resources, a separate plan for stormwater runoff control and management.

c. Prohibited land uses. The following land uses are prohibited:

- (1) animal waste storage facilities.
- (2) asphalt products manufacturing,
- (3) bulk fertilizer and pesticide storage facilities,
- (4) bus or truck terminals,
- (5) dry cleaning facilities,
- (6) electroplating,
- (7) exterminating facilities,
- (8) garage and vehicular towing,
- (9) gas stations,
- (10) hazardous and toxic materials storage and use,
- (11) hazardous and toxic waste facilities,
- (12) junkyards or auto salvage yards,
- (13) landfills or waste disposal facilities,
- (14) non-municipal spray wastewater facilities,
- (15) non-municipal wastewater treatment facilities,
- (16) paint and coating manufacturing,
- (17) printing shops,
- (18) public and municipal maintenance garages,
- (19) radioactive waste facilities,
- (20) salt storage,
- (21) septage or sludge spreading,
- (22) tire and battery service,
- (23) underground storage tanks, and
- (24) vehicle repair and establishments, including body repair.

50-1707 Requirements for existing facilities which may cause or threaten to cause environmental pollution

Existing facilities, practices, and activities that may cause or pose a threat of environmental pollution (referred to as "existing facilities" for the purposes of this section) are subject to the following:

- (1) Existing facilities that are in compliance with the regulations of the underlying zoning district are considered conforming uses.
- (2) Existing facilities must provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.
- (3) Existing facilities which are noncompliant with any state, federal or local environmental regulations must provide information as deemed necessary by the Public Works Director which may include, but is not limited to, stormwater runoff management and groundwater or site monitoring.

- (4) Existing facilities must replace equipment or expand in a manner that maintains or improves the existing environmental and safety technologies already in existence.
- (5) Existing facilities must devise and file with the water utility a contingency plan satisfactory to the Water Utility for the immediate notification of the water utility in the event of a chemical or other spill which may pose a threat to groundwater quality.

50-1708 Liability for spills, leaks, or discharges

An individual and/or facility that releases a contaminant in the wellhead protection overlay district that has the potential of endangering the municipal water supply must immediately stop the release and clean up the contaminant to the satisfaction of the Village Board and other state and federal regulatory agencies. The individual/facility is responsible for all costs of cleanup, including those incurred by the Village, which may include:

- (1) Village consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;
- (2) the cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village Administrator representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;
- (3) the cost of Village equipment used in the response and cleanup; and
- (4) the cost of mileage reimbursed to Village employees attributed to the cleanup.

The Village Board may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the Village Board may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

50-1709 through 50-1799 reserved

ARTICLE 11 SHORELAND-WETLAND OVERLAY DISTRICT

50-1800 Legislative findings

The Village Board makes the following legislative findings relating to the shoreland-wetland overlay district:

- (1) Villages are required by § 61.351, Wis. Stats., to adopt shoreland-wetland zoning regulations.
- (2) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

50-1801 Purpose

This article promotes the public health, safety, and welfare and is intended to:

- (1) maintain the storm and flood water storage capacity of wetlands;
- (2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (3) protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (4) prohibit certain uses detrimental to the shoreland-wetland area; and
- (5) preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth moving activities.

50-1802 Wetland functions

In the context of this article, wetlands serve the following important functions:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

50-1803 Boundary of district

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of [REDACTED], and stamped "Final" that (1) are 5 acres or more; (2) are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or are located within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater; (3) were not legally filled before [REDACTED], and cannot be classified as a wetland; and (4) are not located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982 under § 30.11, Wis. Stats.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 16 of the municipal code are used in determining the extent of the 100-year floodplain.

50-1804 Discrepancies between delineated wetlands and field conditions

If the Zoning Administrator believes there is a discrepancy between the wetland inventory map and actual field conditions at the time the map was adopted, they must contact the regional office of the Wisconsin Department of Natural Resources and request a determination. If the department determines that the area in question was incorrectly mapped as a wetland, this article will not apply to such area. As soon as is practical after such determination, the Zoning Administrator must submit an application to amend the zoning map consistent with the procedures and requirements in this chapter.

50-1805 Permitted activities without a permit

The following uses are allowed without issuance of a zoning permit, provided there is no wetland alteration:

- (1) hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
- (2) the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) the practice of silviculture, including the planting, thinning, and harvesting of timber;
- (4) the pasturing of livestock;
- (5) the cultivation of agricultural crops; and
- (6) the construction and maintenance of duck blinds.

The following uses, which may involve wetland alterations, are allowed without issuance of a zoning permit, provided any wetland alterations comply with the following terms:

- (1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
- (2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- (3) the maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
- (4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (5) the construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- (6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in § 50-1802; and
- (7) the maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

50-1806 Permitted activities with a permit

Upon issuance of a zoning permit, the following uses are allowed, which may involve wetland alterations but only to the extent specifically allowed:

- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted in this section provided (i) the road cannot, as a practical matter, be located outside the wetland; (ii) the road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in § 50-1802; (iii) the road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; (iv) road construction activities are carried out in the immediate area of the roadbed only; and (v) any wetland alteration must be necessary for the construction or maintenance of the road.
- (2) The construction and maintenance of nonresidential buildings provided (i) the building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals; (ii) the building cannot, as a practical matter, be located outside the wetland; (iii) the building does not exceed 500 square feet in floor area; and (iv) only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided (i) any private development allowed under this paragraph must be used exclusively for the permitted purpose; (ii) only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed; (iii) the construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subsection (1) above; and (iv) wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves must be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided (i) the utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; (ii) only limited filling or excavating necessary for such construction or maintenance is allowed; and (iii) such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in § 50-1802.

50-1807 Prohibited uses

Any use not listed in this article as being permitted, is prohibited. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are strictly prohibited.

50-1808 Rezoning of lands in the shoreland-wetland overlay district

For all proposed text and map amendments to the shoreland-wetland provisions of this chapter, the following are submitted to the regional office of the Wisconsin Department of Natural Resources:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the Village Clerk. Such petition must include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- (2) Written notice of the public hearing to be held on the proposed amendment at least 10 days prior to the hearing;
- (3) A copy of the Plan Commission's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the Village Board; and
- (4) Written notice of the Village Board's decision on the proposed amendment within 10 days after it is issued.

A wetland, or a portion thereof, in the shoreland-wetland overlay district may not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against soil erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types.

If the department notifies the Village that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in this section, that amendment, if approved by the Village Board, must contain the following provision:

"This amendment does not take effect until more than 30 days have elapsed after written notice of the Village Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the Village under § 62.231 (6), Wis. Stats. If the Department does so notify the Village Board, the effect of this amendment is stayed until the § 62.231 (6) adoption procedure is completed or otherwise terminated."

50-1809 Nonconforming uses and structures

- a. A legal nonconforming structure or an environmental control facility related to a legal nonconforming structure, in existence on , the effective date of this article, may be repaired, reconstructed, renovated, remodeled, or expanded.
- b. If a nonconforming use or the use of a nonconforming structure is discontinued for a period of 12 consecutive months, any future use of the property or structure must conform to the requirements of this section.
- c. Any legal nonconforming use of property which does not involve the use of a structure may be continued although such use does not conform with this article, provided such nonconforming use may not be extended.
- d. The maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark of a navigable waterway must comply with § 30.121, Wis. Stats.

50-1810 through 50-1899 reserved

ARTICLE 12 SHORELAND OVERLAY DISTRICT

50-1900 Legislative findings

The Village Board makes the following legislative findings relating to the shoreland overlay district:

- (1) Villages are required by § 61.353, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section by July 1, 2014.
- (2) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

50-1901 Purpose

This article promotes the public health, safety, and welfare and is intended to:

- (1) further the maintenance of safe and healthful conditions and prevent and control water pollution;
- (2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;
- (3) control the placement of principal buildings by establishing setbacks from waterways; and
- (4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

50-1902 Boundary of district

- a. **Generally.** The shoreland overlay district includes lands annexed by the Village after May 7, 1982 and which are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 16 of the municipal code are used in determining the extent of the 100-year floodplain.

- b. **Lands exempted.** This article does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if they are not hydrologically connected to a navigable water body.

50-1903 Vegetation management within shoreline buffer zone

- a. **Generally.** Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) may not be removed, except as described in this section.
- b. **Removal of invasive species.** Vegetation in the shoreline buffer zone that is listed by the Wisconsin Department of Natural Resources as an invasive species under Ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Plan Commission.
- c. **Access and viewing corridor.** The property owner may remove vegetation in the shoreline buffer zone to create and maintain an access and viewing corridor no more than 30 feet wide for every 100 feet of shoreline frontage, but not to exceed 200 feet.

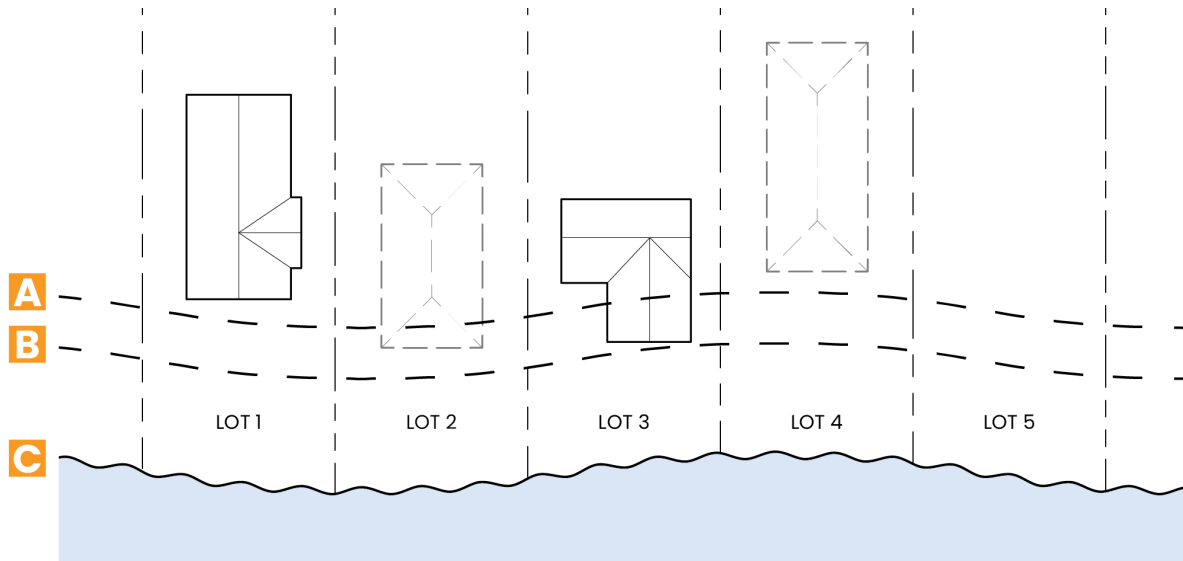
50-1904 Shoreline setback

- a. **Principal buildings.** Principal buildings must be at least 75 feet from the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

- (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
- (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

b. Accessory buildings. Accessory buildings must comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 50 feet of the ordinary high-water mark as set forth in § 50-1905.

Exhibit 12-1. Shoreline setback requirements



- A** 50 feet from OHWM
- B** 35 feet from OHWM
- C** Ordinary high-water mark (OHWM)

- Lot 1** The principal building is existing and is more than 50 feet from the ordinary high-water mark (OHWM)
- Lot 2** The lot is vacant. Because the lots on both sides have a principal building, setback averaging may be used, but the setback may not be less than 35 feet. In the instance depicted above, the setback would be calculated as follows: (50 feet plus the actual distance of the building on Lot 3) divided by 2.
- Lot 3** The principal building is existing and is less than 50 feet from the ordinary high-water mark.
- Lot 4** The lot is vacant. A principal building on this lot must comply with the 50-foot setback requirement because setback averaging does not apply (i.e., a principal building is only on one side).
- Lot 5** The lot is vacant.

Notes: Diagram is not to scale

50-1905 Boathouses

A boathouse, if otherwise allowed, may be constructed in the viewing/access corridor as allowed in § 50-1903.

50-1906 through 50-1999 reserved

ARTICLE 13 ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT

50-2000 Legislative findings

This article is adopted to promote the public health, safety, and welfare and is intended to:

- (1) retain existing woodlands to the extent possible while retaining development potential,
- (2) maintain property values by improving and preserving the aesthetic appeal of the Village through tree regulation,
- (3) reduce the amount of erosion in the Village due to tree removal, and
- (4) protect the quality of the waters of the state and the Village.

50-2001 Boundary of district

- a. **Generally.** The environmental corridor (EC) overlay district consists of all lands identified as Primary Environmental Corridor (PEC), Secondary Environmental Corridor (SEC), or Isolated Natural Resource Area (INRA) on the 2020 environmental-corridor maps prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).^[1]
- b. **Map updates.** If SEWRPC updates the mapping of any of the above areas, the Village should evaluate the new maps and determine if the newly mapped areas should be adopted as an amendment of the zoning map consistent with the procedures and requirements in Article 5.

Editorial Notes:

- [1] Based on SEWRPC mapping criteria, primary environmental corridors are at least 400 acres in area, at least two miles in length, and at least 200 feet in width; secondary environmental corridors are at least 100 acres in area and at least one mile in length; and isolated natural resource areas are other significant natural resources at least 5 acres in area and at least 200 feet in width.

50-2002 Boundary interpretation

- a. **Generally.** Where questions arise as to the exact location or boundary of an environmental corridor overlay district, the Zoning Administrator is authorized to use their best judgment to establish the boundary of the district. If the location of the district is not readily evident to the Zoning Administrator, they should request a field investigation by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff biologist or their designee.
- b. **Zoning map revisions.** If the Zoning Administrator or SEWRPC staff determine that the area in question was incorrectly mapped as an environmental corridor, this article does not apply to such area. As soon as is practical after such determination, the Zoning Administrator should submit an application to amend the zoning map consistent with the procedures and requirements in Article 5.

50-2003 Tree removal

- a. **Unregulated trees.** Trees that are less than 8 inches in diameter, measured at 4.5 feet above the ground (i.e., diameter breast height), are not regulated by this article.
- b. **Regulated trees.** Trees with a diameter of 8 inches or greater, measured at 4.5 feet above the ground, except as set forth in subsection C below, are subject to the limitations as follows:
 - (1) In lots of 1/4 acre or less in size, all of such trees per lot may be removed, except those that may be otherwise regulated by other provisions in this chapter, including shoreland regulations in Article 13.
 - (2) In lots of more than 1/4 acre to one acre in size, up to 60 percent of any regulated trees per lot may be removed, except those that may be otherwise regulated by other provisions of this chapter, including shoreland regulations in Article 13.
 - (3) In lots of more than one acre to 2.5 acres in size, up to 40 percent of the regulated trees per lot may be removed, except those that may be otherwise regulated by other provisions of this chapter, including shoreland regulations in Article 13.

- (4) In lots of more than 2.5 acres in size, up to 20 percent of the regulated trees per lot may be removed, except those that may be otherwise regulated by other provisions of this chapter, including shoreland regulations in Article 13.

To the greatest extent possible, the trees that are retained should be grouped together to form an identifiable area.

- c. Use of replacement trees.** If the developer elects to remove more trees than permitted in subsection B above, the developer must replace those trees as described in § 50-2004.
- d. Exceptions.** A tree of any size may be removed from a lot when it represents a danger to property or the health, safety, or welfare of any person, or where such tree is diseased or severely damaged. In this regard, the property owner may seek the advice of the Zoning Administrator before such tree is removed and/or provide documentary evidence showing the condition of the tree, including photographs or a letter from an arborist or other qualified individual.

50-2004 Replacement trees

- a. Planting specifications.** At the time of planting, a replacement tree must (1) have a caliper diameter of at least 2.5 inches, (2) be healthy, and (3) be a species as approved by the Zoning Administrator.
- b. Credit for existing trees.** Existing trees on the property that are more than 5 inches but less 8 inches in diameter, measured at 4.5 feet above the ground, may be used as a replacement tree.
- c. Nonqualifying trees.** A tree that is planted to satisfy the landscaping requirements in Article 20 does not qualify as a replacement tree.
- d. Options in lieu of on-site planting.** If there is not a suitable location on the subject property to plant a replacement tree, the Village may designate an alternative site for planting of the trees or accept a payment for each such tree to be used by the Village for planting of trees on public property. The amount of the payment will be established by the Zoning Administrator based on prevailing costs, including planting costs.

50-2005 Ongoing maintenance

Replacement trees planted on the subject property must be maintained in a healthy condition.

50-2006 Other regulations

Nothing in this article may be construed to be an exception to or supersede any other regulation or requirement in this chapter or any other part of the municipal code.

50-2007 through 50-2999 reserved