



**VILLAGE OF JACKSON
PLAN COMMISSION MEETING AGENDA**

Thursday, April 16, 2026 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 March 19, 2026
3. Ordinance #26-02 - Annexation Request and Recommendation for Temporary B-1 Community Business District Zoning - Parcel T7_047700K - Robert J. Loduha and Andrea S. Loduha Revocable Trust
4. Conditional Use and Site Plan Review - Hansen Laundry, LLC - W225N16704 Cedar Park Court - Riley Hansen
5. Ordinance #26-03 — Amending Ordinance Section 48-156 (PUD-04) - Oaks of Jackson Planned Unit Development District - Village of Jackson
6. Preliminary Plat - Twin Villas of The Oaks of Jackson - Outlot 6 - Oaks of Jackson - Hillcrest Builders
7. Review and Discussion of Revised Zoning Code Updates including Article 5, Article 16, Appendix A, B, & C, and Zoning Map (Rev. 4/7/2026) (DRAFT)
8. Citizens/Village Staff to Address the Plan Commission
9. 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, March 19, 2026 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, Jon Molkentin, Duane Hafemeister, and Matt Van Eperen - Dan Reik arrived at 7:05PM

Members Excused: None

Members Absent: None

Staff Present: Administrator Jen Heidtke, Inspections and Zoning Director Collin Johnson, and Interim Clerk Pamela Wolf

2. Approval of Minutes for the Plan Commission Meeting of February 19, 2026

The motion to approve Minutes for the Plan Commission Meeting of February 19, 2026, was made by J. Molkentin and seconded by Tr. Emmrich.

Vote: 6 ayes, 0 nays. Motion carried.

3. Concept Plan - Parcel V3_000800C - MK Service and Repair, LLC - Matthew Kearns - Discussion Only

Points of discussion included:

- Shared Access Easement
- Length of time vehicles would be on site and a maximum number of vehicles
- Sprinkler system considerations
- Access for the Fire Department
- Watershed and drainage, cognizant of impacts on neighboring residences
- Aesthetics of the site
- Setbacks

4. Conditional Use and Site Plan Review — N160W19170 Sherman Road — Elite Energy Distribution — David Strange

Director Johnson provided background information on the two-parcel property, outlined the proposed plans, and introduced David Strange, the applicant.

David Strange presented the property detailing the updates and improvements to be made. The applicant also described proposed day-to-day operations, and responded to Commission questions regarding the proposal.

The motion to recommend the Village Board approve the Conditional Use and Site Plan for Elite Energy Distribution, to operate an electronics recycling and retail battery supply business at N160W19170 Sherman Road to include installation of a gate and fence within a year's time was made by Pres. Heckendorf and seconded by M. Van Eperen.

Vote: 7 ayes, 0 nays. Motion carried.

5. Resolution #26-10 - Proposed Amendment to Village of Jackson Comprehensive Plan - Parcel V3_053300D - Richard Knabe

Director Johnson provided background on the parcel in question. Currently, the TID Plan reflects a commercial use on. Village Staff were requested to seek Wisconsin Department of Revenue confirmation that the use on the property could be changed to residential.

The motion to approve Resolution #26-10 amending the Village of Jackson Comprehensive Plan: Map 1 – Future Land Use 2050 was made by Pres. Heckendorf and seconded by Tr. Kruepke.

Vote: 7 ayes, 0 nays. Motion carried.

6. Resolution #26-11 - Proposed Amendments to Village of Jackson Comprehensive Plan - Various Parcels - Village of Jackson

Administrator Heidtke provided background on the proposed changes to the Future Land Use Map. Proposed uses were prepared in concert with a sewer service area expansion.

The motion to adopt Resolution #26-11 amending the Future Land Use Plan for the Village of Jackson: 2050 as presented was made by M. Van Eperen and seconded by D. Hafemeister.

Vote: 7 ayes, 0 nays. Motion carried.

7. Citizens/Village Staff to Address the Plan Commission

None.

8. Adjourn

The motion to adjourn the meeting was made by Tr. Emmrich and seconded by M. Van Eperen.

Vote: 7 ayes, 0 nays. Motion carried. The meeting adjourned at 7:53 PM.

Respectfully Submitted,

Pamela Wolf
Interim Village Clerk /Deputy Clerk
Village of Jackson

DRAFT

STAFF MEMO

Village of Jackson Plan Commission

Meeting Date: April 16, 2026

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: Ordinance #26-02 – Annexation Request and Recommendation for Temporary B-1 Community Business District Zoning – Parcel T7_047700K – Robert J Loduha and Andrea S. Loduha Revocable Trust

Background and Analysis:

Robert and Andrea Loduha owners of Parcel T7_047700K located in the Town of Jackson have submitted a Request for Annexation to the Village. The 3.8-acre parcel is located at the northeast corner of Eagle Drive and State Hwy. 60 (Main Street). The parcel is located within the sanitary sewer service district of the Village and is served by sewer and water utilities. There are no immediate plans for development beyond filling of the land to elevate it for floodplain development purposes. The annexation is currently undergoing review by the Wisconsin Department of Administration. The DOA review should be completed prior to the initial review by the Village Board at their May 12, 2026 meeting.

Comprehensive Plan & Zoning Impacts:

The parcel is designated as “General Commercial” within the Future Land Use Plan contained in the 2050 Comprehensive Plan. A temporary zoning designation of B-1 Community Business District is contained within the proposed ordinance. The owners would then have one year from the date of annexation to request permanent zoning.

Site Plan:

A location map and Certified Survey Map of the parcel are attached for reference.

Review Procedures:

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

Signage:

Not applicable

Additional Staff Comments:

None

Notice Requirements:

1. Posting on the agenda.
2. Notification of all other municipalities located within 1,000 feet of the subject property. *(Includes all non-contiguous municipalities.)*

Potential Action:

Motion to recommend the Village Board approve Ordinance #26-02 annexing and to assign a temporary B-1 Community District Residential zoning designation to Parcel T7_047700K and to amend the Village of Jackson Zoning Map accordingly.

Attachments:

1. Plan Commission Application
2. Request for Annexation
3. Location Map
4. Certified Survey Map & Surveyors Affidavit
5. Ordinance #26-02 (*DRAFT*)

Village of Jackson
PLAN COMMISSION APPLICATION

Application/Permit #: _____

PROPERTY INFORMATION

☒ **COMMERCIAL** ☐ **INDUSTRIAL** ☐ **RESIDENTIAL** ☐ **OTHER** _____

☒ **CONDITIONAL USE**

☒ *New*
☐ *Amendment*
☐ *Special Use*
(For existing Cond. Use ONLY)

☐ **PLANNED UNIT DEVELOPMENT**

☐ *New*
☐ *Amendment*
☐ *Special Use*
(For existing PUD ONLY)

☐ **CERTIFIED SURVEY MAP**

☐ **CONCEPT PLAN**
☐ **COMP. PLAN AMENDMENT**
☐ **OTHER** _____

Property Address: _____ Unit: _____ Jackson, WI

Parcel #: T7047700K Lot Size: 165,528 sq. ft. Building Area: NONE sq. ft.

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

APPLICANT INFORMATION

Name(s): ROBERT J LODUHA REV. TRUST, ANDREA S LODUHA REV. TRUST

Mailing Address: 2135 HIGHLAND RD, JACKSON State WI Zip 53037

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

Email: _____

BUSINESS INFORMATION *(If New Business)*

Legal Business Name: _____

D/B/A: _____ FEIN #: _____

Mailing Address: _____ State _____ Zip _____

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

Email: _____

Website: _____

PROPERTY OWNER INFORMATION

Name(s): ROBERT J LODUHA REV. TRUST, ANDREA S LODUHA REV. TRUST

Address: 2135 HIGHLAND RD, JACKSON State WI Zip 53095

Office: (____) _____ 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: ANNEX THIS PROPERTY TO VILLAGE OF JACKSON

Provide a brief overview of proposed use(s) of entire property and/or lease space: STRIP TOPSOIL, FILL PROPERTY APPROX. 4' HIGHER THAN EXISTING GRADE TO 103.0 PER BORING TEST DATED 03/19/2019, RETURN 6" TOPSOIL AND RETURN PROPERTY FOR SALE

Hours of Operation: FILLING WORK 7:00AM-6:00PM 6 DAYS A WEEK

Provide a brief overview of proposed daily on-site operations: HEAVY EQUIPMENT AND TRUCKS WORKING ON STRIP AND FILL OPERATIONS

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.: HEAVY CONSTRUCTION EQUIPMENT OPERATION AND TRUCKING

Describe all businesses, properties and other entities located adjacent to the proposed use: FARM LAND TO EAST, LIVING WORD LUTHERAN HIGH SCHOOL TO NORTH, FOX BROS PIGGLY WIGGLY TO SOUTH, EASTSIDE MART TO SOUTH

Describe any proposed, development, on-site improvements, or other construction/remodeling activities: STRIPPING AND FILLING SITE

Describe any proposed grading, and/or stormwater management plan: SILT FENCE ENTIRE PROPERTY, STRIP TOPSOIL, REMOVING EXCESS, PILE NEEDED SOIL FOR FINISH GRADING, ADD FILL AND GRADE TO APPROX. 103.0 HEIGHT, GRADE 6" TOPSOIL AND SEED WITH OATS OR WINTER WHEAT

Describe any proposed landscape plan/improvements including driveways, sidewalks, vegetative plantings, etc.: NONE

Describe any proposed on-site security measures including site lighting: CHAIN GATE AT DRIVE TO STOP UNAUTHORIZED ACCESS AND DUMPING

Describe any existing or proposed Life Safety Systems (Includes fire hydrants, fire suppression & fire alarm systems): NONE

Describe the projected traffic circulation and impacts: TRUCKS DELIVERING HEAVY EQUIPMENT , TRUCKS
TRUCKS DELIVERING FILL AND REMOVING TOPSOIL

List all setbacks from rights-of-way and property lines and height limitations: HEIGHT 103.0 LOT LINE TO LOT LINE

Provide status of State/Federal License(s) or Certificate(s) required for operation, if any: DNR PERMIT IF NEEDED

Does this project require other Jurisdictional Approvals from other Governmental or Regulatory entities?

☒ No ☐ Yes If yes, explain: WASHINGTON COUNTY SAID NO, DNR

Describe any proposed signage including type, size, and location: TOPSOIL FOR SALE 4'X8'

If construction is proposed, describe proposed exterior building materials (type, color, etc.): NONE

Describe any site-specific features/constraints, etc.: NONE

Outline proposed parking requirements including number of spaces plus those dedicated for handicapped parking: NONE

Describe all proposed screening/buffering from adjacent properties (where required by ordinance): NONE

Describe the proposed provisions for refuse and recycling collection/storage and required screening/buffering: NONE

Projected Sewer/Wastewater Usage: NONE gal/year

Projected Water Usage: NONE 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): ROBERT J LODUDA REV TRUST

Applicant Signature: *Robert J Loduda*

Co-Applicant Name (Print): ANDREA S LODUHA REV TRUST

CO-Applicant Signature: *Andrea S. Loduha*

Date of Application: *March 13, 2026*

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:	3/20/2026
Amount: \$	400.00
Payment Type:	CH / CASH
Check/Rcpt. #:	660
Received By:	CMJ

VILLAGE OF JACKSON

N168W19851 MAIN ST

JACKSON, WI 53037

Receipt Nbr: 310681

Date: 3/20/2026

Check

RECEIVED
FROM KLUMB

\$400.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	PLANNING / ZONING FEES	400.00
	LODUHA ANNEXATION/T7_047700K	

TOTAL RECEIVED

400.00

Receipt Memo: LODUHA ANNEXATION/T7_047700K/CK#660

**PETITION FOR ANNEXATION OF LANDS
TO THE VILLAGE OF JACKSON
DIRECT ANNEXATION BY UNANIMOUS CONSENT**

TO: Village of Jackson

TO: Town of Jackson

1. Pursuant to Section 66.0217 of the Wisconsin State Statutes, I/we the undersigned, being the sole owner(s) and elector(s) of the land described in Exhibit "A" attached hereto, petition for Direct Annexation by Unanimous Consent of the land described in said Exhibit "A" from the Town of Jackson, in Washington County, Wisconsin, to the Village of Jackson.
2. The population of said land is (0) zero. The number of electors that reside on the lands to be annexed is (0) zero.
3. Said land is contiguous to the Village of Jackson and is presently part of the Town of Jackson, in Washington County, Wisconsin.
4. I/We, the undersigned request that upon annexation, the land as described in Exhibit "A" be zoned as B-1 Community Business District.
5. Area of lands to be annexed contains 3.8 acres.
6. Tax Parcel number(s) of lands to be annexed: T7_047700K
 - Attach a copy of a complete legal description of the property.
 - Attach a copy of a scale map of the property.
 - Attach a copy of the most recent real estate tax bill.

Dated this 2nd day of March , 2026

PROPERTY OWNER SIGNATURE(S):

Robert J Loduha 04/02/2026

Robert J. Loduha

Andrea Loduha 04/02/2026

Andrea S. Loduha

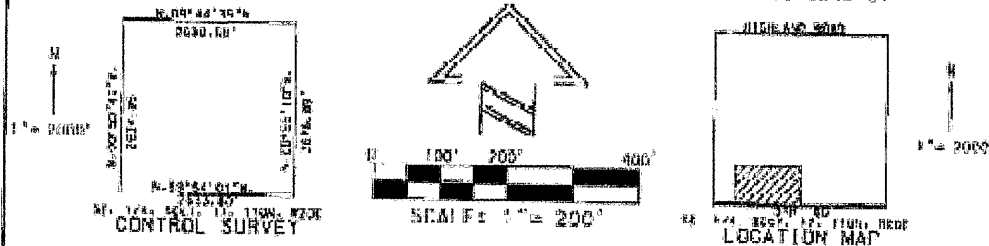
Parcel 5 description from CERTIFIED SURVEY MAP NO. 5344

Being a redivision of Outlot 1 of Certified Survey Map No. 5303, being part of the Southwest 1/4 of the Southeast 1/4 of Section 17, Town 10 North, Range 20 East, Parcel 5 in the Town of Jackson, Washington County, Wisconsin.

CERTIFIED SURVEY MAP NO. 5344

Being a subdivision of Butler 1 of Certified Survey Map No. 5303, being part of the Southwest 1/4 of the Southeast 1/4 of Section 17, Town 19 North, Range 20 East, in the Town of Jockoan, Washington County, Wisconsin.

DOT APPROVAL NO. 66-65-0243-01



INDEX

① RAD = 24.00°
 BEL = 28.03° 00"
 TAN = 29.61°
 I. CH. = 27.10°
 C. CH. = 24.45° 29' 38"
 C. CH. = 23.48°

② RAD = 24.00°
 BEL = 28.03° 47"
 TAN = 24.40°
 I. CH. = 24.10°
 C. CH. = 24.45° 31' 35"
 C. CH. = 24.23°

MULE

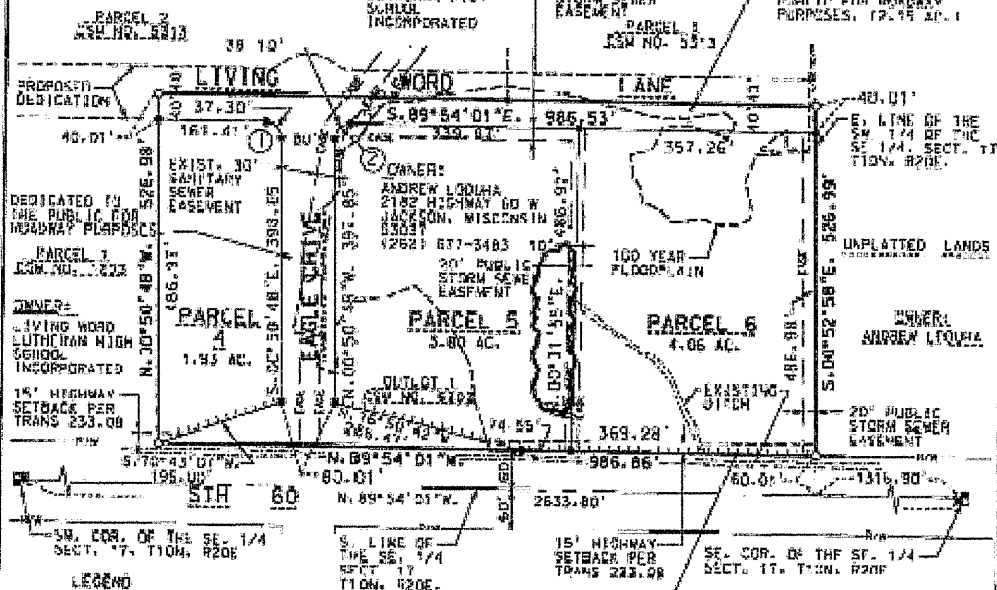
FIG 100 YEAR FLOODING RISK THREAT IS BASED ON
EXISTING GROUND ELEVATION OF 541 PER FEET
WATERSHED, PANEL 25 OF 92. COMMUNITY PANEL
NO. 550475 00750, EFFECTIVE DATE SEPT. 1, 1988.

2.3 CAUTION: HIGHWAY DETRACK, RESURFACING,
PROHIBIT IMPROVEMENTS. SEE NOTE 1 ON SHEET
2 OF 3.

OWNER:
LIVING BAPT
LUTHERAN HIGH
SCHOOL
INCORPORATED

2017年11月

72- DEDICATED TO THE
PUBLIC FOR BONDAGE
PURPOSES, 12-15-20-1



● 龍崎 孝

- FOUND 1" IRON PIPE
1" DIA. X 24" LG. IRON
PIPE SPEC. WEIGHT
1.13 LBS/FT.
FURNED CONC. MANHOLE
W/BRASS CAP

REFERENCE CLEARING

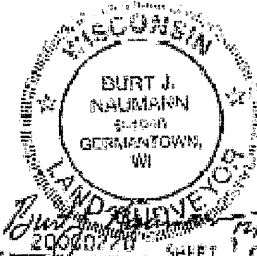
ALL BEARINGS ARE REFERENCED TO THE SOUTH
LINE OF THE SE. 1/4 OF SEC. 27, T10N, R20E
WHICH BEARS N. 89° 54' 01" W. AND IS REFERENCED
TO GRID NORTH OF THE WISCONSIN STATE PLANT
COORDINATE SYSTEM, SOUTH ZONE.



THIS INSTRUMENT WAS DRAFTED BY: BURT J. NAUMANN

209. 409.

444



TOWN OF JACKSON
ATTN TREASURER
3146 DIVISION ROAD
JACKSON WI 53037

WASHINGTON COUNTY - STATE OF WISCONSIN
PROPERTY TAX BILL FOR 2025
REAL ESTATE

LODUHA REV TRUST, ROBERT J
LODUHA REV TRUST, ANDREA S

Parcel Number: T7 047700K
Bill Number: 695409

Important: Be sure this description covers your property. Note that this description is for tax bill only and may not be a full legal description. See reverse side for important information.

Location of Property/Legal Description

EAGLE DR
Sec. 17, T10N, R20E
PT OF SW SE CSM 5344 PAR 5 V1072 P438+V1253 P97+V1699
P252+DOC 1299578+1532021
3.800 ACRES

695409/T7 047700K

ROBERT J LODUHA REV TRUST
ANDREA S LODUHA REV TRUST
2135 HIGHLAND RD
JACKSON WI 53037

Please inform treasurer of address changes.

Drainage District Notification: No Assessment

ASSESSED VALUE LAND 1,400	ASSESSED VALUE IMPROVEMENTS 0	TOTAL ASSESSED VALUE 1,400	AVERAGE ASSMT. RATIO 0.717564168	NET ASSESSED VALUE RATE 0.01123478 (Does NOT reflect credits)	NET PROPERTY TAX 15.74
ESTIMATED FAIR MARKET VALUE LAND	ESTIMATED FAIR MARKET VALUE IMPROVEMENTS See Reverse, Use Value Assessment	TOTAL ESTIMATED FAIR MARKET VALUE	☐ A star in this box means unpaid prior year taxes.	School taxes also reduced by school levy tax credit 2.25	
TAXING JURISDICTION	2024 EST. STATE AIDS ALLOCATED TAX DIST.	2025 EST. STATE AIDS ALLOCATED TAX DIST.	2024 NET TAX	2025 NET TAX	% TAX CHANGE
WASHINGTON COUNTY	135,201	151,207	2.88	3.06	6.3%
TOWN OF JACKSON	305,124	338,907	1.94	1.95	0.5%
WEST BEND SCHOOL	2,362,321	2,398,942	8.29	9.73	17.4%
MOR PARK TECH COLL	310,026	330,780	0.95	1.00	5.3%
TOTAL	3,112,672	3,219,836	14.06	15.74	11.9%
FIRST DOLLAR CREDIT			0.00	0.00	0.0%
LOTTERY AND GAMING CREDIT			0.00	0.00	0.0%
NET PROPERTY TAX			14.06	15.74	11.9%

TOTAL DUE: \$15.74

**FOR FULL PAYMENT
PAY BY:
JANUARY 31, 2026**

Warning: If not paid by due dates,
installment option is lost and total tax is
delinquent subject to interest and, if
applicable, penalty.
Failure to pay on time. See reverse.

FOR INFORMATION PURPOSES ONLY • Voter Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
MOR PARK TECH COLL	43,680	0.17	2045				
WEST BEND SCHOOL	545,085	2.09	2045				

PAY 1ST INSTALLMENT OF: \$15.74

BY JANUARY 31, 2026

AMOUNT ENCLOSED

MAKE CHECK PAYABLE AND MAIL TO:

TOWN OF JACKSON
ATTN TREASURER
3146 DIVISION ROAD
JACKSON WI 53037

PIN# T7 047700K
LODUHA REV TRUST, ROBERT J
BILL NUMBER: 695409

PAY 2ND INSTALLMENT OF: \$0.00

BY JULY 31, 2026

AMOUNT ENCLOSED

MAKE CHECK PAYABLE AND MAIL TO:

WASHINGTON COUNTY TREASURER
484 ROLFS AVE, PO BOX 1986
WEST BEND, WI 53095-7986

PIN# T7 047700K
LODUHA REV TRUST, ROBERT J
BILL NUMBER: 695409

PAY FULL AMOUNT OF: \$15.74

BY JANUARY 31, 2026

AMOUNT ENCLOSED

MAKE CHECK PAYABLE AND MAIL TO:

TOWN OF JACKSON
ATTN TREASURER
3146 DIVISION ROAD
JACKSON WI 53037

PIN# T7 047700K
LODUHA REV TRUST, ROBERT J
BILL NUMBER: 695409

INCLUDE THIS STUB WITH YOUR PAYMENT

INCLUDE THIS STUB WITH YOUR PAYMENT

INCLUDE THIS STUB WITH YOUR PAYMENT

Page 16 of 162

Parcel V3_047700K



3/6/2026, 1:47:30 PM

- Legend:

 - Address Point
 - Road Centerline STH, CTH
 - State Highway
 - Wetland Class Areas
 - Current Parcel
 - Parcel Taxkey & Acreage
 - Leader Lines
 - Condominium Name
 - Certified Survey Number
 - Lot Number
 - Landhook
 - Local Road Labels
 - Local Road
 - Municipality
 - Right-of-Way
 - Plat
 - Certified Survey Map
 - Condominium
 - Lot
 - PLSS Quarter
 - PLSS Section
 - PLSS Boundary
 - Ortho2024
 - Red: Red
 - Green: Green
 - Blue: Blue

Scale: 1:1,200

0 75 150 300 ft

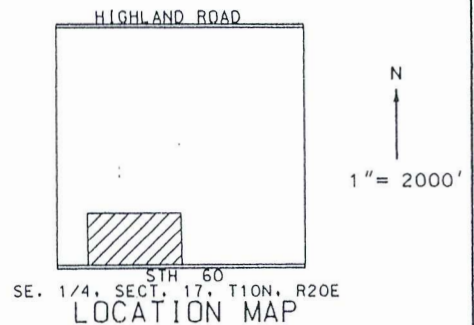
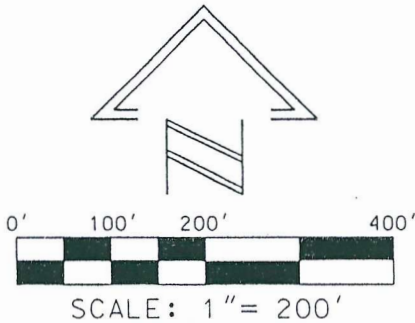
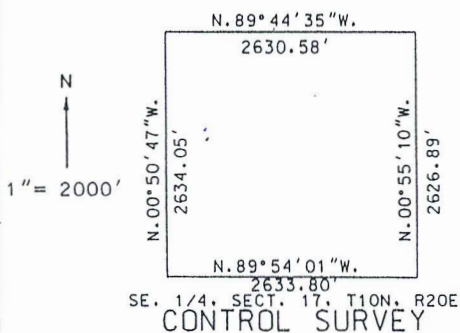
0 20 40 80 m

Calvin Lawrence, Dennis Weise, Nina Rihn

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Outlot 1 of Certified Survey Map No. 5303, being part of the Southwest 1/4 of the Southeast 1/4 of Section 17, Town 10 North, Range 20 East, in the Town of Jackson, Washington County, Wisconsin.

DOT APPROVAL NO. 66-60-0543-01

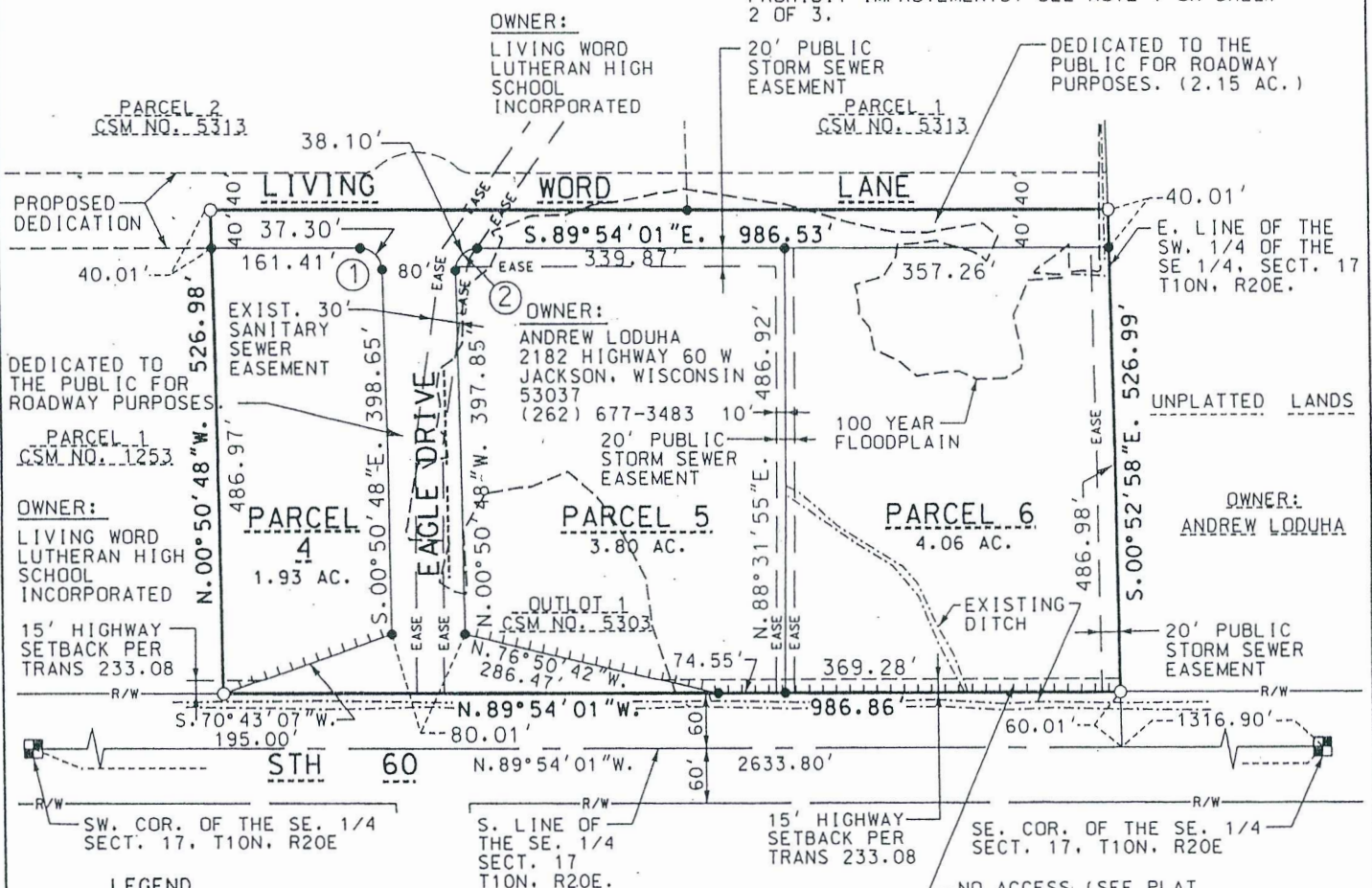


CURVE DATA

- | | |
|--------------------------|--------------------------|
| ① RAD. = 24.00' | ② RAD. = 24.00' |
| DEL. = 89° 03' 18" | DEL. = 90° 56' 47" |
| TAN. = 23.61' | TAN. = 24.40' |
| LEN. = 37.30' | LEN. = 38.10' |
| C.B. = N. 45° 22' 25" W. | C.B. = S. 44° 37' 35" W. |
| C.D. = 33.66' | C.D. = 34.22' |

NOTE:

- 1.) 100 YEAR FLOODPLAIN SHOWN IS BASED ON EXISTING GROUND ELEVATION OF 843 PER FEMA MAPPING, PANEL 25 OF 90, COMMUNITY PANEL NO. 550471 0025B, EFFECTIVE DATE SEPT. 1, 1983.
- 2.) CAUTION - HIGHWAY SETBACK RESTRICTIONS PROHIBIT IMPROVEMENTS. SEE NOTE 1 ON SHEET 2 OF 3.



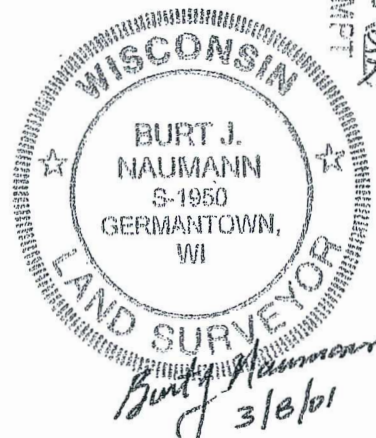
LEGEND

- FOUND 1" IRON PIPE
- 1" DIA. x 24" LG. IRON PIPE SET, WEIGHT 1.13 LBS/FT.
- FOUND CONC. MONUMENT W/ BRASS CAP

REFERENCE BEARING

ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SE. 1/4 OF SECT. 17, T10N, R20E WHICH BEARS N. 89° 54' 01" W. AND IS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

**GRAEF
ANHALT
SCHLOEMER**
and Associates Inc.



THIS INSTRUMENT WAS DRAFTED BY: BURT J. NAUMANN JOB. NO. 20000220 SHEET 1 OF 3

Return To: GRAEF Anhalt & Schloemer & Assoc. Inc.
ATTN: Burt J. Naumann
125 S. 84th St Ste 401
Milwaukee, WI 53214-1500 Affidavit

DOC# 1178928



Recorded

Dec. 21, 2007 AT 09:30AM
SHARIN A. MARTIN, REGISTER OF DEEDS
WASHINGTON COUNTY, WISCONSIN

Fee Amount: \$13.00

SURVEYOR'S AFFIDAVIT

STATE OF WISCONSIN

)
SS

MILWAUKEE COUNTY

I, Burt J. Naumann, a registered land surveyor, do hereby certify:

That the East line of Parcel 5 on Certified Survey Map No. 5344, as recorded in the Washington County Register of Deeds in Volume 38, Page 17 on March 16, 2001 is hereby corrected as shown on the attached "Exhibit A".

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Land Division Ordinance of the Town of Jackson, in surveying, dividing, and mapping the same.



Burt J. Naumann
Burt J. Naumann, S-1950
Registered Wisconsin Land Surveyor

Date: 12/17/07

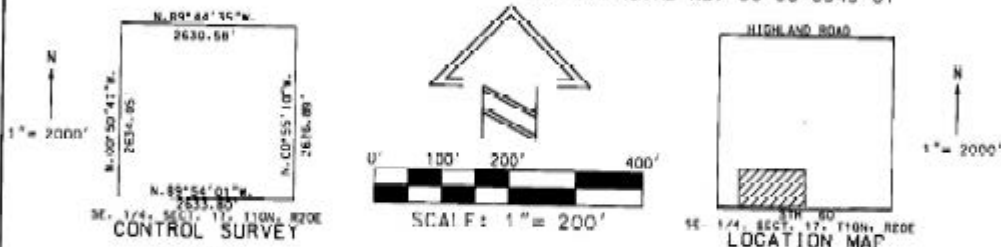
Antonia M. Szyszkowski
4-5-09 Expires

Burt J. Naumann
125 South 84th Street
Milwaukee, WI. 53214

CERTIFIED SURVEY MAP NO. 5344

Being a redivision of Outlot 1 of Certified Survey Map No. 5303, being part of the Southwest 1/4 of the Southeast 1/4 of Section 17, Town 10 North, Range 20 East, in the Town of Jackson, Washington County, Wisconsin.

DOT APPROVAL NO. 66-60-0543-01



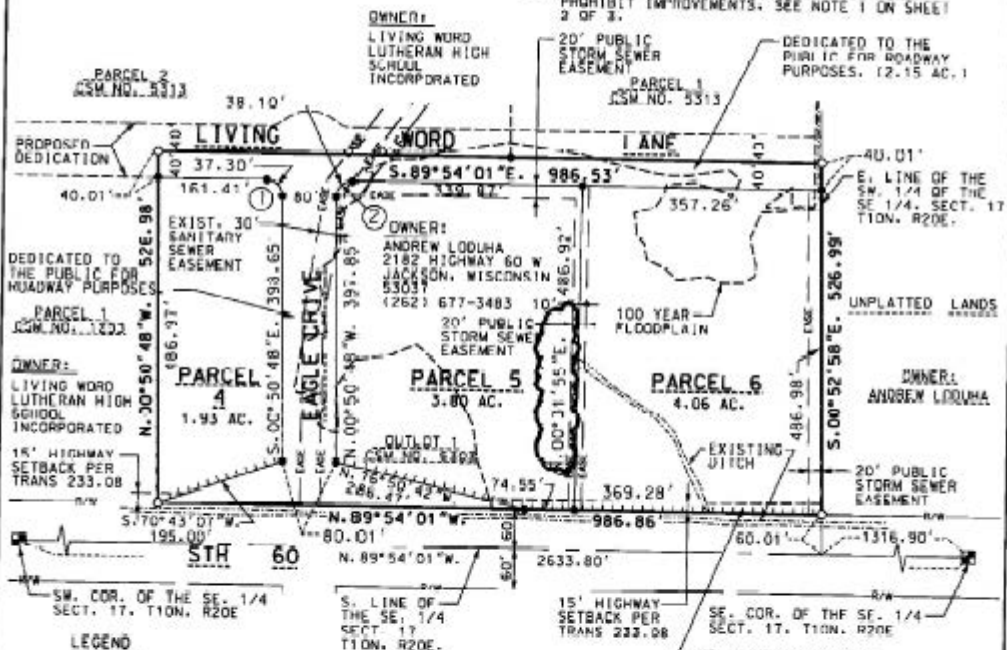
CURVE DATA

- | | |
|--------------------------|--------------------------|
| ① RAD. = 24.00' | ② RAD. = 24.00' |
| DEL. = 89° 03' 18" | DEL. = 90° 26' 47" |
| TAN. = 23.61' | TAN. = 24.40' |
| LEN. = 17.30' | LEN. = 30.10' |
| C.B. = N. 45° 22' 25" W. | C.B. = S. 44° 31' 35" W. |
| C.D. = 33.66' | C.D. = 34.22' |

NOTES

1.) 100 YEAR FLOODPLAIN SHOWN IS BASED ON EXISTING GROUND ELEVATION OF 843 PER FEMA MAPPING, PANEL 25 OF 90, COMMUNITY PANEL NO. 550411 00296, EFFECTIVE DATE SEPT. 1, 1983.

2.) CAUTION: HIGHWAY SETBACK RESTRICTIONS PROHIBIT IMPROVEMENTS. SEE NOTE 1 ON SHEET 2 OF 3.



LEGEND

- FOUND 1" IRON PIPE
- 1" DIA. 24" LG. IRON PIPE 1.13 LBS/LF
- FOUND CONC. MONUMENT W/BRASS CAP

REFERENCE BEARING

ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SE. 1/4 OF SECT. 17, T10N, R20E WHICH BEARS N. 89° 54' 01" W. AND IS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

**GRAEF
ANHALT
SCHLOEMER**
and Associates Inc.

THIS INSTRUMENT WAS DRAFTED BY: BURT J. NAUMANN

"EXHIBIT A"



JOB. NO. 20020220 SHEET 1 OF 3

ORDINANCE #26-02

**AN ORDINANCE TO ANNEX TERRITORY TO THE
VILLAGE OF JACKSON, WISCONSIN**

WHEREAS, The Robert J. Loduha Revocable Trust and the Andrea S. Loduha Revocable Trust ("property owners") own a parcel in the Town of Jackson, commonly referred to as Tax Parcel T7_047700K ("subject property"); and

WHEREAS, the property owner has submitted a petition to the Village Clerk, on or about April 2, 2026, for direct annexation of the subject property by unanimous approval; and

WHEREAS, on April XX, 2026, the Wisconsin Department of Administration found the annexation to be in the public interest as stated in issued MBR #XXXXX; and

WHEREAS, the Village of Jackson Plan Commission considered the property owner's annexation petition at its meeting on April 16, 2026, and has, consistent with Wis. Stats. §66.0217(8)(a), recommended the subject property be zoned as Planned Unit Development (PUD) District; and

WHEREAS, the Village of Jackson Village Board considered the matter at its meeting on May 12, 2026, and June 9, 2026; and

NOW, THEREFORE BE IT RESOLVED, the Village of Jackson Village Board, Washington County Wisconsin ORDAINS AS FOLLOWS:

Section 1. Territory Annexed. In accordance with Wis. Stats. §66.0217(2) and the petition for direct annexation by unanimous submitted by the property owner, the following described territory in the Town of Jackson, Washington County, Wisconsin is annexed to the Village of Jackson, Wisconsin:

Parcel (5) of CERTIFIED SURVEY MAP No. 5344, recorded in the Washington County Registry on March 16, 2001 in Volume 38 of Certified Survey Maps on pages 17-19, as Document No. 879003 and being a redivision of Outlot 1 of Certified Survey Map No. 5303, being part of the Southwest 1/4 of the Southeast ¼ of Section 17, Town 10 North, Range 20 East, in the Town of Jackson, Washington County, Wisconsin.

A Certified Survey Map of the annexed territory is attached hereto and incorporated as Exhibit 1.

Section 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the Village of Jackson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules, and regulations governing the Village of Jackson.

Section 3. Population. The population of the subject territory is zero (0).

Section 4. Temporary Zoning Classification. Upon recommendation of the Plan Commission and pursuant to Wis. Stats. §66.0217(8)(a), the territory annexed to the Village of Jackson is temporarily zoned, B-1 Community Business District.

Section 5. Permanent Zoning Classification. The Plan Commission of the Village of Jackson is directed to prepare an amendment to the zoning ordinance setting forth permanent zoning classification and regulations for the zoning of the annexed area and to submit its recommendation to the Village Board.

Section 6. Ward Designation. The territory described in Section 1 of this ordinance is made part of Ward 21 of the Village of Jackson, subject to the ordinances, rules, and regulations of the Village governing wards.

Section 7. Payment to Town of Jackson. Pursuant to Wis. Stats. §66.0217(14), the Village Board agrees to pay annually to the Town of Jackson, for five (5) years, an amount equal to the amount of property taxes levied by the Town of Jackson on the annexed territory, as shown by the tax roll under Wis. Stats. §70.65 in 2021 (the year in which this annexation is final).

Section 8. Notification. The Village Clerk is directed to complete the notifications set forth in Wis. Stats. §66.0217(9).

Section 9. Effective Date. This ordinance shall become effective upon passage and posting, or publication as provided by law.

Section 10. Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this 9th day of June 2026, by at least a two-thirds vote of the elected members of the Village Board.

Introduced by:_____

Seconded by:_____

Vote: _____aye _____nay

Passed and approved_____

VILLAGE OF JACKSON

By:_____

Brian J. Heckendorf - Village President

Attest:

Pamela Wolf - Interim Village Clerk/Deputy Clerk

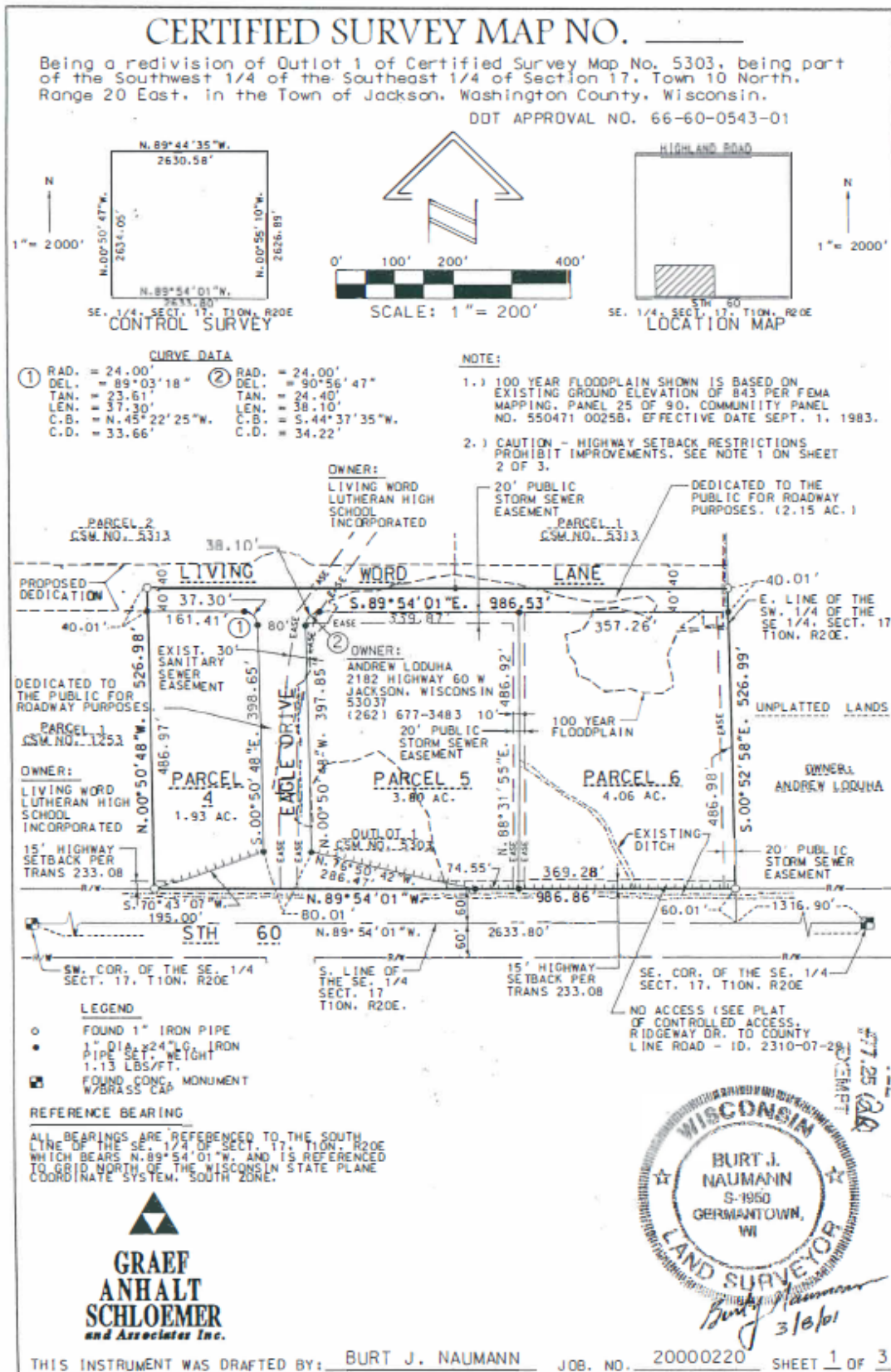
Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Jackson Municipal Complex, Post Office and one other location in the Village.

Village Official

Date

Exhibit 1.



STAFF MEMO

Village of Jackson Plan Commission

Meeting Date: April 16, 2026

Agenda Item: Item #4

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

From: Collin Johnson, Director of Inspections and Zoning

Subject: Conditional Use and Site Plan Review – W225 N16704 Cedar Park Court – Hansen Laundry, LLC – Riley Hansen

Background and Analysis:

The applicant, Riley Hansen, is proposing to operate an industrial laundry facility within an existing multi-tenant building located at W225 N16704 Cedar Park Court. The one-story, fully sprinklered, multi-tenant building contains 44,184 square feet. The proposed business would occupy roughly 3,827 square feet of the building. Primary operations include serving other commercial and industrial businesses by providing pickup, delivery and laundering of linens, towels, mops, and floor mats and similar items as a service to various businesses throughout the area. Minor interior alterations are planned for the space to accommodate planned equipment installations.

The business will operate between the hours of 6am and 6pm, Monday through Friday and will employ up to ten employees. Existing shared parking on the site includes 84 standard parking spaces and four accessible ADA spaces. Traffic volume at this site is very high which may create congestion at peak times, particularly when employee vehicles remain for eight or more hours in a day which may impact customer access to the other adjacent businesses at certain times. Refuse and recycling services are provided by the property owner as part of the lease agreement with collection provided by a private waste hauler.

Adjacent businesses located on the same parcel include the USPS, retail/mercantile, general offices, manufacturing, and warehouse/storage operations.

A conditional use approval is required to operate the business within a Planned Unit Development District.

Comprehensive Plan & Zoning Impacts:

The property is designated as Industrial under the current Comprehensive Plan and zoned Planned Unit Development (PUD) requiring review and approval from the Village. There are no anticipated current or future impacts to either the Comprehensive Plan or zoning designation.

Site Plan:

See attached location map and site plan

Additional Staff Comments:

Building Inspection and Zoning

Staff recommends approval of the Conditional Use Permit and Site Plan as submitted.

Review Procedures:

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

Notice Requirements:

- Posting on the agenda
- Notification of all contiguous property owners
- Publication of a Class II Legal Notice is required prior to the Public Hearing

Potential Action:

Motion to recommend the Village Board approve the conditional use request for Hansen Laundry, to operate an industrial laundry facility as submitted.

Attachments:

1. Plan Commission Application
2. Location Map and Site Plan

Village of Jackson
PLAN COMMISSION APPLICATION

PROPERTY INFORMATION

☐ COMMERCIAL ☒ INDUSTRIAL ☐ RESIDENTIAL ☐ OTHER _____

☒ CONDITIONAL USE

☒ New
☐ Amendment
☐ Special Use

(For existing Cond. Use ONLY)

☐ PLANNED UNIT DEVELOPMENT

☐ New
☐ Amendment
☐ Special Use

(For existing PUD ONLY)

☐ CERTIFIED SURVEY MAP

☐ CONCEPT PLAN
☐ COMP. PLAN AMENDMENT
☐ OTHER _____

Property Address: W225 N16704 Cedar Park Court Unit: _____ Jackson, WI

Parcel #: _____ Lot Size: 3.58 Acres sq. ft. Building Area: +/- 3,827 sq. ft.

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

APPLICANT INFORMATION

Name(s): Ziley Hansen

Mailing Address: 1124 Kinross Court, West Bend State WI Zip 53095

Office: (____) _____ Fax: (____) _____

Email: _____

BUSINESS INFORMATION (If New Business)

Legal Business Name: Hansen Laundry LLC

D/B/A: Hansen Laundry FEIN #: _____

Mailing Address: 1124 Kinross Court, West Bend State WI Zip 53095

Office: (____) _____ Fax: (____) _____

Email: _____

Website: _____

PROPERTY OWNER INFORMATION

Name(s): Jackson Transfer, LLC

Address: 8575 West Forest Home Avenue suite 160, Greenfield State WI Zip 53228

Of _____ Fax: (____) _____

Em _____

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: Requesting a conditional use permit to conduct an industrial laundry company

Provide a brief overview of proposed use(s) of entire property and/or lease space: Load and unload delivery trucks with floor mats, towels, mops, linens to launder inside building

Hours of Operation: 6 AM - 6 PM Monday - Friday

Provide a brief overview of proposed daily on-site operations: Unload dirty items, load with clean items to delivery to customers, Dirty items are washed and dried and available to go back out to customers.

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.: _____

Describe all businesses, properties and other entities located adjacent to the proposed use: Post office, Cleaning company, Retail, manufacturing & Warehouse/storage

Describe any proposed, development, on-site improvements, or other construction/remodeling activities: Light concrete work to access water/sewer lines to tie waters to. Ventilation out to top of roof for the dryers. Electrical circuits, natural gas lines, water heaters & water softeners.

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: No Change

Describe any existing or proposed Life Safety Systems (Includes fire hydrants, fire suppression & fire alarm systems): Building is sprinklered. Will have fire extinguishers installed as needed.

Describe the projected traffic circulation and impacts: Enter property from Cedar Park Court. Pull vehicle to South Dock. One to two trucks. one Route per day.

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: _____

Describe any proposed signage including type, size, and location: Vinyl lettering on Entry Doors
Approx 12in x 24 in.

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: 80 parking spots for whole building. plus 5 handicap spots.

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: Landlord provides garbage and recycling dumpsters.

Projected Sewer/Wastewater Usage: 500,000 to 1,300,000 gal/year

Projected Water Usage: 500,000 to 1,300,000 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):

Riley O. Hansen

Applicant Signature:

Riley O. Hansen

Co-Applicant Name (Print):

CO-Applicant Signature:

Date of Application:

March 23rd, 2026

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:

Phone:

Email:

For questions concerning **application submittal, zoning, or technical questions.**

(262) 677-9696 x810

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:	3/24/20
Amount: \$	17500
Payment Type:	CH / CC / CASH
Check/Rcpt. #:	2112
Received By:	[Signature]

VILLAGE OF JACKSON

N168W19851 MAIN ST
JACKSON, WI 53037

Receipt Nbr: 310731
Date: 3/25/2026
Check

RECEIVED
FROM HANSEN

\$175.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	PLANNING / ZONING FEES	175.00
	HANSEN LAUNDRY/CONDITIONAL USE	

TOTAL RECEIVED	175.00
----------------	--------

Receipt Memo: CON USE/HANSEN LAUNDRY/CK#2112



SALES | LEASING | MANAGEMENT | INVESTMENT

March 12, 2026

Alicia Alexander
Enercon Companies
8575 W. Forest Home Avenue
Greenfield, WI

RE: Letter of Intent to Lease: W225N16704 Cedar Park Court, Jackson, WI

Dear Alicia,

Please see the terms below that Riley Hansen and/or assigns would be interested in leasing your building located at the above listed location.

Landlord Name:	Jackson Transfer, LLC
Tenant Name:	Hansen Laundry, LLC
Property Address:	W225N16704 Cedar Park Court, Jackson
Space Size & Description:	+/- 3,827 square feet
Term of Lease:	Seven (7) Years
Lease Commencement:	May 1, 2026
Rent Commencement:	July 1, 2026 or upon substantial completion of build-out
Base Rental Rate:	Year 1: \$5.00/ SF NNN Year 2: \$6.00/ SF NNN Year 3: \$7.00/ SF NNN Year 4: \$7.21/ SF NNN Year 5: \$7.43/ SF NNN Year 6: \$7.65/ SF NNN Year 7: \$7.88/ SF NNN
NNN Charges:	Estimated NNN costs for year 1 is \$3.00/ square foot.
Renewal Options:	Two (2) Three (3) Year options to be at 95% of the average market lease rate
Security Deposit:	Equal to One (1) month's rent paid upon lease execution.
Tenant Improvements:	Handled by the tenant at tenants cost subject to LL written approval prior to lease signing.
Signage:	Tenant responsible for all costs involved with signage with prior Municipal and Landlord written approval.
Approvals:	Lease will be contingent on municipal occupancy and bank approvals.



SALES | LEASING | MANAGEMENT | INVESTMENT

Water:

Tenant shall be responsible for all water costs associated with their use over and above the last twenty-four (24) month's average bill for the property or install new/submeter separately to premises..

This "Proposal" is for discussion purposes only and is not intended to be legally binding. A legally binding agreement shall not exist until such time as a lease is drawn and executed by all parties.

The parties covenant one to the other that each will keep the terms and conditions of this proposal strictly confidential and will not disclose same to any third parties except to such of the undersigned employees, agents and legal counsel whose knowledge of such terms and conditions is required to enable the undersigned to draft and execute a definite lease agreement.

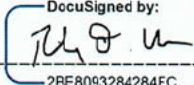
I appreciate your assistance on this project. All questions and responses are to be directed to Adam Williquette at the following:

American Commercial Real Estate, LLC

Sincerely,

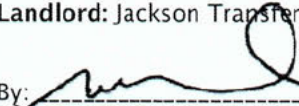
Adam Williquette
President/CEO

Tenant: Hansen Laundry, LLC

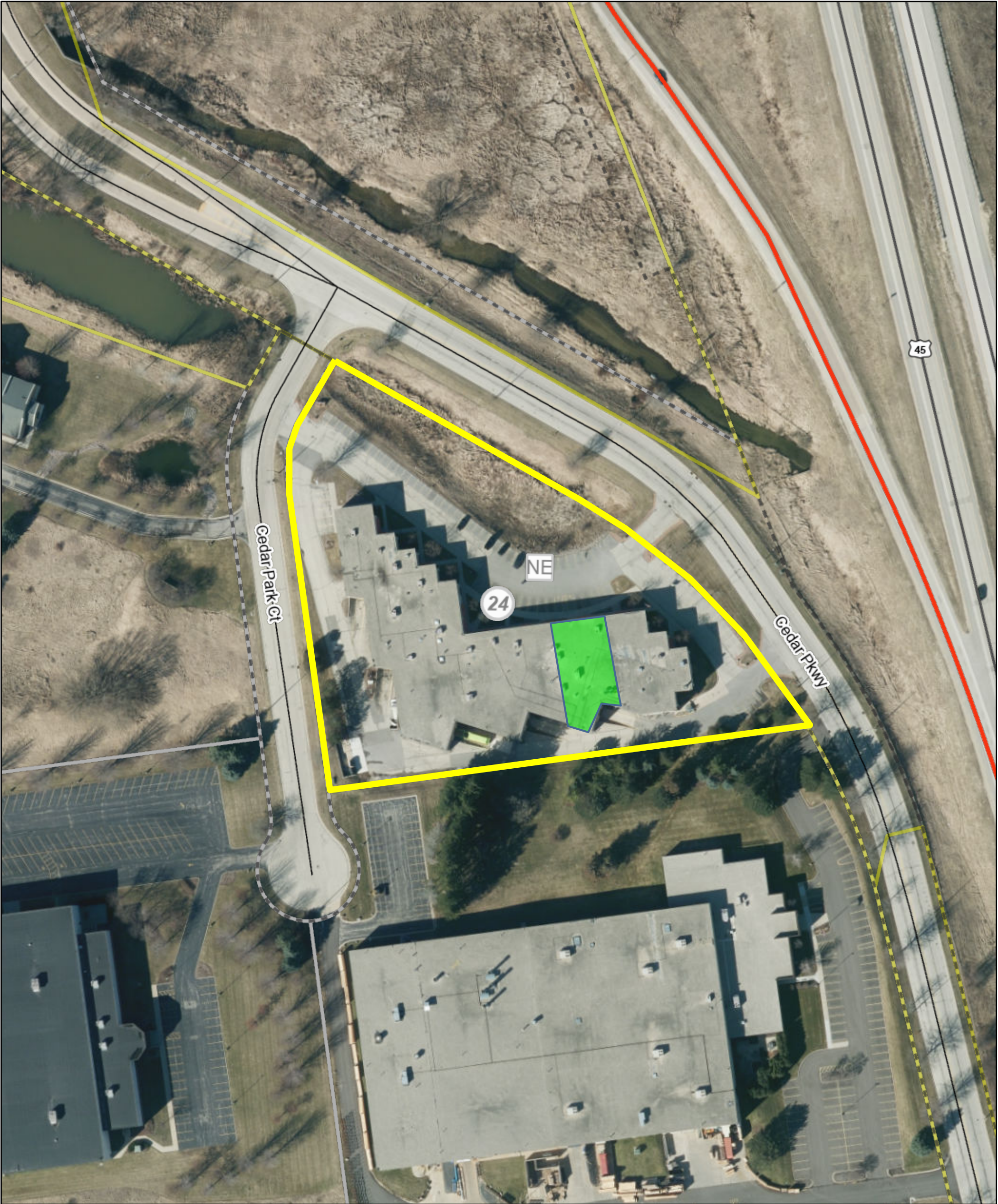
By:  Date: 3/13/2026
DocuSigned by: 2BE8093284284FC...

Acknowledged and accepted the _____ **day of March 2026:**

Landlord: Jackson Transfer, LLC

By:  Date: 3/17/2026

W225 N16704 Cedar Park Court



3/25/2026, 12:40:27 PM

Road Centerline I, USH

Federal Highway

Road Centerline STH, CTH

Ramp

Local Road Labels

Local Road

Municipality

Right-of-Way

Plat

Certified Survey Map

Lot

PLSS Quarter

PLSS Section

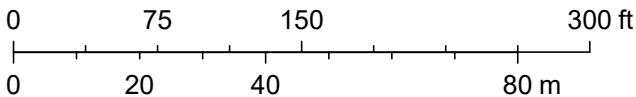
Ortho2024

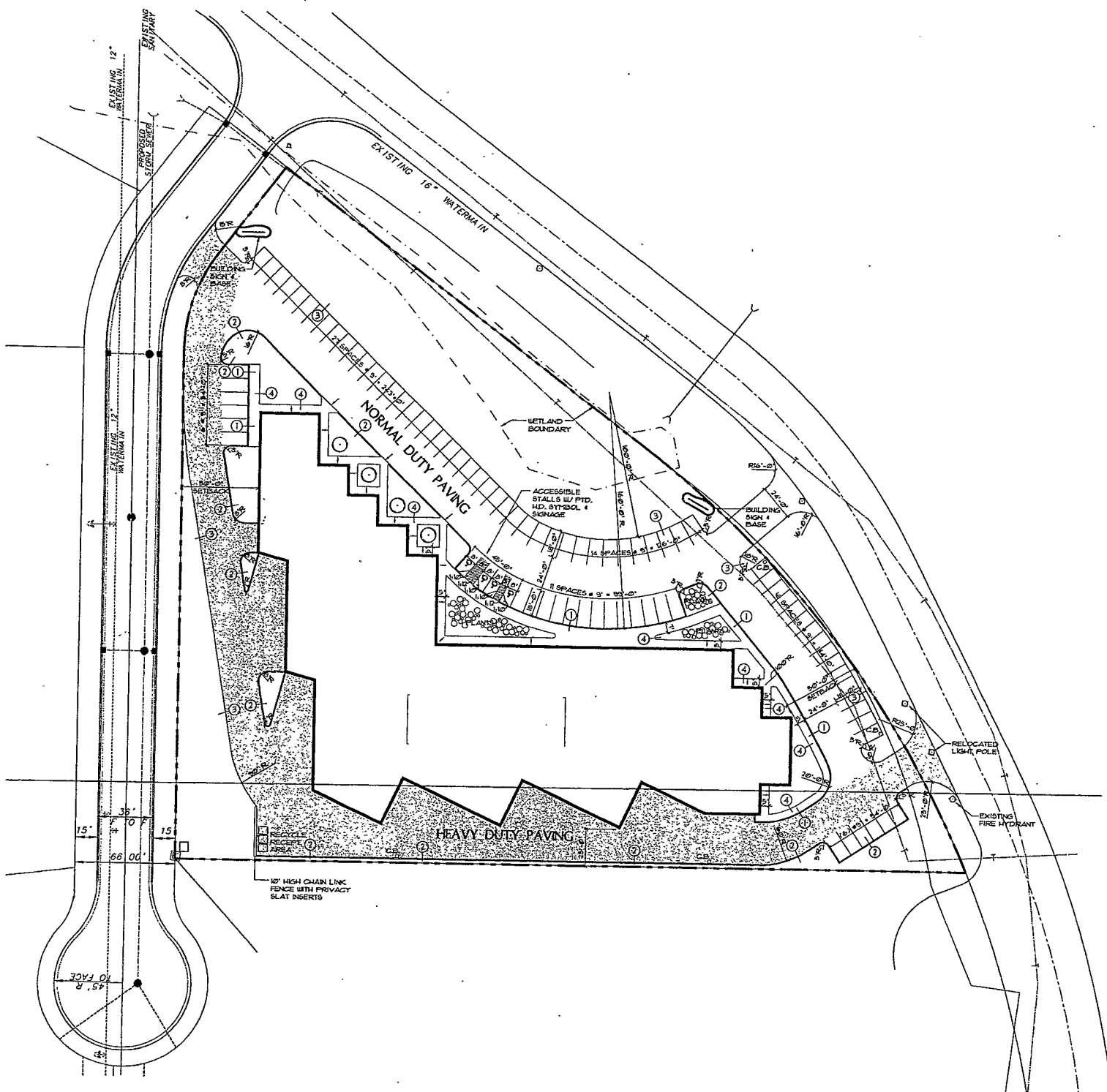
Red: Red

Green: Green

Blue: Blue

1:1,200





STAFF MEMO

Village of Jackson Plan Commission

Meeting Date: April 16, 2026

Agenda Item: Item #5

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

From: Collin Johnson, Director of Inspections and Zoning

Subject: Ordinance #26-03 – Amending Section 48-156 for PUD-04 – Oaks of Jackson – Hillcrest Builders

Description:

The subject property, depicted as District V on the attached Zoning District Map, was originally imagined for townhome construction under the original development plan. The developer, realizing current market trends, is now proposing to construct ten twin-home buildings with a total of twenty dwelling units on the 3.96-acre parcel. The proposed development ratio would be 5.05 dwellings per acre. This is under the 7.2 unit maximum detailed in the Village Comprehensive Plan for Multi-Family/High-Density Urban Residential land uses.

Each dwelling unit will contain two bedrooms, one full bathroom and one $\frac{3}{4}$ bathroom, an open concept kitchen, dining, and living room space and a two-car attached garage with a twenty-five-foot-deep driveway allowing for parking of two vehicles per dwelling unit. The homes would be accessed by a private roadway off Spruce Street with an east/west private connector street to Ridgeway Drive. Four additional auxiliary parking spaces are provided along the west side of the private road. Curb and gutter are proposed for the west side of the private road only. No curb and gutter are currently planned for the east side of the private drive or for the connector road. Public sidewalks are currently not proposed by the developer on any portion of the private roadways.

A private stormwater pond is also planned and will provide stormwater retention and management for the entire site. While the stormwater conveyance system is depicted on the concept plan, staff request that this item be excluded from this review. Staff, along with the Villages Consulting Engineer will continue to work with the developer to develop an adequate solution to stormwater conveyance and well as review the proposed stormwater management plan for this phase of the development.

Comprehensive Plan & Zoning Impacts:

The parcel is currently classified as Multi-Family/High-Density Urban Residential under the Comprehensive Plan Future Land Use Map. The proposed ordinance establishes the necessary zoning for the development.

Site Plan:

See proposed concept plan

Signage:

Not Applicable

Additional Staff Comments:

Inspections and Zoning:

Staff recommends approval of the proposed Ordinance as presented.

Review Procedures:

The Plan Commission is advisory; and the Village Board makes the final decision following a public hearing for re-zoning and conditional use review.

Notice Requirements:

- Posting on the agenda
- Notification of all contiguous property owners.
- Notification of all other municipalities located within 1000' of subject property.
- Class II Legal Notice for Public Hearing

Potential Motions:

Motion to recommend the Village Board approve Ordinance #26-03 amending Ordinance Section 48-156 (PUD-04) Oaks of Jackson Planned Unit Development District, subject to the following:

1. The proposed stormwater lateral system intended to convey stormwater from each individual lot shall be reviewed and approved separately by village staff and the Consulting Village Engineer.
2. Sidewalks shall be provided on at least one side of the private road and private connector street.
3. A Development Agreement shall be executed prior to any approvals taking full effect and prior to any construction activity.

1. Plan Commission Application
2. Concept Plan
3. Oaks of Jackson Zoning District Map
4. Ordinance #26-03 (*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: OUTLOT 6, OAKS OF JACKSON Unit: _____ Jackson, WI

Parcel #: LOT 6 Lot Size: 3.97 ACRES sq. ft. Building Area: 10 BUILDINGS sq. ft.
20 UNITS

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

APPLICANT INFORMATION

Name(s): HILLCREST JACKSON, LLC (OYVIND SOLVANG)

Mailing Address: 124 SOUTH SWIFT STREET State WI Zip 53023
GLEN DELTA, IL
Fax: (____) _____

BUSINESS INFORMATION (If New Business)

Legal Business Name: SAME AS ABOVE

D/B/A: _____ FEIN #: _____

Mailing Address: _____ State _____ Zip _____

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

Email: _____

Website: _____

PROPERTY OWNER INFORMATION

Name(s): SAME AS ABOVE

Address: _____ State _____ Zip _____

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

Email: _____

ARCHITECT / ENGINEER / CONTRACTOR INFORMATION (Circle One)

Firm Name: KEVIN PARISH, PSE ENGINEERING

Primary Contact: PARISH, KEVIN

Address: 122 WISCONSIN STREET WEST BEND, WI State WI Zip 53095
Fax: (____) _____

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: PLAN IS FOR A 20 UNIT 10 BUILDING ~~FROM~~ ZERO LOT LINE PUD ZONING, NEED ZONING, SITE PLAN, DEVELOPMENT AGREEMENT AMENDMENT AND ANY OTHER APPROVAL. SEE ATTACHED BUILDING AND SITE LAYOUT

Provide a brief overview of proposed use(s) of entire property and/or lease space: RESIDENTIAL OWNER OCCUPIED PER RECORDED RESTRICTIONS BY THE VILLAGE AND WASHINGTON COUNTY PROGRAMS IN PLACE

Hours of Operation: N/A

Provide a brief overview of proposed daily on-site operations: RESIDENTIAL USE ONLY

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.: NONE.

Describe all businesses, properties and other entities located adjacent to the proposed use: APARTMENTS AND CONDOMINIUMS

Describe any proposed, development, on-site improvements, or other construction/remodeling activities: CONSTRUCTION OF ACCESS ROAD(S) STORM WATER FACILITIES, DUPLEX ~~BE~~ (ZERO LOT LINE) BUILDINGS WITH DRIVEWAYS, LANDSCAPING, PATIOS AND YARDS

Describe any proposed grading, and/or stormwater management plan: PER ATTACHED PLAN TO BE FINALIZED WITH FORMAL ENGINEERED STORM WATER MANAGEMENT WITH VILLAGE APPROVAL

Describe any proposed landscape plan/improvements including driveways, sidewalks, vegetative plantings, etc.: DRIVEWAYS, LANDSCAPING, LAWN, NO SIDEWALKS

Describe any proposed on-site security measures including site lighting: NONE SITE LIGHTING PROVIDED BY WALL LIGHT FIXTURES ON THE FRONT OF EACH UNIT

Describe any existing or proposed Life Safety Systems (Includes fire hydrants, fire suppression & fire alarm systems): FIRE HYDRANTS PER VILLAGE ORDINANCE AND APPROVAL NO INTERIOR FIRE SUPPRESSION

Describe the projected traffic circulation and impacts: NO NEW TRAFFIC STUDY OR INFORMATION

List all setbacks from rights-of-way and property lines and height limitations: 10.5 FEET BETWEEN BUILDINGS, 25 FOOT DRIVEWAY TO PRIVATE ROAD, 10.5 FOOT SETBACK ON SOUTH PROPERTY LINE, 26 FOOT SETBACK ON NORTH PROPERTY LINE, REAR SETBACK 75 FEET DUE TO PIPELINE EASEMENT.

Provide status of State/Federal License(s) or Certificate(s) required for operation, if any: ALL LICENSES IN HAND FOR CONSTRUCTION

Does this project require other Jurisdictional Approvals from other Governmental or Regulatory entities?

☐ No ☒ Yes If yes, explain: WASHINGTON COUNTY LIKELY NEEDS TO APPROVE VARIOUS COMPONENTS TO CONFIRM.

Describe any proposed signage including type, size, and location: NONE

If construction is proposed, describe proposed exterior building materials (type, color, etc.): VINYL SIDING AND WINDOWS, ASPHALT DIMENSIONAL ROOF SHINGLE

Describe any site-specific features/constraints, etc.: AIR PIPELINE EASEMENT COMPLIANCE

Outline proposed parking requirements including number of spaces plus those dedicated for handicapped parking: TWO CAR GARAGE PLUS 2 CAR DRIVEWAY

Describe all proposed screening/buffering from adjacent properties (where required by ordinance): NONE

Describe the proposed provisions for refuse and recycling collection/storage and required screening/buffering: MUNICIPAL OR BY EACH OWNER OR HOA

Projected Sewer/Wastewater Usage: TBD gal/year

Projected Water Usage: TBD gal/year

ACKNOWLEDGEMENT & SIGNATURES

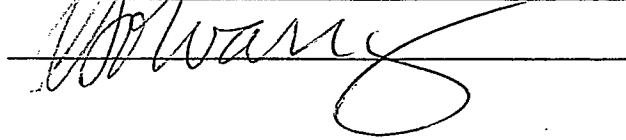
I/We hereby certify that I/We have reviewed the above Village of Jackson Plan Commission application and requirements, and hereby certify that the above information, attachments, and exhibits are complete, true and correct. I/We further understand that any missing or incomplete information may result 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):

OYUNO SOLVANK

Applicant Signature:



Co-Applicant Name (Print):

CO-Applicant Signature:

Date of Application:

MARCH 27, 2016

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:

Phone:

Email:

For questions concerning application submittal, zoning, or technical questions.

(262) 677-9696 x810

collin.johnson@villageofjacksonwi.gov

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VILLAGE APPROVAL:

☐ TEMPORARY Expiration Date: _____, 20____

Plan Commission Approval: Meeting Date: _____, 20____

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Approved by: Village Administrator

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Conditions of Approval: _____

APPLICATION DENIED: Date: _____, 20____

Staff Initials: _____

Reason for Denial: _____

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

Date Received: 3/27/26
Amount: \$ 425.00
Payment Type: CH / CC / CASH
Check/Rcpt. #: 1446
Received By: emj

VILLAGE OF JACKSON

N168W19851 MAIN ST

JACKSON, WI 53037

Receipt Nbr: 310800

Date: 3/30/2026

Check

RECEIVED
FROM HILLCREST

\$725.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	PLANNING / ZONING FEES	300.00
	PRELIMINARY PLAT	
	PLANNING / ZONING FEES	425.00
	PUD AMENDMENT	
TOTAL RECEIVED		725.00

Receipt Memo: PLAN COMM/CK#1446

Hillcrest Jackson, LLC,
124 South Swift Street,
Glenbeulah, WI, 53023

March 27, 2026

LETTER OF INTENT

MUNICIPAL APPROVALS REQUIRED FOR REZONING, SITE PLAN APPROVAL AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE OAKS OF JACKSON OUTLOT 6.

The purpose of the application is to obtain all Village of Jackson approvals, including rezoning, for the construction of 20 zero lot line, owner occupied, residential homes constructed in 10 buildings on Out lot 6 of the Oaks of Jackson Subdivision in compliance with previously recorded restrictions (as may be amended for this plan) by the Village of Jackson and Washington County (as may also be required to be amended).

The plan is substantially similar to the original plan for the parcel with the exception of the units being located in duplex buildings rather than a "row house".

The units will require a homeowner association (HOA) to insure governance and compliance as needed with overall subdivision responsibilities for site stormwater. To be clear this will be governed with a recorded HOA document and not a condominium form of ownership or declaration.

Building construction and specifications and landscaping will be very similar to the existing 10 unit (5 building) condominium neighborhood located directly to the east of this project.

The roadway access and internal road will be private and maintained by the HOA.

Stormwater facilities will be constructed to meet State and local ordinances.

See attached application, site plan and additional information.

Hillcrest Jackson, LLC
Oyvind Solvang, Sole Member

Letter of intent

Additional comments and background.

Out lot 6, Oaks of Jackson

1. Condition of certain amount of progress on Outlot 8 before Hillcrest purchases Outlot 6 to be eliminated
2. Revised absorption schedule (attached hereto) part of amendment
3. Revised zoning and plat for Outlot 6 to be attached
 - a. Private road, public sewer and water
 - b. 20 units instead of 22
 - c. SF plat instead of condo
 - i. Existing zero-lotline zoning needs to be revised
 - ii. 5' side yards on not-zero lot line side
 - iii. Significant advantage for marketability avoiding FHA financing hurdles for buyers
 - d. Duplex ranch
 - i. Similar floor plan to the outlot 8 Villas, except "duped-up"
 - ii. Required shared insurance
 - iii. Required replacement for both units of roofing or siding if one unit is damaged or deteriorated
 - iv. Yards to be deep onto entire gas main easement, providing say 100' of back yard (great selling point for young families, was not the case with planned layout)

THE OAKS OF JACKSON

Village of Jackson, Wisconsin

Spruce St

Ridgeway Dr

Spruce St

District IV: Townhome

**District V:
Twin Home**

**District III:
Two Family**

District II: Single Family, Private Drive

Jackson Oaks Dr

District I: Single Family

Ridgeway Dr

Pipeline Easement



0'

100'

Revised: 3.20.26

Linden Dr

Aspen Dr

Hawthorn Dr

ORDINANCE #26-03

AN ORDINANCE TO AMEND THE ZONING REGULATIONS IN SECTION 48-156 OF THE VILLAGE OF JACKSON MUNICIPAL CODE FOR PLANNED UNIT DEVELOPMENT DISTRICT PUD-04

WHEREAS, the Village of Jackson Village Board adopted zoning regulations for the Village of Jackson and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 48 of the Village of Jackson municipal code, which is titled "Zoning;" and

WHEREAS, Hillcrest Builders owns the property known as Outlot 6 in the Oaks of Jackson (hereafter subject property), more particularly described as Parcel: V3_0536047, and

WHEREAS, the property owner has submitted a petition to amend Section 48-156 to create a District VI: Twin Homes pursuant to the requirements in Section 48-151 of the zoning regulations; and

WHEREAS, the Village of Jackson Plan Commission reviewed the petition at their meeting on April 16, 2026, and recommended approval as set forth in this ordinance; and

WHEREAS, upon due notice as required by the zoning code, the Village Board conducted a public hearing on May 12, 2026, to accept public input; and

WHEREAS, the Village Board accepted the Plan Commission's recommended code amendment without revision; and

WHEREAS, the Village Board, after careful review and upon consideration of the recommendation of the Plan Commission and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of Jackson, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE BE IT RESOLVED, the Village of Jackson Village Board, Washington County Wisconsin ORDAINS AS FOLLOWS:

Section 1. To create Section 48-156(5) of the zoning code to establish a new residential zoning district to be identified as PUD-04 – District V as set forth below.

(5) District VI: Twin Homes

- a. *Generally.* PUD-04 – District V is intended to provide for zero-lot-line, two-family residential development served by municipal sewer and water facilities. This zoning designation shall not be used in any other location except for those parcels described as Lots 1-20 on Exhibit 1.
- b. *Permitted uses.* Attached, zero-lot-line two-family dwellings with front-loaded garages accessed from a private drive. Stormwater management.
- c. *Conditional uses.* Group homes, foster homes, and halfway houses, provided there is a minimum lot area of 2,000 square feet per person (upon ultimate development) and a minimum principal building area of 200 square feet per person.
- d. *Permitted accessory uses.* Private garages (one per lot), home occupations and professional home offices as specified in [section 48-1](#) of the Village of Jackson zoning ordinance.
- e. *Building height and area.* No principal building or parts of a principal building shall exceed 35 feet in height. The total minimum floor area of a dwelling shall be as follows: 1-bedroom, 700 sq. ft.; 2-bedroom, 1,000 sq. ft. The maximum impervious area shall not exceed 70 percent of the lot area.
- f. *Lot area and width.* Lots shall be a minimum of 4,500 square feet in area and shall not be less than 30 feet in width at the front yard setback line.
- g. *Setbacks and yards.* There shall be a minimum building setback of 20 feet from the front yard right-of-way. There shall be a minimum side yard of 5 feet. Shared interior party walls shall have a zero-foot setback. Corner lots shall have a minimum side yard setback of 15 feet from the street-side right-of-way. There shall be a minimum rear yard setback of not less than 15 feet. With the exception of shared driveways, driveways and other paved surfaces shall have a minimum setback of 3 feet from an abutting property line.
- h. *Parking.* A minimum of (2) two off-street parking stalls shall be provided for each dwelling unit.

District V Zoning Text.

Zoning Regulation	District III
Minimum Lot Area	4,500 square feet
Minimum Lot Width at Front Yard Setback	30 feet
Minimum Lot Depth	100 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet 0 feet for shared interior side (party wall)

Minimum Corner Lot Side Yard Setback	15 feet
Minimum Rear Yard Setback	15 feet
Minimum Paved Surface Setback	3 feet 0 feet for interior side if shared driveway
Maximum Building Height	35 feet
Minimum Off-Street Parking	Two off-street parking stalls per unit
Maximum Impervious Surface Ratio	70%
Visibility	Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined as the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner. Walls and fences located within the vision triangle shall not exceed 30 inches in height.
Permitted Encroachments	Bay windows and fireplace chases may encroach a maximum of 2 feet into the side yard.
Minimum Floor Area	None / Per Building Code
Accessory Structures	Not permitted
Fences	Per zoning ordinance

Section 2. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 3. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific Section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4. The Village Clerk and Village Administrator are authorized and directed to make all changes within the Village of Jackson Code of Ordinances necessary to reflect this ordinance.

Introduced by: _____

Seconded by: _____

Vote: _____aye _____nay

Passed and approved_____

VILLAGE OF JACKSON

By: _____

Brian J. Heckendorf, Village President

Attest:

Pam Wolf, Interim Village Clerk/Deputy Clerk

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Village Hall, Post Office and one other location in the Village.

Village Official

Date

PRELIMINARY PLAT OF
TWIN VILLAS OF THE OAKS OF JACKSON

APPENDIX

- | | |
|---|----|
| 9 | 18 |
| | |
| | |

THE UNIVERSITY OF MICHIGAN LIBRARY
THE UNIVERSITY OF MICHIGAN LIBRARY
 1000 S. ZEEB ROAD, ANN ARBOR, MI 48106-1500

I, L. SCOTT HINCKLE, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND LAYED THE FOLLOWING LAND AS DIRECTED BY THE OWNER, VILLAGE OF JACKSON:

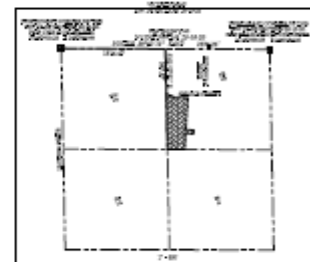
OUTLET 4 OF THE LAKE OF JACOBUS, DESCRIBED AS DOCUMENT NO. 13800, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 IN SECTION 16, TOWNSHIP 14 NORTH, RANGE 10 EAST, 31ST RANGE, COUNTY OF WASHINGTON, IN A TRACT OF LANDS, DESCRIBED AS FOLLOWS:

OUTLINE 6 OF THIS CLASS OF FACTORS:

continued on next page

I FURTHER CERTIFY THAT THE MAP PREPARED IS A CORRECT REPRESENTATION OF ALL THE EXISTING BOUNDARIES OF THE LAND HERETOBY AND THE DIVISION OF IT, AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 146 OF THE REVENUE STATUTES, AND THE VILLAGE OF JACKSON SURVEYOR GENERAL ORDINANCE.

J. SCOTT HODGES, JR. AND

[illegible]

PSE
1221 South Street, P.O. Box 1000
Belmont, NJ 07610-1000
Tel: 201-328-1000 Fax: 201-328-1001
E-Mail: info@pse.com Web: www.pse.com

2

STAFF MEMO

Village of Jackson Plan Commission

Meeting Date: April 16, 2026

Agenda Item: Item #6

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

From: Collin Johnson, Director of Inspections & Zoning

Subject: Preliminary Plat – Twin Villas of the Oaks of Jackson - Hillcrest Jackson, LLC –
Oyvind Solvang

Background and Analysis:

The developer has submitted a Preliminary Plat detailing the development plans for Outlot 6 in the Oaks of Jackson subdivision. Development plans include construction of 20 single-family twin homes within 10 buildings. Each dwelling unit will have an attached two-car garage and private driveways with two parking stalls each. Garages are accessed by way of a private roadway with access from the north off Spruce Street and access from the east from Ridgeway Drive. The lots vary in size from 5,035 to 7,842 square feet with the average lot size being 5,390 square feet.

The Oaks of Jackson development is located within a Tax Increment District. The Village Board and staff are still actively negotiating terms of a development agreement. The developer intends to begin site work in the next few months.

Comprehensive Plan & Zoning Impacts:

The Village Comprehensive Plan Land Use Map identifies the entire development as Medium-Density Residential consisting primarily of single-family residential development at a density of up to 5.4 dwelling units per net acre on lots of at least 8,000 square feet. The property is zoned Planned Unit Development (PUD-04). A future amendment to the Comprehensive Plan Map will be necessary to allow for the smaller lot sizes.

Site Plan:

See attached Location Map and Preliminary Plat.

Additional Staff Comments:

None

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 Preliminary Plat for Outlot 6, Twin Villas of the Oaks of Jackson, subject to the following:

1. Sidewalks shall be provided on at least one side of the private road and private connector street.
2. Final civil plans shall be subject to review and approval by the Village Engineer. All costs associated with this review shall be reimbursed by the developer.
3. A Development Agreement shall be executed prior to any approvals taking full effect and prior to any construction activity.

Attachments:

1. Plan Commission Application
2. Location Map
3. Preliminary Plat

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 PRELIM PLAT
- (For existing Cond. Use ONLY) (For existing PUD ONLY)

Property Address: OUTLOT 6, OAKS OF JACKSON Unit: _____ Jackson, WI

Parcel #: LOT 6 Lot Size: 3.97 ACRES sq. ft. Building Area: 10 BUILDINGS sq. ft.
20 UNITS

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

APPLICANT INFORMATION

Name(s): HILLCREST JACKSON, LLC (OYVIND SOLVANG)

Mailing Address: 124 SOUTH SWIFT STREET State WI Zip 53023
STEN BRULIN
Fax: (____) _____

BUSINESS INFORMATION (If New Business)

Legal Business Name: SAME AS ABOVE

D/B/A: _____ FEIN #: _____

Mailing Address: _____ State _____ Zip _____

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

Email: _____

Website: _____

PROPERTY OWNER INFORMATION

Name(s): SAME AS ABOVE

Address: _____ State _____ Zip _____

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

Email: _____

ARCHITECT / ENGINEER / CONTRACTOR INFORMATION (Circle One)

Firm Name: KEVIN PARISH, PSE ENGINEERING

Primary Contact: PARISH, KEVIN

Address: 122 WISCONSIN STREET, WEST BEND, WI State WI Zip 53095
Fax: (____) _____

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: PLAN IS FOR A 20 UNIT 10 BUILDING ~~FROM~~ ZERO LOT LINE AND ZONING, NEED ZONING, SITE PLAN, DEVELOPMENT AGREEMENT AMENDMENT AND ANY OTHER APPROVAL. SEE ATTACHED BUILDING AND SITE LAYOUT

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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):

OXFORD SOLVANCE

Applicant Signature:

[Signature]

Co-Applicant Name (Print):

CO-Applicant Signature:

Date of Application:

MARCH 27, 2016

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

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Conditions of Approval: _____

APPLICATION DENIED: Date: _____, 20____

Staff Initials: _____

Reason for Denial: _____

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

Date Received: 3/27/26
Amount: \$ 300.00
Payment Type: CH / CC / CASH
Check/Rcpt. #: 1446
Received By: Conf

VILLAGE OF JACKSON

N168W19851 MAIN ST

JACKSON, WI 53037

Receipt Nbr: 310800

Date: 3/30/2026

Check

RECEIVED
FROM HILLCREST

\$725.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	PLANNING / ZONING FEES	300.00
	PRELIMINARY PLAT	
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TOTAL RECEIVED		725.00

Receipt Memo: PLAN COMM/CK#1446

Hillcrest Jackson, LLC,
124 South Swift Street,
Glenbeulah, WI, 53023

March 27, 2026

LETTER OF INTENT

MUNICIPAL APPROVALS REQUIRED FOR REZONING, SITE PLAN APPROVAL AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE OAKS OF JACKSON OUTLOT 6.

The purpose of the application is to obtain all Village of Jackson approvals, including rezoning, for the construction of 20 zero lot line, owner occupied, residential homes constructed in 10 buildings on Out lot 6 of the Oaks of Jackson Subdivision in compliance with previously recorded restrictions (as may be amended for this plan) by the Village of Jackson and Washington County (as may also be required to be amended).

The plan is substantially similar to the original plan for the parcel with the exception of the units being located in duplex buildings rather than a "row house".

The units will require a homeowner association (HOA) to insure governance and compliance as needed with overall subdivision responsibilities for site stormwater. To be clear this will be governed with a recorded HOA document and not a condominium form of ownership or declaration.

Building construction and specifications and landscaping will be very similar to the existing 10 unit (5 building) condominium neighborhood located directly to the east of this project.

The roadway access and internal road will be private and maintained by the HOA.

Stormwater facilities will be constructed to meet State and local ordinances.

See attached application, site plan and additional information.

Hillcrest Jackson, LLC
Oyvind Solvang, Sole Member

Letter of intent

Additional comments and background.

Out lot 6, Oaks of Jackson

1. Condition of certain amount of progress on Outlot 8 before Hillcrest purchases Outlot 6 to be eliminated
2. Revised absorption schedule (attached hereto) part of amendment
3. Revised zoning and plat for Outlot 6 to be attached
 - a. Private road, public sewer and water
 - b. 20 units instead of 22
 - c. SF plat instead of condo
 - i. Existing zero-lotline zoning needs to be revised
 - ii. 5' side yards on not-zero lot line side
 - iii. Significant advantage for marketability avoiding FHA financing hurdles for buyers
 - d. Duplex ranch
 - i. Similar floor plan to the outlot 8 Villas, except "duped-up"
 - ii. Required shared insurance
 - iii. Required replacement for both units of roofing or siding if one unit is damaged or deteriorated
 - iv. Yards to be deep onto entire gas main easement, providing say 100' of back yard (great selling point for young families, was not the case with planned layout)

Occupancy Permits

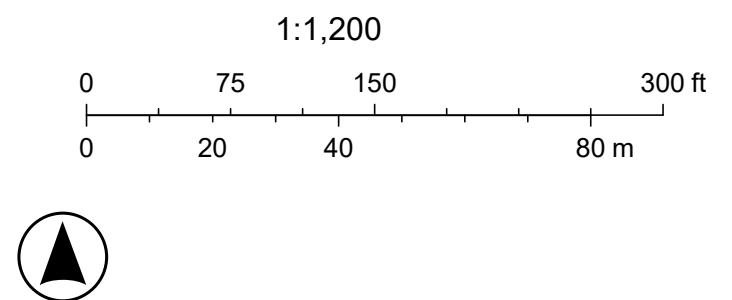
Single Family										
Units		10	3							13
REV Units	-	2	11							13
Town Homes										
Units		4	8	6	6	8	8			40
REV Units	-	-	8	2	4	4				18
Dup-Villas										
Units					6	8	8			22
REV Units	-	-	-	8	10	2				20
Total OP per DA	0	14	11	6	6	8	8			53
Total OP for DA Revision	0	2	19	10	14	6	-			51
Cum per DA	0	14	25	31	37	45	53			53
Cum per Requested	0	2	21	31	45	51	51			51
Difference	0	-12	-4	0	8	6	-2			-2

Washington County, WI



3/30/2026, 12:03:51 PM

	Current Parcel		Local Road Labels		Lot
	Parcel Taxkey & Acreage		Local Road		PLSS Quarter
	Leader Lines		Municipality		PLSS Section
	Subdivision Name		Right-of-Way		Ortho2024
	Condominium Name		Plat		Red: Red
	Certified Survey Number		Certified Survey Map		Green: Green
	Lot Number		Condominium		Blue: Blue
			Assessor Plat; Cemetery Plat; Subdivision		



PRELIMINARY PLAT OF
TWIN VILLAS OF THE OAKS OF JACKSON

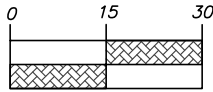
OUTLOT 6 OF THE OAKS OF JACKSON BEING PART OF THE NORTHEAST 1/4 OF
THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 20 EAST,
VILLAGE OF JACKSON, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

OWNER:
VILLAGE OF JACKSON
N168 W19851 MAIN STREET
JACKSON, WI 53037



LEGEND

- 1" IRON PIPE FOUND
UNLESS SPECIFIED OTHERWISE
- 2"x18" IRON PIPE WEIGHING
3.65 LBS/FOOT SET.
- INDIVIDUAL LOT/OUTLOT CORNERS,
SET AS 3/4" X 18" REBAR WEIGHING
1.13 LBS/FOOT.



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE
PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD27).
THE NORTH LINE OF NW 1/4 OF SECTION 20-10-20
BEARS SOUTH 89°40'10" EAST.

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, VILLAGE OF JACKSON:

OUTLOT 6 OF THE OAKS OF JACKSON, RECORDED AS DOCUMENT NO. 1586976, BEING PART OF THE NORTHEAST 1/4 OF THE
NORTHWEST 1/4 IN SECTION 20, TOWNSHIP 10 NORTH, RANGE 20 EAST, IN THE VILLAGE, COUNTY OF WASHINGTON, STATE OF
WISCONSIN, DESCRIBED AS FOLLOWS:

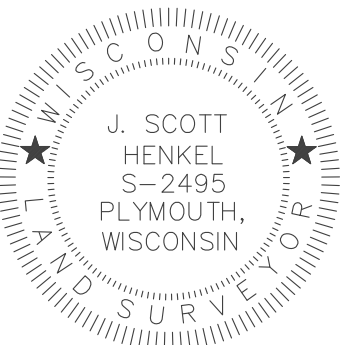
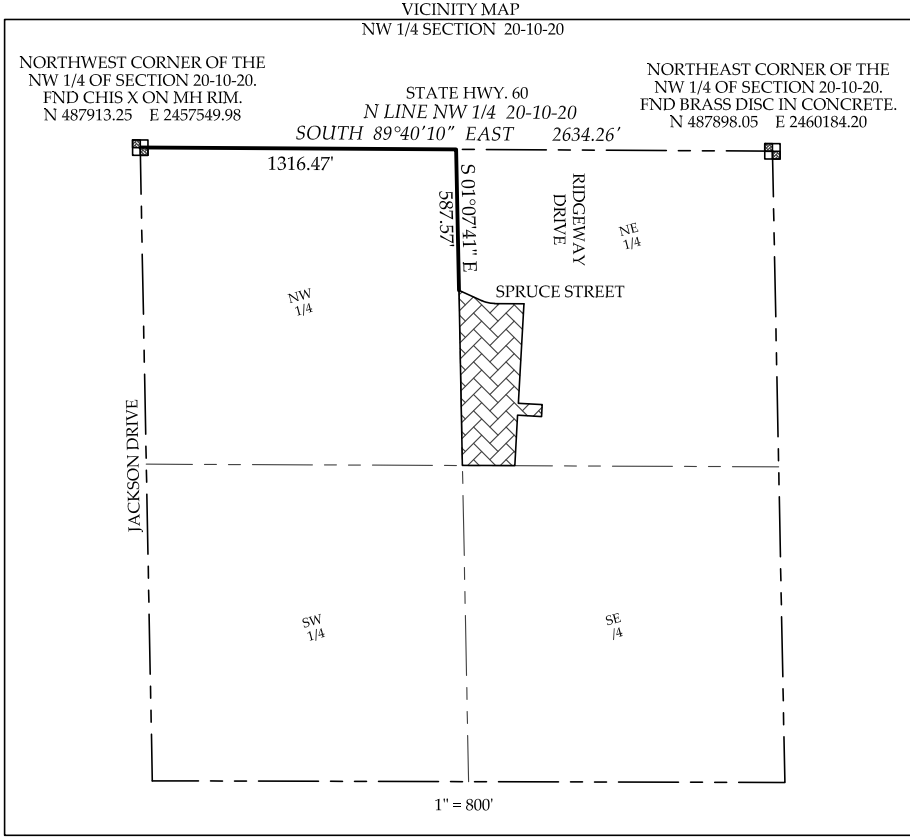
OUTLOT 6 OF THE OAKS OF JACKSON.

CONTAINING 172,927 SQUARE FEET / 3.9699 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE MAP PREPARED IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND
SURVEYED AND THE SUBDIVISION OF IT, AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE
WISCONSIN STATUTES, AND THE VILLAGE OF JACKSON SUBDIVISION ORDINANCE.

J. SCOTT HENKEL, PLS 2495

CURVE	LOCATION	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	DELTA	TANGENT IN	TANGENT OUT
A	OUTLOT 6	55.68'	133.00'	S 77°40'33" E	55.27'	23°59'09"	S 65°40'58" E	S 89°40'07" E
B	CL	52.77'	100.00'	S 71°38'08" E	52.162'	30°14'10"	S 86°45'13" E	S 56°31'03" E
	LOT 12	60.69'	115.00'	S 71°38'08" E	59.986'	30°14'10"	S 86°45'13" E	S 56°31'03" E
	LOT 13	44.86'	85.00'	N 71°38'08" W	44.338'	30°14'10"	N 56°31'03" W	N 86°45'13" W
C	CL	52.77'	100.00'	S 71°38'08" E	52.162'	30°14'10"	S 86°45'13" E	S 56°31'03" E
	LOT 12	44.86'	85.00'	S 71°38'08" E	44.338'	30°14'10"	S 86°45'13" E	S 56°31'03" E
	LOT 13	60.69'	115.00'	N 71°38'08" W	59.986'	30°14'10"	N 56°31'03" W	N 86°45'13" W
D	OUTLOT 6	16.97'	50.00'	S 14°22'41" W	16.889'	19°26'46"	S 24°06'04" W	S 4°39'18" W



PSE
122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com
FH: HB-20-26 Date: 3/27/25

SHEET 1 OF 2

PRELIMINARY PLAT OF
TWIN VILLAS OF THE OAKS OF JACKSON

OUTLOT 6 OF THE OAKS OF JACKSON BEING PART OF THE NORTHEAST 1/4 OF
THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 20 EAST,
VILLAGE OF JACKSON, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by

_____, Grantor, to

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee,

_____, Grantee, and

_____, Grantee

_____, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

NOTES

1. ALL SIDE YARD GRADES MUST BE ADHERED TO, COINCIDENT WITH THE APPROVE MASTER GRADING PLAN FOR THE SUBDIVISION TO ENSURE PROPER STORMWATER DRAINAGE.
2. ALL HOMES SHALL HAVE DRIVEWAYS PITCHED TO THE STREET.
3. ALL ELECTRIC, TELEPHONE, AND COMMUNICATION DISTRIBUTION LINES AND LATERALS INCLUDING CATV CABLES, CONSTRUCTED AFTER THE RECORDING OF THIS SUBDIVISION PLAT SHALL BE PLACED UNDERGROUND.
4. THE LOTS OF THIS SUBDIVISION MAY EXPERIENCE NOISE AT LEVELS EXCEEDING THE LEVELS IN S. TRANS 405.04, TABLE 1. THESE LEVELS ARE BASED ON FEDERAL STANDARDS. THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR ABATING NOISE FROM EXISTING STATE TRUNK HIGHWAYS OR CONNECTING HIGHWAYS, IN THE ABSENCE OF ANY INCREASE BY THE DEPARTMENT TO THE HIGHWAYS THROUGH-LANE CAPACITY.

COUNTY TREASURER'S CERTIFICATE

I, SCOTT M. HENKE, BEING THE DULY ELECTED, QUALIFIED, AND ACTING TREASURER OF WASHINGTON COUNTY, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF

THIS _____ DAY OF _____, 202____, AFFECTING THE LAND INCLUDED IN THE PLAT OF **TWIN VILLAS OF THE OAKS OF JACKSON.**

SCOTT M. HENKE, COUNTY TREASURER

VILLAGE OF JACKSON TREASURER CERTIFICATE

I, **DARLENE SMITH**, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE VILLAGE OF JACKSON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR

UNPAID SPECIAL ASSESSMENTS AS OF _____ ON ANY OF THE LAND INCLUDED IN THE PLAT OF **TWIN VILLAS OF THE OAKS OF JACKSON.**

DARLENE SMITH, VILLAGE TREASURER

DATE _____

WASHINGTON COUNTY LAND USE & PLANNING COMMITTEE CERTIFICATE

THIS PLAT IS HEREBY APPROVED BY THE WASHINGTON COUNTY LAND USE & PLANNING COMMITTEE AS BEING IN CONFORMANCE WITH CHAPTER 257 LAND DIVISIONS OF THE WASHINGTON COUNTY CODE.

DATED THIS _____ DAY OF _____, 202____.

CARROLL MERRY, CHAIR

Date: April 7, 2026

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 – Article 5, Specific Review Procedures, dated 04-07-2026

At your November 2025 meeting, we reviewed a summary table that provided an at-a-glance overview of the type, frequency, authority, and appeals process for each of the review procedures in the zoning code. Based on the input received at that time, we have prepared the initial draft of Article 5.

The content is designed to allow anyone to look at a review procedure to find out everything they'll need to know to navigate the review procedure. You'll see that there are common provisions that apply to many of the procedures, such as.

- Who can submit an application?
- What is the review process? And who's involved?
- Can an approval be amended?
- Can a decision be appealed?

Some of the more commonly used procedures also have a simple flowchart to show the major steps in the process.

As a reminder, the Plan Commission would have the authority to review and decide on conditional uses.

Attachment:

- Article 5, dated 04-07-2026

ARTICLE 5 SPECIFIC PROCEDURAL REQUIREMENTS

Divisions

- | | |
|--|---|
| 1. Zoning code amendment | 13. Registration of a nonconforming use |
| 2. Planned development district | 14. Conversion of a nonconforming use |
| 3. Conditional use | 15. Zoning permit |
| 4. Wireless telecommunication facility – Class 1 collocation and new tower | 16. Occupancy permit |
| 5. Wireless telecommunication facility – Class 2 collocation | 17. Termination of approval |
| 6. Wind energy system review | 18. Code interpretation |
| 7. Community living arrangement review | 19. Administrative appeal |
| 8. Site plan review | 20. Variance |
| 9. Architectural plan review | 21. Reasonable accommodation |
| 10. Administrative adjustment | 22. Determination of navigability |
| 11. Special exception | 23. Determination of ordinary high-water mark |
| 12. Expansion of a nonconforming building | |

DIVISION 1 ZONING CODE AMENDMENT

50-300 Generally

From time to time, it may be necessary or desirable to amend the text of this chapter and the zoning map. This division describes the procedures and requirements to amend this chapter and the zoning map.

50-301 Initiation

- a. **Text amendment.** An amendment to the text of this chapter may be initiated by (1) any property owner in the Village, (2) the Village Board or any Trustee, (3) the Plan Commission or any member of the commission, (4) the Zoning Board of Appeals or any member of the board; and (5) the Zoning Administrator.
- b. **Map amendment (rezoning).** An amendment to the zoning map may be initiated by (1) the owner of the property to be affected, (2) the Village Board or any Trustee, (3) the Plan Commission or any member of the commission, (4) the Zoning Board of Appeals or any member of the board; and (6) the Zoning Administrator.

50-302 Review procedure ^[1]

The general steps below describe the process for reviewing an application to amend the zoning regulations, including the zoning map.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a complete application to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Distribution to Department of Natural Resources.** If the proposed amendment would revise floodplain or shoreland-wetland regulations in this chapter, the Zoning Administrator sends a copy of the application to the regional office of the Wisconsin Department of Natural Resources within 5 workdays of receipt.

4. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

5. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.

6. **General notice by type of application.** If a proposed amendment would revise the text of this chapter, the Zoning Administrator provides for (i) a class 2 public notice, (ii) distribution list notice, and (iii) meeting agenda notice consistent with Article 4. If a property owner initiates a proposed amendment that would revise the zoning map, the Zoning Administrator provides for (i) class 2 public notice, (ii) property owner notice, (iii) distribution list notice, and (iv) meeting agenda notice consistent with Article 4. If the Village initiates a proposed amendment that would revise the zoning map, the Zoning Administrator provides for (i) class 2 public notice, (ii) distribution list notice, and (iii) meeting agenda notice consistent with Article 4.

7. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any other person upon request.

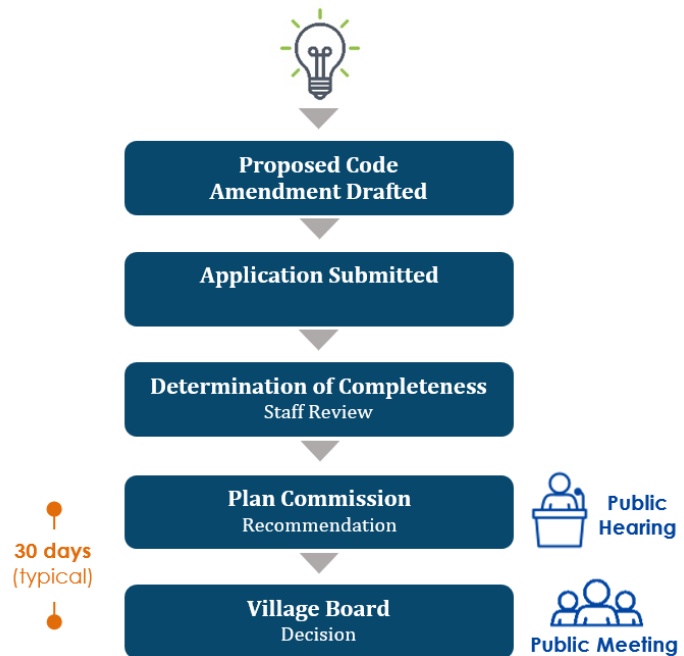
8. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.

9. **Plan Commission recommendation.** After the public hearing has been closed, the Plan Commission makes a recommendation to the Village Board, based on the decision criteria in this division, to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment. In making its determination, the Commission will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any.

10. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Village Board.

11. **Village Board meeting.** Allowing for proper notice, the Village Board considers the application at a regular or special meeting.

General Flowchart for Zoning Code Amendment



12. **Decision.** The Village Board makes a decision, based on the decision criteria in this division, to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment. In making its determination, the Board will consider the information submitted by the applicant, the Plan Commission's recommendation, any public comments made at the public hearing, and the staff report, if any.
13. **Required vote with downzoning.** An amendment must be approved by at least two-thirds of the members-elect if the amendment would decrease the development density of the land to be less dense than was allowed under its previous usage or that would reduce the number of permitted uses of the land to fewer uses than were allowed under its previous usage. If the property owner requests or agrees to the downzoning, the ordinance may be enacted by a simple majority of the members-elect.^[2]
14. **Preparation of decision document.** If the Village Board approves the proposed amendment, the Zoning Administrator prepares a final ordinance for signature.
15. **Applicant notification.** Within a reasonable time following the Village Board's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
16. **Notification to Department of Natural Resources.** If the proposed amendment is approved and modifies the floodplain regulations in this chapter, the Zoning Administrator sends a copy of the ordinance to the regional office of the Wisconsin Department of Natural Resources via regular mail and/or email within 10 calendar days of the date of decision.
17. **Preparation of new zoning map.** If the proposed amendment is approved and modifies the zoning map, a new zoning map is prepared consistent with Article 6.

Editorial notes:

[1] See § 62.23 (7)(d), Wis. Stats.

[2] See § 66.10015 (3), Wis. Stats.

50-303 Effective date of adopted ordinance

An adopted ordinance shall take effect as prescribed in state law.

50-304 Basis of decision

- a. **Generally.** The adoption of a zoning code, along with any amendments to it, is a legislative action taken within parameters established by state statutes, federal law, and court rulings. To help guide the review of a proposed code amendment, various factors are listed below which can be used to the extent deemed appropriate in exercising the Village's legislative discretion.
- b. **Text amendment.** If a proposed amendment would revise the text of this chapter, the Plan Commission, in making its recommendation, and the Village Board, in making its decision, should consider the following factors, as applicable:
 - (1) whether the amendment is consistent with the Village's comprehensive plan;
 - (2) whether the amendment is consistent with other planning documents adopted by the Village Board;
 - (3) whether this chapter with the amendment is internally consistent;
 - (4) whether the amendment is the least restrictive approach to address issues of public health, safety, and welfare;
 - (5) the extent to which the text amendment will likely create new nonconforming uses and structures;
 - (6) if the proposed amendment relates to shoreland-wetland regulations, whether the chapter as amended complies with § 62.231, Wis. Stats.; Ch. NR 117, Wis. Admin. Code; and other state laws;
 - (7) whether the proposed amendment is needed to comply with a new or revised state or federal law; and
 - (8) any other factor not specifically or generally listed but deemed appropriate by the Plan Commission or Village Board given the circumstances.
- c. **Zoning map amendment.** If a proposed amendment would revise the zoning map, the Plan Commission, in making its recommendation, and the Village Board, in making its decision, should consider the following factors, as applicable:

- (1) whether the amendment is consistent with the Village's comprehensive plan, including future land use maps or similar maps;
- (2) whether the amendment is consistent with other planning documents adopted by the Village Board;
- (3) the extent to which the amendment will or will likely increase or decrease the number of nonconforming uses and structures; and
- (4) any other factor not specifically or generally listed but deemed appropriate by the Plan Commission or Village Board given the circumstances.

d. Special review criteria for amendments to the shoreland-wetland overlay district boundary. To ensure this chapter remains consistent with the shoreland protection objectives of § 281.31, Wis. Stats., the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland 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.

50-305 Imposition of conditions

- a. Generally.** The Plan Commission may recommend, and the Village Board may impose, one or more conditions of approval deemed necessary to grant approval.
- b. Mandatory conditions of approval relating to certain existing land uses.** If a property owner applies for a zoning map amendment and the current land use on the subject property is not permitted in the proposed zoning district, that use must be removed as a condition of approval. If the existing land use is considered a conditional use in the proposed zoning district, the property owner must, as a condition of approval, submit a conditional use application and obtain approval for that land use. If conditional use approval is not granted, the use must be removed as a condition of approval.

50-306 Staff report content

The staff report should include the following:

- (1) preliminary findings for the decision criteria listed in this division,
- (2) a preliminary recommendation for approval or denial,
- (3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and
- (4) other information deemed necessary.

50-307 Appeal

An aggrieved person may appeal the Village Board's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-308 through 50-324 reserved

DIVISION 2 PLANNED DEVELOPMENT DISTRICT

50-325 Generally

A planned development district allows for more flexibility in the development of land while ensuring substantial compliance with the intent of this chapter and the Village's comprehensive plan. As further described in Article 8, the following may be reviewed as a planned development district:

- (1) conventional planned development district,
- (2) cottage housing project,
- (3) adaptive reuse project,
- (4) traditional neighborhood design (TND) project, and
- (5) cluster subdivision.

50-326 Development agreement

If a planned development district is established pursuant to this division, the Village and developer may enter into a development agreement that specifies the duties and obligations of both parties with respect to the development project.

50-327 Coordination with land division requirements

If the project involves a land division, the developer must submit a preliminary plat or a certified survey map as set forth in Chapter 38 of the municipal code at the same time the general development plan is submitted for review. This requirement is intended to ensure the project as intended will be able to comply with all applicable land division requirements. Review of the preliminary plat or certified survey map will occur as a separate action

50-328 Implementation schedule and project phasing

- a. **Application materials.** If project phasing is proposed, the applicant must include with the application a proposed implementation schedule identifying the anticipated commencement and completion dates for each phase, along with any related details necessary to evaluate the timing and coordination of the overall development.
- b. **Development agreement.** Depending on the nature of the project, the development agreement should incorporate an implementation schedule and address project phasing as appropriate.

50-329 Review procedure

Establishment of a planned development district involves a two-step process. The review of a proposed project begins with a general development plan. If the general development plan is approved (i.e., an ordinance is adopted), a final development plan for all or a part of the project is reviewed. If the final development plan is approved, the project is officially approved. The general steps below describe the process for reviewing an application for a planned development district.

Step One – General Development Plan

1. **Neighborhood meeting.** Before submitting an application, the applicant or the applicant's agent may hold a neighborhood meeting as described in Article 4.
2. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
3. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
4. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the

applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

5. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
6. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
8. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research related to the proposed district.
9. **Plan Commission recommendation.** After the public hearing has been closed, the Plan Commission makes a recommendation to the Village Board, based on the decision criteria in this division, to (i) approve the general development plan, subject to approval of a final development plan; (ii) approve the general development plan with conditions, subject to approval of a final development plan; or (iii) deny the general development plan. In making its determination, the Commission will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any.
10. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Village Board.
11. **Preparation of ordinance.** If the Plan Commission recommends approval, the Zoning Administrator prepares a draft ordinance.

General Flowchart for General Development Plan



12. **Village Board meeting.** Allowing for proper notice, the Village Board considers the application at a regular or special meeting.
13. **Decision.** The Village Board makes a decision, based on the decision criteria in this division, to (i) approve the general development plan, subject to approval of a final development plan; (ii) approve the general development plan with conditions, subject to approval of a final development plan; or (iii) deny the general development plan. In making its determination, the Board will consider the information submitted by the applicant, the Plan Commission's recommendation, any comments made at the public hearing, and the staff report, if any.
14. **Preparation of decision document.** If the general development plan is approved, the Zoning Administrator prepares a final ordinance for signature.
15. **Applicant notification.** Within a reasonable time following the Village Board's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

Step Two – Final development plan

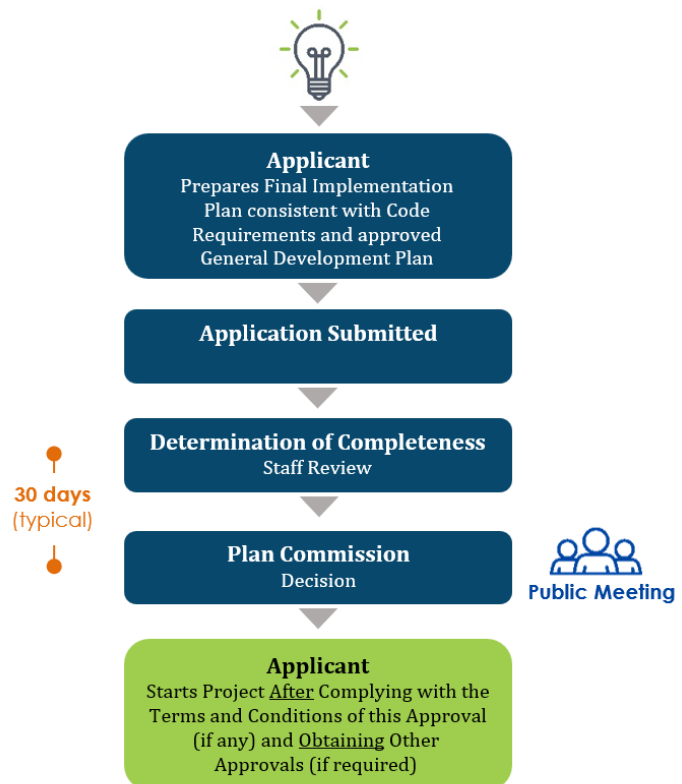
1. Submittal of final development plan.

The applicant submits a final development plan and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board. At the discretion of the applicant, such materials may be submitted concurrently with the review of the general development plan.

2. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

3. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
4. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.

General Flowchart for Final Development Plan



5. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division that evaluates whether the final development plan is consistent with the approved general development plan and the suitability of the proposed plan given the additional information provided in the plan and supplemental materials. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission reviews the final development plan and the staff report, if any.
7. **Plan Commission decision.** If the final development plan is deemed to be consistent with the general development plan, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the final development plan, (ii) approve the final development with conditions, or (iii) deny the final development plan.
8. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division.
9. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-330 Basis of decision

- a. **General development plan.** The review of a general development plan for a proposed planned development district is a legislative action carried out within the framework of this code, applicable state statutes, federal law, and relevant court decisions. To help guide this review, a set of factors is provided below. These factors may be considered, as appropriate, in the exercise of the Village's legislative discretion.
 - (1) whether development in the proposed project is in keeping with the spirit and intent of this chapter;
 - (2) whether development in the proposed project is consistent with the Village's comprehensive plan;
 - (3) whether development in the proposed district is consistent with a neighborhood plan or other subarea plan that may have been prepared for land in or near the proposed district;
 - (4) the effects of development in the proposed project on traffic safety and efficiency, both within and outside of the district;
 - (5) whether the proposed plan for development in the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;
 - (6) the extent to which the natural features and open space on the site are preserved;
 - (7) whether development in the proposed project complies with provisions of this chapter and other land development regulations of the Village that may apply;
 - (8) the effects of development in the proposed project on public services and facilities;
 - (9) whether adequate water and sanitary sewer facilities can be provided;
 - (10) the proposed means of maintaining any undeveloped areas of the proposed project for the purpose for which it was set aside;
 - (11) effects of the proposed use on surrounding properties, including existing and anticipated uses;
 - (12) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
 - (13) any other factor that relates to the purposes of this chapter set forth in § 46-05 or as allowed by state law.
- b. **Final development plan.** If the Village Board approves a general development plan, the Plan Commission in their review of the final development plan should consider the factors listed below.
 - (1) Whether the final development plan is consistent with the approved general development plan.
 - (2) Whether the final development plan is consistent with the standards in Article 9.

- (3) Whether the final development plan is consistent with the approved phasing and development timing.
- (4) Whether the final development plan is consistent with the development standards in this code as applicable.

50-331 Imposition of conditions

- a. **Generally.** The Plan Commission may recommend, and the Village Board may impose, conditions of approval deemed necessary to grant approval. Such conditions may relate to any of the factors it considered in reaching its decision. In addition, the Plan Commission may recommend and the Village Board may require the provision of off-site exactions that may be necessary to approve the establishment of the planned development district project.
- b. **Effect on contracts with another party.** The Village Board may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-332 Staff report content

The staff report should include the following:

- (1) preliminary findings for the decision criteria listed in this division,
- (2) a preliminary recommendation for approval or denial,
- (3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and
- (4) other information deemed necessary.

50-333 Effect of approval

The approval of a planned development district runs with the land and is binding on all future property owners.

50-334 Effect of approved planned development district on land division standards

Development in a planned development district is subject to the Village's land division regulations to the extent applicable, except that the Plan Commission or Village Board may waive a development standard in the land division regulations as provided therein.

50-335 Expiration of an approval

If any portion of a planned development district that can be developed remains substantially undeveloped 5 years after the date of the final approval required for completion of the project, the Village Board may rescind the approval, in whole or in part, following a public hearing with a 30-day notice to the property owner. Upon petition and with cause, the Village Board may grant a one-time extension, not to exceed 2 years.^[1] If the Village Board rescinds an approval, undeveloped lands in the district must be reclassified based on the zoning regulations in effect at that time. Developed portions of the planned development district may either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

Editorial notes:

[1] See § 66.10015 (5)23 (7)(gm), Wis. Stats.

50-336 Amendment of an approved general development plan

A general development plan may be amended by following the review procedures in effect at the time of application.

50-337 Amendment of an approved final development plan

- a. **Generally.** The property owner may submit an application to propose a change to a previously issued approval for a final development plan.
- b. **Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Zoning Administrator is authorized to review and act on the petition with notice to the Plan Commission.
- c. **Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-338 Appeal

- a. **General development plan.** An aggrieved person may appeal the Village Board's decision for the general development plan by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. **Final development plan.** An aggrieved person may appeal the Plan Commission's decision for the final development plan by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- c. **Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-337 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-339 through 50-399 reserved**DIVISION 3
CONDITIONAL USE****50-400 Generally**

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

50-401 Applicability and restrictions

- a. **General applicability.** Those land uses designated as a conditional use in the land use matrix (Appendix A) must comply with the requirements in this division.
- b. **Limitation due to nonconforming lot.** If an existing lot is considered a nonconforming lot (e.g., due to lot area or lot width), conditional uses are not allowed unless the Plan Commission determines, on a case-by-case basis, that the specific nonconformity does not impact the lot's suitability for the proposed conditional use. A favorable determination does not influence or predetermine the Plan Commission's ultimate decision on the conditional use application under this division.
- c. **Limitation due to a nonconforming use on the lot.** If an existing lot has a nonconforming use, conditional uses are not allowed, unless the Plan Commission determines, on a case-by-case basis, the non-conforming use and the proposed conditional use are compatible. A favorable determination does not influence or predetermine the Plan Commission's ultimate decision on the conditional use application under this division.
- d. **Limitation due to existing conditional use on the lot.** If an existing lot has an approved conditional use, all other conditional uses are not allowed, unless the Plan Commission determines, on a case-by-case basis, that the existing and proposed conditional uses are compatible. A favorable determination does not influence or predetermine the Plan Commission's ultimate decision on the conditional use application under this division.

50-402 Review procedure

The general steps below describe the process for reviewing a conditional use application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Neighborhood meeting.** If the scope of the project is comparatively large or the proposed use has the potential of affecting other properties in the area, the applicant may conduct a neighborhood meeting as described in Article 4.
3. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.

4. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

5. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.

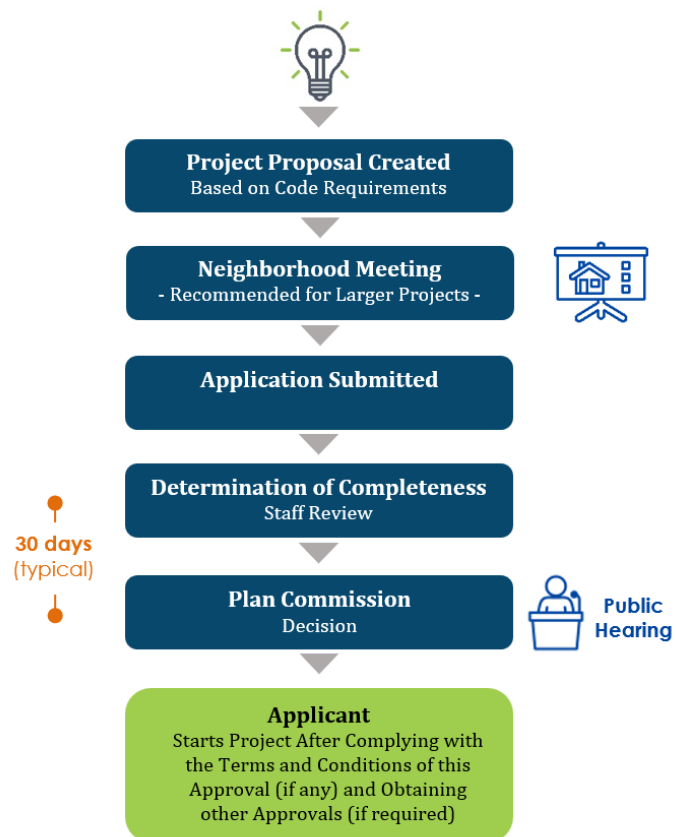
6. **Staff report preparation and distribution.**

The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.

7. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.

8. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may

General Flowchart for Conditional Use



direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.

9. **Decision.** After the public hearing has been closed, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the conditional use; (ii) approve the conditional use; or (iii) deny the conditional use. In making its determination, the Commission will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any.
10. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
11. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
12. **Acceptance by property owner.** If the application is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return the same to the Zoning Administrator within 4 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the Zoning Administrator requesting an extension and the Zoning Administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the Village at the expiration of such time limit.
13. **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the decision document is recorded against the subject property in the register of deeds office for Washington County.

50-403 Basis of decision

The Plan Commission, in making its decision, should consider whether the proposal complies with:

- (1) the standard conditions of approval set forth in § 50-405,
- (2) each of the special conditions of approval set forth in § 50-406,
- (3) each of the performance standards set forth in Article 15,
- (4) each of the development standards prescribed for the requested conditional use,
- (5) all other applicable sections of the zoning code, and
- (6) all other applicable sections of the municipal code.

In addition, the Plan Commission must ensure compliance with the following standards:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
- (2) The uses, values, and enjoyment of other property in the surrounding area that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (3) The establishment, maintenance, or operation of the conditional use is compatible with surrounding properties, whether in the same or different zoning districts. In making this determination, the Plan Commission must determine whether the petitioner has demonstrated there are no adverse effects on surrounding properties or that potentially adverse effects have been eliminated or reduced to an acceptable level. Approaches that could be employed to mitigate potentially adverse effects will depend on the circumstances but may include (i) adjusting the location of the use, or parts thereof, on the subject property; (ii) limiting hours of operation; (iii) limiting the size or scope of the use, or parts thereof; (iv) controlling how the use is managed on an on-going basis; (v) providing additional landscaping; (vi) providing additional screening; and (vii) limiting operations conducted out-of-doors, if otherwise allowed.
- (4) The establishment, maintenance, or operation of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the comprehensive plan.

- (5) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
- (6) Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

In making such determination, the personal experience of surrounding property owners may be considered substantial evidence to the extent deemed appropriate.

50-404 Effect of comprehensive plan

While § 66.1001 (2m)(b), Wis. Stats. does not require a conditional use be consistent with the Village's adopted comprehensive plan, the Village encourages consistency.

50-405 Standard terms for an approved conditional use

The terms and conditions listed below are automatically incorporated into a conditional use order authorizing a use, unless otherwise specifically stated in the approval.

- (1) Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for determination.
- (2) No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the municipal governing body, Washington County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein.
- (3) This conditional use order does not constitute a building permit or any license or other permit required by Village ordinance or other law.
- (4) The approved conditional use shall be confined to the subject property described, without extension or expansion other than as noted herein, and may not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
- (5) The property shall comply with all rules and regulations of the Village and the local fire department, including submission to routine inspections by the Village staff and fire department staff.
- (6) Prior to the execution of the conditional use permit, the applicant must obtain any and all approvals that must be obtained before the use may be established or the commencement of any land-disturbing activity related to the approved conditional use.
- (7) Should the permitted conditional use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village Board, pursuant to the enforcement provisions of this conditional use order, and all applicable ordinances.
- (8) Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- (9) Unless this conditional use order expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.

- (10) As a condition precedent to the issuance of the conditional use permit, the owner of the subject property must approve the issuance of this conditional use order upon the terms and conditions described herein in writing, and the petitioner is required to accept the terms and conditions of the same in its entirety in writing.
- (11) The petitioner must, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this application, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Village is required to take to enforce the conditions in this conditional approval due to a violation of these conditions.
- (12) Any unpaid bills owed to the Village by the subject property owner or their tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within 30 days of billing by the Village, pursuant to § 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of this approval.
- (13) The petitioner must file with the Village Clerk a current mailing address and current phone number at which the petitioner can be reached, which must be continually updated by the petitioner if such contact information should change, for the duration of the conditional use. If the petitioner fails to maintain such current contact information, the petitioner thereby automatically waives notice of any proceedings that may be commenced under this approval, including proceedings to terminate this conditional use.
- (14) All conditions of approval imposed by duly adopted motion of the Plan Commission in its consideration of the petitioner's application, as noted in the minutes of the Plan Commission meeting at which approval was granted, are specifically incorporated herein by reference.
- (15) Should any paragraph or phrase of this conditional use order be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph will not void the rest of the approval and the remainder shall continue in full force and effect.
- (16) If any aspect of this conditional use order or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
- (17) If the property owner/operator is a business entity, such as a limited liability company or a corporation, such entity shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions. (Verify)
- (18) The property owner may not change the size and/or shape of the subject property by any means without the approval of the Plan Commission. If the Plan Commission determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.
- (19) This approval is given under the Village's zoning code and is not to be, in any way, interpreted to abrogate any private rights other property owners may have pursuant to an easement or a deed restriction.
- (20) If this conditional use terminates for any reason, the property owner must remove equipment, buildings, structures, or any improvements specifically related to the conditional use and which cannot be utilized for an approved use (i.e., a use permitted by right or a different conditional use as approved).
- (21) In the event the subject property is found to be in violation and then brought into compliance, the Plan Commission reserves the right to impose periodic reviews to ensure continued compliance.
- (22) Following approval, the petitioner must comply with any requests for self-certification as described in § 50-412.

50-406 Special conditions of approval

- a. Generally.** Based on substantial evidence, the Plan Commission may impose one or more conditions of approval deemed necessary to grant approval. Conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Examples of such conditions may include, but are not limited to, the following.

Issue	Potential condition
1. Hours of operation	Limit hours of operation to hours to be more compatible with surrounding uses.
2. Buffering	Require more of a buffer than what is otherwise required by this chapter. Buffering may include landscaping, walls or fences, berms, and other features to physically separate adjoining uses.
3. Maximum floor area	Establish a maximum floor area that may be less than what is otherwise allowed.
4. Maximum number of patrons	Limit the size of the use by establishing maximum patron loads, often by seats and/or tables.
5. Uses within buildings	Limit commercial uses to the first floor of a multistory building.
6. Number and/or location of entrances	Design the site and building so that entrances are located in areas away from adjoining properties.
7. Outdoor activity	Restrict locations and/or times of outdoor activity.
8. Outdoor storage	Establish a maximum area for outdoor storage that may be less than what is otherwise allowed.
9. Take-out food service	Prohibit drive-up service windows and/or walk-up service windows in certain areas of the property (e.g., near a residential use). If these are allowed, limitations could be set.
10. Delivery services	Prohibit delivery services that entail frequent trips or establish upper limits on the activity.
11. Signage	Prohibit signage in areas of the property that may cause an impact on surrounding areas.

- b. Limitation on imposing conditions.** A condition of approval may not lessen a development standard or other requirement in this chapter.

- c. Effect on contracts with another party.** The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-407 Financial guarantee

- a. Generally.** The Plan Commission may require a financial guarantee as set forth in Article 4 to remove a building, structure, or other improvement that may pose a hazard or nuisance after a conditional use has been terminated or abandoned, unless otherwise required by an applicable state law or administrative code provision. Any such financial guarantee must expressly state that it will remain in full force and effect for a period of at least 6 months after the Village receives a written notice of an expiration or termination of the financial guarantee. The applicant must remove any equipment or structure placed or erected pursuant to a conditional use order that may pose a hazard or nuisance after the use has been abandoned or revoked but not less than 30 days prior to termination or expiration of the financial guarantee.

- b. Amount.** Unless specifically stated in the zoning code, the amount of the financial guarantee is based upon the estimated cost of the removal of the equipment, building or structure, or any other improvement plus 20 percent.

50-408 Staff report content

The staff report should include the following:

- (1) preliminary findings for the decision criteria listed in this division,
- (2) a preliminary recommendation for approval or denial,
- (3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and
- (4) other information deemed necessary.

50-409 Content of decision document

- a. Approval.** If the application for a conditional use is approved, the decision document may include the following:

- (1) a statement that the conditional use is approved;
- (2) a description of the conditional use;
- (3) a description of where the conditional use will occur on the property;
- (4) reasons for the decision based on the criteria listed in this division;
- (5) conditions of approval that must be satisfied prior to the establishment of the conditional use, if any;
- (6) conditions of approval that must be complied with during the life of the conditional use, if any;
- (7) a statement indicating that the property owner must sign the decision document and return it to the Zoning Administrator to acknowledge acceptance of the same;
- (8) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (9) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (10) a statement indicating the nature of the approval (i.e., personal to the property owner or runs with the land);
- (11) other information the Plan Commission or Zoning Administrator deems appropriate;
- (12) the signature of the Zoning Administrator; and
- (13) the date of the decision.

- b. Denial.** If the application for a conditional use is denied, the decision document may include, but not necessarily be limited to, the following:

- (1) a statement that the conditional use is denied,
- (2) a description of the project, including acreage and proposed use characteristics,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Plan Commission or Zoning Administrator deems appropriate,
- (7) the signature of the Zoning Administrator, and
- (8) the date of the decision.

50-410 Term for an approval

- a. **Generally.** A conditional use order authorizing a conditional use runs with the land unless otherwise specified in the conditional use order.
- b. **Change in term as part of renewal.** If a term is specified in a conditional use order (i.e., the approval is not permanent), the Plan Commission during the renewal process may revise the term to be a longer period (e.g., change renewal from 5 years to 10 years) or make the approval permanent (e.g., remove the renewal requirement from the order).
- c. **Administrative renewal.** The order may describe an administrative renewal process to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the conditional use order from administrative renewal if there are concerns with compliance with the conditional use order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the conditional use order from administrative renewal, the conditional use order will remain in effect while the Plan Commission provides due process to the applicant in reviewing the conditional use order and its potential renewal.
- d. **Temporary uses.** If a use is listed as a temporary use in the land use matrix (Appendix A) and is approved by the Plan Commission as a conditional use, the use may be re-established with the written approval of the Zoning Administrator if they determine that the use to be re-established is substantially the same as what was originally approved and that the approved use did not create any potentially adverse impacts on the public health, safety, or welfare

50-411 Expiration of an approval

- a. **Commencement of work.** A conditional use approval automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.
- b. **Completion of work.** If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator should initiate the process to terminate the approval as outlined in Division 17 of this article.
- c. **Cessation.** If the Zoning Administrator determines that an approved conditional use has not been in operation for more than 12 consecutive months, they should begin the process to terminate the approval as outlined in Division 17 of this article.

50-412 Self-certification

- a. **Generally.** To ensure compliance with this zoning code and any conditions of approval, the Zoning Administrator may, from time to time, submit a written request to the property owner and, if different, the operator for information regarding the approved conditional use. Self-certification allows the property owner and, if different, the operator the opportunity to identify and correct any aspect of their use that may not fully comply before the Village initiates enforcement proceedings. The purpose of self-certification is to encourage accountability, streamline administrative oversight, and promote transparency and public trust.
- b. **Nature of self-certification.** Submission of a self-certification does not prevent the Village from initiating enforcement action it deems appropriate.
- c. **Failure to comply.** If the property owner and, if different, the operator fail to submit a self-certification response within the time period specified in the request, the Village may initiate enforcement actions, including revocation, suspension of permits, or other remedies authorized under this zoning code or state law.

50-413 Amendment of an approved conditional use

- a. **Generally.** The property owner may submit an application to propose a change to a previously issued approval for a conditional use.

- b. **Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.
- c. **Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-414 Appeal

- a. **Plan Commission decision.** An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. **Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-413 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-415 through 50-424 reserved

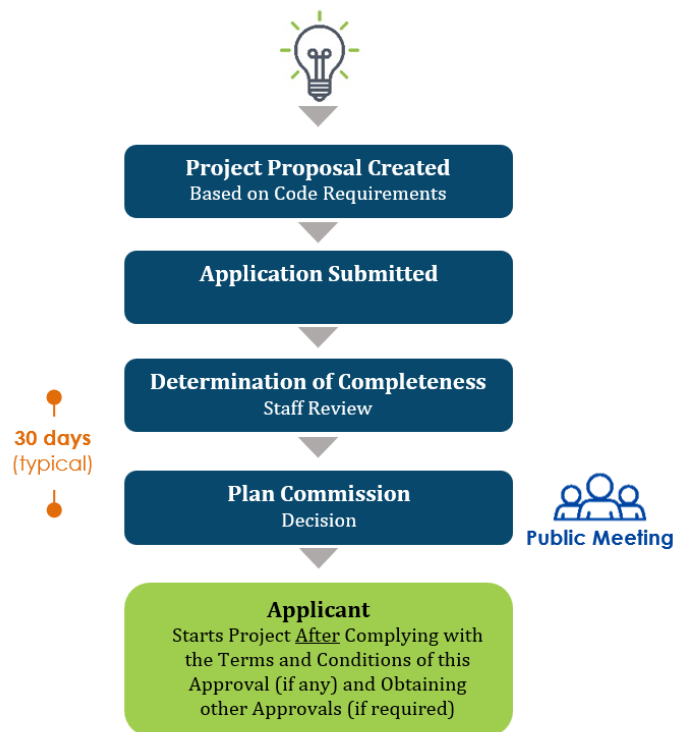
DIVISION 4 WIRELESS TELECOMMUNICATION FACILITY – CLASS 1 COLLOCATION AND NEW TOWER

50-425 Review procedure

The general steps below describe the process for reviewing an application for a Class 1 collocation and a new telecommunication tower.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is

General Flowchart for Class I Collocation and New Tower



ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Decision.** After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application.
8. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
9. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
10. **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the decision document is recorded against the subject property in the register of deeds office for Washington County.

In the event an applicant believes the Village has exceeded its authority as described in § 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA § 1455, the applicant must notify the Zoning Administrator in writing and the reviewing authority reserves the right to reconsider the matter to ensure that applicable laws are followed.

50-426 Application form

An application form for a Class 1 collocation and a new telecommunication tower must include the following information as appropriate:

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The location of the proposed tower or affected tower.
- (3) The location of the proposed mobile service facility.
- (4) If an application is to substantially modify an existing telecommunication tower, a construction plan which describes the proposed modifications to the tower, and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- (5) If an application is to construct a new telecommunication tower, a construction plan which describes the proposed tower and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
- (6) If an application is to construct a new telecommunication tower, an explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

50-427 Imposition of conditions

- a. **Generally.** The reviewing authority may impose one or more conditions of approval deemed necessary to grant approval. Such conditions may relate to any aspect of the use that impacts the public health, safety, or general welfare, subject to subsection (B) below.
- b. **Limitations.** The reviewing authority may not impose any of the following as a condition of approval:

- (1) A requirement relating to environmental testing, sampling, or monitoring.
- (2) A requirement relating to radio frequency emissions.
- (3) A requirement to pay a reoccurring fee.
- (4) A requirement that the structure or mobile service facility owner must provide space on or near the structure for the use of or by the Village at less than the market rate, or to provide the Village other services via the structure or facilities at less than the market rate.
- (5) Limit the duration of the approval.
- (6) A requirement that the applicant must indemnify or insure the Village in connection with the political subdivision's exercise of its authority to approve the application.
- (7) A requirement that the applicant must give the Village the right to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the Village or an entity in which the Village has a governance, competitive, economic, financial, or other interest.

50-428 Staff report content

The staff report should include the following:

- (1) preliminary findings for the decision criteria listed in this division,
- (2) a preliminary recommendation for approval or denial,
- (3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and
- (4) other information deemed necessary.

50-429 Fees

- a. **Professional service reimbursement.** Costs incurred by the Village in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application may be charged to the applicant as allowed by state law.
- b. **Limitation on fees.** The total of all fees, excluding professional service reimbursement, associated with the review of an application may not exceed the limits established by § 66.0404 (4)(d), Wis. Stats.

50-430 Expiration of an approval

- a. **Non-establishment.** If the Zoning Administrator determines that substantial work as authorized by the approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, they must initiate the process to terminate the approval pursuant to Division 17 of this article. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 6 months, provided (1) the permit holder requests the extension prior to the expiration of the approval, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.
- b. **Cessation.** If the Zoning Administrator determines that a wireless telecommunication facility has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, they must initiate the process to terminate the approval pursuant to Division 17 of this article.

50-431 Amendment of an approval

- a. **Generally.** The property owner may submit an application to propose a change to a previously issued approval for a new tower or a Class 1 collocation.
- b. **Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.

- c. **Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-432 Appeal

- a. **Plan Commission decision.** An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. **Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-431 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-433 through 50-449 reserved

DIVISION 5 WIRELESS TELECOMMUNICATION FACILITY – CLASS 2 COLLOCATION

50-450 Review procedure

The general steps below describe the process for reviewing a Class 2 collocation application .

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision.** The Zoning Administrator makes a decision on the application within 45 days of the date the application is deemed complete, unless the time is extended by the applicant. The decision must be stated in writing. If approval is not granted, the reasons must be stated.

In the event an applicant believes the Village has exceeded its authority as described in § 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA § 1455, the applicant must notify the Zoning Administrator in writing and the reviewing authority reserves the right to reconsider the matter to ensure that applicable laws are followed.

50-451 Expiration of an approval

- a. **Non-establishment.** If the Zoning Administrator determines that substantial work as authorized by the approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, they must initiate the process to terminate the approval pursuant to Division 17 of this article. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 6 months, provided (1) the permit holder requests the extension prior to the expiration of the approval, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

- b. **Cessation.** If the Zoning Administrator determines that a wireless telecommunication facility has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, they must initiate the process to terminate the approval pursuant to Division 17 of this article.

50-452 Amendment of an approval

Following approval, the Zoning Administrator will review proposed changes to an approval consistent with the requirements in this division.

50-453 Fees

- a. **Professional service reimbursement.** Costs incurred by the Village in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application shall be charged to the applicant as allowed by state law.
- b. **Limitation on fees.** The total of all fees, excluding professional service reimbursement, associated with the review of an application may not exceed the limits established by § 66.0404 (4)(d), Wis. Stats.

50-454 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the date of that decision.

50-455 through 50-474 reserved

DIVISION 6 WIND ENERGY SYSTEM REVIEW

50-475 Review procedure

The review of a wind energy system must follow the requirements set forth in Ch. PSC 128, Wis. Admin. Code and § 66.0401, Wis. Stats.

50-476 through 50-499 reserved

DIVISION 7 COMMUNITY LIVING ARRANGEMENT REVIEW

50-500 Generally

Community living arrangements are a special type of congregate housing that is regulated by state law, and which are allowed by right in certain zoning districts and with a discretionary review in others.^[1] This division describes the requirements and procedures for reviewing a community living arrangement that is subject to a discretionary review.

Editorial notes:

[1] See § 62.23 (7)(i), Wis. Stats.

50-501 Review procedure

The general steps below describe the process for reviewing an application for a community living arrangement that is subject to discretionary review.

1. **Pre-submittal meeting.** The applicant or their agent may meet with the Zoning Administrator to and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.

2. **Submittal of application materials.** The applicant submits a completed application to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule
5. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research and prepare any documents it deems necessary.
8. **Plan Commission decision.** After the public hearing has been closed, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the community living arrangement, (ii) approve the community living arrangement, or (iii) deny the community living arrangement. In making its determination, the Commission will consider the information submitted by the applicant, any public comments made at the public hearing, and the staff report, if any.
9. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
10. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-502 Basis of decision

The Plan Commission, in making its decision, must ensure compliance with the following standards:

- (1) The establishment of the community living arrangement will not be detrimental to or endanger the public health, safety or welfare of the Village.
- (2) The establishment of the community living arrangement will not impair or diminish the uses, values, and enjoyment of other property in the surrounding area that are already permitted.
- (3) The establishment of the community living arrangement is compatible with surrounding properties, whether in the same or different zoning districts. In making this determination, the Plan Commission must determine whether the petitioner has demonstrated there are no adverse effects on surrounding properties or that potentially adverse effects have been eliminated or reduced to an acceptable level. Approaches that could be employed to mitigate potentially adverse effects will depend on the particular circumstances but may include (i) adjusting the location of the use, or parts thereof, on the subject property; (ii) limiting the size or scope of the use, or parts thereof; (iii) providing additional landscaping; and (iv) providing additional screening.
- (4) The establishment of the community living arrangement will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Village's comprehensive plan.

50-503 Imposition of conditions

- a. **Generally.** When approving a community living arrangement, the Plan Commission may impose conditions it deems necessary to support the intent and purpose of this chapter.
- b. **Effect on contracts with another party.** The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-504 Content of decision document

- a. **Approval.** If the proposed work is approved, the decision document should include the following:
 - (1) a statement that the proposed work is approved;
 - (2) a description of the project;
 - (3) reasons for the decision based on the criteria listed in this division;
 - (4) conditions of approval, if any;
 - (5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (7) any other information the Plan Commission or Zoning Administrator deems appropriate; and
 - (8) the date of the decision.
- b. **Denial.** If the proposed work is denied, the decision document should include the following:
 - (1) a statement that the proposed work is denied,
 - (2) a description of the proposed work,
 - (3) reasons for the decision based on the criteria listed in this division,
 - (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
 - (5) a statement that the decision may be appealed as provided for in this division,
 - (6) any other information the Plan Commission or Zoning Administrator deems appropriate, and
 - (7) the date of the decision.

50-505 Effect of approval

An approval of a community living arrangement runs with the land and is binding on all future property owners.

50-506 Special provisions for community living arrangements

- a. **Limitations.** Under state law, a Village may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the Village's population, whichever is greater. When that threshold is exceeded, the Village Board may prohibit additional community living arrangements from being located in the Village. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the Village Board may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., and an adult family home certified under § 50.032 (lm)(b), Wis. Stats., are exempt from this provision.^[1]
- b. **Periodic review of existing facilities.** Not less than 11 months but not more than 13 months after the first licensure of an adult family home under § 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the Village Board may make a determination pursuant to § 59.69 (15)(j), Wis. Stats., as

to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the Village Board determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the Village Board may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility must cease operation within 90 days after date of the order, or the date of final judicial review of the order, or the date of the denial of a conditional use permit, whichever is later. The fact that an individual with acquired immunodeficiency syndrome or a positive test for the presences of HIV, as defined in § 252.01 (1M), Wis. Stats., antigen or nonantigenic products of HIV or an antibody to HIV resides in a community living arrangement with a capacity of 8 or fewer persons may not be used under this subsection to assert or prove that the existence of the community living arrangement in the community poses a threat to the health, safety, or welfare of the residents of the Village.^[1]

Editorial notes:

[1] See § 62.23, Wis. Stats.

50-507 Expiration of an approval

- a. **Commencement of work.** An approval for a community living arrangement automatically expires 12 months from the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.
- b. **Completion of work.** If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator should initiate the process to terminate the approval as outlined in Division 17 of this article.

50-508 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-509 through 50-549 reserved**DIVISION 8
SITE PLAN REVIEW****50-550 Generally**

The operational characteristics of a land use and the way in which a land use occupies a lot has a direct effect on the overall functionality of the site, the extent to which the land use can be expanded on the site in the future, effects of the land use on nearby properties, and impacts on existing and anticipated public and private infrastructure. This division describes the requirements and procedures for reviewing a site plan.

50-551 Applicability

Those land uses designated as requiring site plan review (SP) in the land use matrix (Appendix A) must comply with the requirements in this division.

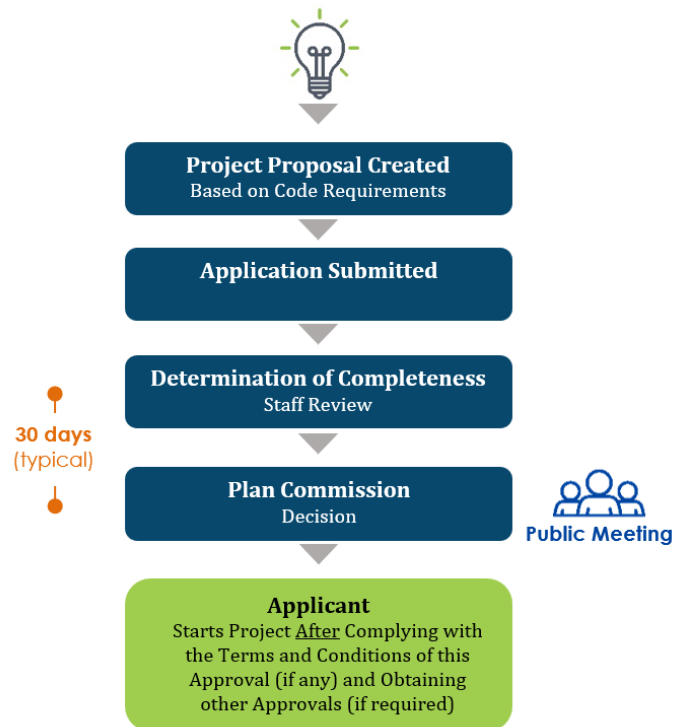
50-552 Review procedure

The general steps below describe the process for reviewing a site plan application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.

2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

General Flowchart for Site Plan Review



4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
7. **Decision.** After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan.
8. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
9. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-553 Basis of decision

The Plan Commission, in making its decision, should consider the following factors, as applicable:

- (1) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (2) effects of the project on the natural environment;

- (3) effects of the project on surrounding properties;
- (4) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use;
- (5) compliance with the general site design principles and requirements in Article 19;
- (6) compliance with the landscaping requirements in Article 20;
- (7) compliance with the parking requirements in Article 21;
- (8) compliance with the outdoor lighting requirements in Article 22;
- (9) compliance with other applicable requirements in this chapter; and
- (10) any other factor that relates to the purposes of this chapter set forth in § 50-05 or as allowed by state law.

50-554 Imposition of conditions

- a. **Generally.** In approving a site plan, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, and revisions to the site design.
- b. **Effect on contracts with another party.** The Plan Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

- [1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-555 Staff report content

The staff report should include the following:

- (1) a description of the proposed project,
- (2) preliminary findings for the decision criteria listed in this division,
- (3) a preliminary recommendation for approval or denial,
- (4) a preliminary list of conditions whether the preliminary staff recommendation is for approval or denial, and
- (5) other information deemed necessary.

50-556 Content of decision document

- a. **Approval.** If the application for a site plan is approved, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the site plan is approved;
 - (2) a description of the land use along with operational characteristics;
 - (3) reasons for the decision based on the criteria listed in this division;
 - (4) conditions of approval, if any;
 - (5) a statement indicating that the property owner and operator, if different, must sign the decision document and return it to the Zoning Administrator to acknowledge acceptance of the same;
 - (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (8) other information the Plan Commission or Zoning Administrator deems appropriate;
 - (9) the signature of the Plan Commission chairperson; and
 - (10) the date of the decision.

b. Denial. If the application for a site plan is denied, the decision document may include, but not necessarily be limited to, the following:

- (1) a statement that the site plan is denied,
- (2) a description of the land use,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Plan Commission or Zoning Administrator deems appropriate,
- (7) the signature of the Plan Commission chairperson, and
- (8) the date of the decision.

50-557 Effect of approval

The approval of a site plan runs with the land and is binding on all future property owners.

50-558 Expiration of an approval

An approval of a site plan automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

50-559 Amendment of an approved site plan

- a. Generally.** The property owner may submit an application to propose a change to a previously issued site plan approval.
- b. Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.
- c. Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-560 Appeal

- a. Plan Commission decision.** An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-559 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-561 through 50-574 reserved

DIVISION 9 ARCHITECTURAL PLAN REVIEW

50-575 Generally

Architectural review is intended to promote high-quality building design and site development that contributes to the visual character of the Village by ensuring that new construction, additions, and exterior alterations are

compatible with surrounding development and comply with the architectural and design standards established in this code.

50-576 Applicability

Those land uses designated as requiring architectural review in the land use matrix (Appendix A) must comply with the requirements in this division. The exterior of an existing building designated as requiring architectural review may be resided or re-roofed with the same or similar type of materials.

50-577 Review procedure

The general steps below describe the process for reviewing an architectural plan application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

General Flowchart for Architectural Plan Review



4. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
5. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
6. **Decision.** After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan.
7. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Commission.

8. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-578 Basis of decision

The Plan Commission in making its decision should determine whether the building complies with all applicable provisions of this chapter.

50-579 Imposition of conditions

- a. **Generally.** In approving an architectural plan, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.
- b. **Effect on contracts with another party.** The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-580 Content of decision document

- a. **Approval.** If the architectural plan is approved, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the architectural plan is approved;
 - (2) a description of the project;
 - (3) reasons for the decision based on the criteria listed in this division;
 - (4) conditions of approval, if any;
 - (5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the Zoning Administrator to acknowledge acceptance of the same;
 - (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (8) other information the Plan Commission or administrator deems appropriate; the signature of the Plan Commission chairperson; and
 - (9) the date of the decision.
- b. **Denial.** If the architectural plan is denied, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the architectural plan is denied,
 - (2) a description of the project,
 - (3) reasons for the decision based on the criteria listed in this division,
 - (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
 - (5) a statement that the decision may be appealed as provided for in this division,
 - (6) other information the Plan Commission or Zoning Administrator deems appropriate,
 - (7) the signature of the Plan Commission chairperson; and
 - (8) the date of the decision.

50-581 Effect of approval

An approval of an architectural plan runs with the land and is binding on all future property owners.

50-582 Expiration of an approval

An approval of an architectural plan automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

50-583 Amendment of an approved architectural plan

- a. **Generally.** The property owner may submit an application to propose a change to a previously issued architectural plan approval.
- b. **Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.
- c. **Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-584 Appeal

- a. **Plan Commission decision.** An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. **Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-583 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-585 through 50-599 reserved

DIVISION 10 ADMINISTRATIVE ADJUSTMENT

50-600 Generally

Upon written petition, the Zoning Administrator may, on a case-by-case basis, approve an administrative adjustment, but only for development standards identified in this chapter as eligible for an administrative adjustment.

50-601 Review procedure

The general steps below describe the process for reviewing an administrative adjustment application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the

fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

4. **Decision.** When the Zoning Administrator determines the application is complete, they will make a decision to (i) approve the administrative adjustment, (ii) approve the administrative adjustment with conditions, or (iii) deny the administrative adjustment.
5. **Applicant notification.** Within a reasonable time following their decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-602 Basis of decision

The Zoning Administrator, in making their final decision, should consider the following factors, as applicable:

- (1) the size of the property in comparison to other properties in the area;
- (2) the extent to which the issuance of the administrative adjustment would be in keeping with the overall intent of this chapter;
- (3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the administrative adjustment;
- (4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the administrative adjustment was granted;
- (5) the nature and extent of anticipated positive and negative effects on properties in the area;
- (6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed administrative adjustment;
- (7) a factor specifically listed under a section of this chapter authorizing the issuance of a administrative adjustment; and
- (8) any other factor that relates to the purposes of this chapter set forth in § 50-05 or as allowed by state law.

50-603 Imposition of conditions

- a. **Generally.** In approving an administrative adjustment, the Zoning Administrator may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.
- b. **Effect on contracts with another party.** The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-604 Expiration of an approval

- a. **Project involving construction.** For a project involving any construction, an administrative adjustment automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.
- b. **Change in use.** For a change in use, the administrative adjustment automatically expires 4 months after the date of issuance if the applicant does not move into the vacant space.

50-605 Appeal

An aggrieved person may appeal the Zoning Administrator's decision by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-606 through 50-624 reserved

DIVISION 11 SPECIAL EXCEPTION

50-625 Generally

Upon written petition, the Plan Commission may, on a case-by-case basis, approve a special exception, but only for development standards identified in this chapter as eligible for a special exception.

50-626 Review procedure

The general steps below describe the process for reviewing a special exception application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

General Flowchart for Special Exception



4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.

5. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
7. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
8. **Decision.** After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception.
9. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
10. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-627 Basis of decision

The Plan Commission in making its decision should consider the following factors, as applicable:

- (1) the size of the property in comparison to other properties in the area;
- (2) the extent to which the issuance of the special exception would be in keeping with the overall intent of this chapter;
- (3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception;
- (4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted;
- (5) the nature and extent of anticipated positive and negative effects on properties in the area;
- (6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
- (7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception; and
- (8) any other factor that relates to the purposes of this chapter set forth in § 50-05 or as allowed by state law.

50-628 Imposition of conditions

- a. **Generally.** In approving a special exception, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.
- b. **Effect on contracts with another party.** The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-629 Limitations on issuing a special exception

A special exception can only be approved in those instances where issuance is specifically authorized in this chapter.

50-630 Staff report content

The staff report should include the following:

- (1) a description of the requested special exception,
- (2) preliminary findings for the decision criteria listed in this division,
- (3) a preliminary recommendation for approval or denial,
- (4) a preliminary list of conditions whether the preliminary staff recommendation is for approval or denial; and
- (5) other information deemed necessary.

50-631 Content of decision document

- a. Approval.** If the application for a special exception is approved, the decision document may include, but not necessarily be limited to, the following:

- (1) a statement that the special exception is approved;
- (2) a description of the special exception;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) conditions of approval, if any;
- (5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (7) other information the Plan Commission or Zoning Administrator deems appropriate;
- (8) the signature of the Plan Commission chairperson; and
- (9) the date of the decision.

- b. Denial.** If the application for a special exception is denied, the decision document may include, but not necessarily be limited to, the following:

- (1) a statement that the special exception is denied,
- (2) a description of the special exception,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Plan Commission or Zoning Administrator deems appropriate,
- (7) the signature of the Plan Commission chairperson, and
- (8) the date of the decision.

50-632 Effect of approval

An approval of a special exception runs with the land and is binding on all future property owners.

50-633 Expiration of an approval

An approval for a special exception automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

50-634 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-635 through 50-649 reserved**DIVISION 12
EXPANSION OF A NONCONFORMING BUILDING****50-650 Generally**

A nonconforming building (e.g., a building built too close to a lot line) with a conforming use may be expanded in compliance with all requirements of the zoning code and with the procedures and requirements of this division.

50-651 Review procedure

The general steps below describe the process for reviewing an application to expand a nonconforming building.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
7. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
8. **Decision.** The Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the expansion, (ii) approve the expansion with conditions, or (iii) deny the expansion.
9. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division.
10. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
11. **Recording of decision document.** When approval is granted, the decision document is recorded in the register of deeds office for Washington County.

50-652 Basis of decision

The Plan Commission in making its decision should consider the following factors, as applicable:

- (1) the degree of the existing nonconformity (i.e., 1 foot into the setback or 1 foot from the property boundary line),
- (2) the size and configuration of the lot,
- (3) whether the lot conforms to the dimensional standards of the zoning district in which it is located,
- (4) the size and location of the existing nonconforming building,
- (5) the size and location of other existing structures and those structures reasonably anticipated on the lot,
- (6) the impact, if any, that the expansion may have on adjoining properties,
- (7) whether the proposed expansion would violate the intent of this chapter, and
- (8) any other factor that relates to the purposes of this chapter set forth in § 50-05 or as allowed by state law.

50-653 Imposition of conditions

- a. **Generally.** In approving an expansion of a nonconforming building, the Plan Commission may impose one or more conditions of approval deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping, screening, and the maximum size of the building(s), or impose limitations on additional buildings otherwise allowed on the subject property under the applicable zoning district regulations.
- b. **Effect on contracts with another party.** The Plan Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

- [1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-654 Content of decision document

- a. **Approval.** If the application for an expansion of a nonconforming building is approved, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the building expansion is approved;
 - (2) a description of the building project;
 - (3) reasons for the decision based on the criteria listed in this division;
 - (4) conditions of approval, if any;
 - (5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (7) other information the Plan Commission or Zoning Administrator deems appropriate;
 - (8) the signature of the Plan Commission chairperson; and
 - (9) the date of the decision.
- b. **Denial.** If the application for expansion of a nonconforming building is denied, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the building expansion is denied,
 - (2) reasons for the decision based on the criteria listed in this division,
 - (3) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
 - (4) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

- (5) other information the Plan Commission or Zoning Administrator deems appropriate,
- (6) the signature of the Plan Commission chairperson, and
- (7) the date of the decision.

50-655 Effect of decision

An approval of an expansion of a nonconforming building runs with the land and is binding on all future property owners.

50-656 Expiration of an approval

An approval to expand a nonconforming building automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

50-657 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-658 through 50-674 reserved

DIVISION 13 REGISTRATION OF A NONCONFORMING USE

50-675 Generally

Some existing land uses may not comply with current zoning regulations but were legally established under regulations in effect at the time. These are known as nonconforming uses and, under Article 24, may continue to operate within defined parameters.

To confirm the legal status of these uses and help prevent future disputes, property owners are encouraged to register their nonconforming use. Registration creates a record that shows (1) when the use was first established; (2) that the use was established consistent with the rules and regulations in effect at the time, if any; (3) that the use has operated continuously, without cessation of more than 12 continuous months; and (4) the nature of the use.

50-676 Initiation

Any of the following may submit an application to determine whether a use should be registered as a nonconforming use:

- (1) a person having a financial interest in the property or in the use occurring on the property;
- (2) the Village Board, or any member of the council;
- (3) the Plan Commission, or any member of the commission; and
- (4) the Zoning Administrator.

50-677 Review procedure

The general steps below describe the process for reviewing an application to register a nonconforming use.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent must meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-submittal meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the Village's zoning requirements.
2. **Submittal of application materials.** The applicant submits a completed application to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **Special notice to property owner.** If the application process is not initiated by the property owner, the Zoning Administrator sends a written notice to the property owner by regular and certified mail at least 60 calendar days prior to the date of the Plan Commission meeting. The notice shall invite the property owner to submit evidence relating to the pending determination. In addition, the notice should state (i) the reasons why the application has been submitted; (ii) the date and time of the meeting; (iii) contact information for the Zoning Administrator; and (iv) other information deemed appropriate by the Zoning Administrator.
8. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.
9. **Staff follow-up.** After the close of the public hearing, the Plan Commission may direct the Zoning Administrator to prepare a preliminary decision document.
10. **Plan Commission decision.** The Plan Commission determines whether it has sufficient evidence to make a final decision, and if so whether the use should or should not be classified as a nonconforming use.
11. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
12. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the property owner by regular mail and/or email.
13. **Inclusion in registry.** If the use is determined to be a nonconforming use, the Zoning Administrator will include the nonconforming use in the registry authorized in Article 6.
14. **Recording of decision document.** The decision document is recorded, at the applicant's expense, in the register of deeds office for Washington County.

50-678 Basis of decision

In making its decision, the Plan Commission will determine whether there is sufficient evidence to show that (1) the use in question was legally established; (2) the use does not now comply with one or more of the requirements of this chapter; and (3) the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months.

50-679 Content of decision document

a. Approval. If the application for registering a nonconforming use is approved, the decision document may include, but not necessarily be limited to, the following:

- (1) a statement that the application is approved,
- (2) a description of the use,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement that the applicant may appeal the decision as provided for in this division,
- (5) other information the Plan Commission or the Zoning Administrator deems appropriate,
- (6) the signature of the Plan Commission chairperson, and
- (7) the date of the decision.

b. Denial. If the application for registering a nonconforming use is denied, the decision document may include, but not necessarily be limited to, the following:

- (1) a statement that the application is denied,
- (2) a description of the use,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the applicant may appeal the decision as provided for in this division,
- (6) other information the Plan Commission or the Zoning Administrator deems appropriate,
- (7) the signature of the Plan Commission chairperson, and
- (8) the date of the decision.

50-680 Effect of decision

If the Plan Commission determines that a land use meets the criteria for a nonconforming use, such decision constitutes documentary evidence establishing the legitimacy and nature of the use as a nonconforming use.

50-681 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-682 through 50-699 reserved

DIVISION 14 CONVERSION OF A NONCONFORMING USE

50-700 Generally

An existing nonconforming use (e.g., a tavern in a residential district) which has been registered as a nonconforming use, pursuant to Division 13 of this article, may be converted to another nonconforming use provided the new use is less nonconforming (e.g., from a tavern to a restaurant).

50-701 Review procedure

The general steps below describe the process for reviewing an application for the conversion of a nonconforming use.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent must meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-submittal meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the Village's zoning requirements.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing consistent with Article 4. Prior to the close of the public hearing, the applicant or Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.
8. **Decision.** After the public hearing has been closed, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the conversion, (ii) approve the conversion with conditions, or (iii) deny the conversion. In making its determination, the Commission will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any.
9. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission. If approved, the Zoning Administrator shall also prepare a conversion order.
10. **Applicant notification.** If the application is denied, the Zoning Administrator, within a reasonable time following the Plan Commission's decision, sends the decision document to the applicant by regular mail and/or email.

11. **Acceptance by property owner.** If the application is approved, the property owner must sign the conversion order to acknowledge the terms of the approval and return the same to the Zoning Administrator within 4 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the Zoning Administrator requesting an extension and the Zoning Administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the Village at the expiration of such time limit.
12. **Recording of decision document.** If the property owner signs the approved conversion order, the conversion order is recorded, at the applicant's expense, in the register of deeds office for Washington County.

50-702 Basis of decision

The Plan Commission in making its decision should compare the known and anticipated impacts of the existing nonconforming use on properties in the area and those of the proposed nonconforming use. The Plan Commission may not approve a conversion when the proposed nonconforming use would be more of a nonconformity than the existing nonconforming use.

50-703 Imposition of conditions

- a. **Generally.** In approving a conversion, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, outdoor lighting, and hours of operation.
- b. **Effect on contracts with another party.** The Plan Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.^[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

50-704 Staff report content

The staff report should include the following:

- (1) a description of the requested conversion,
- (2) preliminary findings for the decision criteria listed in this division,
- (3) a preliminary recommendation for approval or denial,
- (4) a preliminary list of conditions whether the preliminary staff recommendation is for approval or denial; and
- (5) other information deemed necessary.

50-705 Content of decision document

- a. **Approval.** If the application for a conversion is approved, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the conversion is approved;
 - (2) a description of the new nonconforming use;
 - (3) a statement indicating that the property owner must sign the conversion order and return it to the Zoning Administrator;
 - (4) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (5) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (6) other information the Plan Commission or Zoning Administrator deems appropriate;

- (7) the signature of the Plan Commission chairperson;
 - (8) the date of the decision; and
 - (9) the copy of the conversion order described in § 50-706.
- b. Denial.** If the application for a conversion is denied, the decision document may include, but not necessarily be limited to, the following:
- (1) a statement that the application is denied,
 - (2) a description of the proposed conversion,
 - (3) reasons for the decision based on the criteria listed in this division,
 - (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
 - (5) a statement that the decision may be appealed as provided for in this division,
 - (6) other information the Plan Commission or Zoning Administrator deems appropriate,
 - (7) the signature of the Plan Commission chairperson, and
 - (8) the date of the decision.

50-706 Content of conversion order

If the conversion is approved, a conversion order must be prepared and adopted. The conversion order must include (1) a description of the subject property's location (e.g., address, parcel number, reference to a parcel in a certified survey map or subdivision plat); (2) a description of the existing and of the new nonconforming use; (3) conditions of approval, if any; and (4) other provisions deemed necessary given the nature of the conversion.

50-707 Effect of approval

An approval of a conversion runs with the land and is binding on all future property owners.

50-708 Expiration of an approval

If the Zoning Administrator determines that substantial work as authorized by a conversion approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, they must initiate the process to terminate the approval pursuant to Division 17 of this article. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 6 months.

50-709 Amendment of an approved conversion

- a. Generally.** The property owner may submit an application to propose a change to a previously issued approval of a conversion.
- b. Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.
- c. Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-710 Appeal

- a. Plan Commission decision.** An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-709 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-711 through 50-724 reserved

DIVISION 15 ZONING PERMIT

50-725 Generally

Those land uses designated as requiring a zoning permit in the land use matrix (Appendix A) must comply with the requirements in this division.

50-726 Review procedure

The general steps below describe the process for reviewing a zoning permit application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision.** When the Zoning Administrator determines the application is complete, they will make a decision to (i) approve the zoning permit, (ii) approve the zoning permit with conditions, or (iii) deny the zoning permit.
5. **Applicant notification.** Within a reasonable time following their decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

General Flowchart for Zoning Permit



50-727 Basis of decision

In determining whether to issue a zoning permit or deny the permit, the Zoning Administrator must determine whether the proposed use is consistent with (1) any prior approvals, such as a conditional use approval, (2) this chapter, and (3) other provisions of the municipal code.

50-728 Expiration of an approval

- a. **Project involving construction.** For a project involving any construction, a zoning permit automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.
- b. **Change in use.** For a change in use, the zoning permit automatically expires 4 months after the date of issuance if the applicant does not move into the vacant space.

50-729 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-730 through 50-749 reserved

DIVISION 16 OCCUPANCY PERMIT

50-750 Generally

An occupancy permit is required prior to the occupancy or use of any building, structure, or land under the following circumstances:

- (1) Completion of construction of a new building or structure.
- (2) Completion of an addition or alteration of a new building or structure.
- (3) Establishment of a new land use.
- (4) A change in use or occupancy of an existing building or site.
- (5) Any other circumstance where compliance with this zoning code must be verified before occupancy.

For the purposes of this code, a change in occupancy occurs when a new owner or tenant occupies an existing building or continues the use of land without changing the nature of the permitted use. A change in use occurs when an existing building, structure, or land, or any portion thereof, is established for a different use than the use that previously occupied the building, structure, or site.

50-751 Inspection and issuance

Prior to issuance of an occupancy permit by the Zoning Administrator, the Building Inspector, Public Works Director, Fire Chief, Zoning Administrator, and other Village officials as appropriate must verify that the building, structure, site, or use complies with (1) any prior approvals, such as architectural plans, site plans reviews, (2) this chapter, and (3) other provisions of the municipal code or the previous use has ceased for 12 months or more.

50-752 Temporary occupancy permit

Pending the issuance of a regular permit, the Building Inspector or Zoning Administrator may issue a temporary occupancy permit allowing occupancy for no more than 6 months prior to completion of all required

improvements, provided that the incomplete items do not pose a safety risk and the applicant agrees to complete the remaining work within a specified period of time.

50-753 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-754 through 50-774 reserved

DIVISION 17 TERMINATION OF APPROVAL

50-775 Generally

There are certain situations when the approval for a land use may be terminated. This division describes the procedures for terminating an approved use.

50-776 Initiation

- a. **Voluntary termination of a conditional use.** The property owner may submit an application to terminate a conditional use approval for their property.
- b. **Involuntary termination of conditional use approval due to cessation.** The Zoning Administrator may submit an application to terminate a conditional use approval when they determine the land use authorized by such approval has ceased to operate for more than 12 months.
- c. **Involuntary termination of a conditional use approval due to violation.** The Zoning Administrator may submit an application to terminate a conditional use approval when they determine that the property owner has violated one or more conditions of approval and satisfactory action has not been taken to correct the violation.
- d. **Involuntary termination of a specified land use due to cessation.** The Zoning Administrator may submit an application to terminate an approved land use when they determine that such use is no longer in use for the time period specified for such use.
- e. **Involuntary termination due to stoppage of work.** The Zoning Administrator may submit an application to terminate an approval if work authorized by the approval has commenced but has not continued in good faith to completion.
- f. **Involuntary termination of a nonconforming use.** The Zoning Administrator may submit an application to terminate a nonconforming use when they determine that such use is having a significant harmful effect on the public health, safety, and welfare or the nonconforming use has ceased to operate for the period of time required by this chapter to retain designation as a nonconforming use.

50-777 Review procedure for voluntary termination

The general steps below describe the process for reviewing an application to voluntarily terminate an approval of a land use authorized under this chapter.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the

noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

4. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
5. **Meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
6. **Decision.** The Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
7. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
8. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
9. **Administrative steps.** If the application is approved, the Zoning Administrator updates any Village records to indicate that the use as specified in the application has been terminated.

50-778 Review procedure for involuntary termination

The general steps below describe the process for reviewing an application to involuntarily terminate an approval of a land use authorized under this chapter.

1. **Report.** The Zoning Administrator prepares a report describing the reasons why the approval should be terminated.
2. **Review date.** The Zoning Administrator schedules the review with the Plan Commission consistent with the commission's meeting schedule.
3. **Special notice to property owner.** The Zoning Administrator sends a written notice to the property owner by regular and certified mail at least 30 calendar days prior to the date of the public hearing. The notice should state (i) the reasons why the Zoning Administrator has submitted an application to terminate the specified use; (ii) the date and time of the public hearing; (iii) contact information for the Zoning Administrator, including telephone number; and (iv) other information deemed appropriate by the Zoning Administrator. If the action is intended to terminate an approval for a violation, the notice should also state the alleged violation along with supporting evidence. If the action is intended to terminate an inactive land use, the notice should also state the time period when the land use was not in use along with any supporting evidence.
4. **General public notice.** Consistent with Article 4, the Zoning Administrator provides for a class 2 public notice, property owner notice, and meeting agenda notice.
5. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing consistent with Article 4. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.
6. **Plan Commission recommendation.** After the public hearing has been closed, the Plan Commission makes a recommendation to the Village Board, based on the decision criteria in this division, to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination. In making its determination, the Commission will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any.
7. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Village Board.

8. **Village Board meeting.** Allowing for proper notice, the Village Board considers the application at a regular or special meeting.
9. **Decision.** After considering the information submitted by the applicant, public comments received at the public hearing, and the staff report, if any, the Village Board makes a decision, based on the decision criteria in this division, to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
10. **Preparation of decision document.** Based on the action of the Village Board, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Village Board.
11. **Applicant notification.** Within a reasonable time following the Village Board's decision, the Zoning Administrator sends the decision document to the property owner by regular mail and/or email.
12. **Administrative steps.** If the application is approved, the Zoning Administrator updates any Village records to indicate that the use as specified in the application has been terminated.

50-779 Basis of decision

The Plan Commission in making their recommendation and the Village Board in making their decision should consider the following factors, as applicable:

- (1) the nature of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located;
- (2) effects of the existing use on surrounding properties, including detriment to the full and complete use of such properties and potential for concerns related to possible nuisances;
- (3) effects of the existing use on the normal and orderly development and improvement of the surrounding property for those uses permitted in the zoning district in which they are located; and
- (4) any other factor that relates to the purposes of this chapter as set forth in § 50-05 or as allowed by state law.

50-780 Content of decision document

- a. **Approval.** If the application to terminate an approval is approved, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the specified use is terminated;
 - (2) a description of the land use being terminated;
 - (3) reasons for the decision based on the criteria listed in this division;
 - (4) requirements for the removal of any building or other structure, if any, on the subject property that are related to the terminated use and that are not otherwise permitted in the zoning district in which the subject property is located;
 - (5) a statement that the decision may be appealed as provided for in this division;
 - (6) other information the Village Board or Zoning Administrator deems appropriate;
 - (7) the signature of the Mayor; and
 - (8) the date of the decision.
- b. **Denial.** If the application to terminate an approval is denied, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the specified use continues to be an approved use,
 - (2) a description of the land use,
 - (3) reasons for the decision based on the criteria listed in this division,
 - (4) a statement that the decision may be appealed as provided for in this division,
 - (5) other information the Village Board or Zoning Administrator deems appropriate,

- (6) the signature of the Mayor, and
- (7) the date of the decision.

50-781 Compliance with requirements of zoning district

If the Village Board terminates an approval as allowed under this division, the property owner must bring the subject property into compliance with the permitted use regulations of the applicable zoning district. The Village Board may establish a timeframe it considers appropriate for achieving compliance. In setting this timeframe, the Village Board should consider (1) the nature of the required actions, (2) the estimated time needed to complete the work, (3) any relevant weather conditions, and (4) any other relevant consideration. The compliance period must be no less than 30 calendar days and no more than 12 months.

50-782 Appeal

An aggrieved person may appeal the Village Board's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-783 through 50-799 reserved

DIVISION 18 CODE INTERPRETATION

50-800 Generally

When there is uncertainty or disagreement as to the intent or meaning of a provision in this chapter, a person can ask for a code interpretation. For example, the question may relate to (1) the zoning map, (2) a specific provision in the code, (3) how a specific provision in the code is applied in a specific instance, or (4) terms and conditions of an approval. This division describes the procedures and requirements to issue such interpretations.

50-801 Initiation

Any person, including the Zoning Administrator, may submit a question for interpretation.

50-802 Limitations on interpretations

The responsibility for issuing an interpretation may not be construed as overriding the responsibilities specifically given to any commission, board, or official named in any other part of this chapter.

50-803 Review procedure

- a. Zoning administrator review.** The general steps below describe the process for reviewing a code interpretation application.
 - 1. **Submittal of question.** The individual requesting the interpretation submits the question in writing to the Zoning Administrator and the application fee as may be established by the Village Board.
 - 2. **Decision.** The Zoning Administrator makes a written decision within 60 calendar days of when the petition was submitted.
 - 3. **Notification of decision.** Within a reasonable time following completion of the interpretation, the Zoning Administrator sends a copy of the interpretation by regular mail and/or email to the individual requesting the interpretation and provides a copy of the same to the Plan Commission, the Village Attorney, and those Village employees and agents involved in the administration of this chapter, as appropriate.
- b. Plan Commission review on appeal.** If a final decision of the Zoning Administrator is appealed as provided for in this division, the general steps below apply.

1. **Submittal of application materials.** The Zoning Administrator forwards the application and other materials the applicant submitted to the Plan Commission along with the administrator's interpretation.
2. **General notice.** Consistent with Article 4, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
3. **Meeting.** Allowing for proper notice, the Plan Commission considers the appeal at a regular or special meeting.
4. **Decision.** In consultation with the Village Attorney, the Plan Commission makes a written decision within 60 calendar days of when the Zoning Administrator's decision was appealed.
5. **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division and any direction provided by the Commission.
6. **Applicant notification.** Within a reasonable time following the Plan Commission's decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

50-804 Basis of decision

- a. **General.** In consultation with the Village Attorney and others as appropriate, the review authority should (1) evaluate the section of this chapter in question and those that are related, (2) consider the purposes of this chapter set forth in § 50-05 and other parts of the chapter along with applicable legislative findings in this chapter, and (3) consider other applicable interpretations that have previously been made and make a decision consistent with this division giving this chapter its most reasonable application. If the review authority cannot make a reasonable interpretation, a determination will not be issued.
- b. **Shoreland-wetland zoning.** If an unclear provision relates to the shoreland-wetland regulations and is required by Ch. NR 117, Wis. Admin. Code, the provision must be interpreted in light of the standards in Ch. NR 117 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.
- c. **Similarity of land uses.** When deciding if a proposed land use is similar to one already allowed under this code, the Zoning Administrator should consider (1) the nature of the proposed use; (2) whether the proposed use is consistent with the Village's comprehensive plan; (3) whether the proposed use is consistent with the purposes of each of the zoning districts where the similar use is allowed either by right or as a conditional use; and (4) any other factor deemed appropriate.

50-805 Repeal or revision of an interpretation

The Zoning Administrator may rescind or modify a previously issued interpretation if it is later found to be incorrect, either in whole or in part. An interpretation may also be rescinded if this chapter is amended in a manner that addresses the issue or subject matter covered by the interpretation.

50-806 Interpretation content

An interpretation must be in writing and should include the following:

- (1) the name of the person posing the question,
- (2) the section number of this chapter in question,
- (3) the question or alleged ambiguity,
- (4) the factors that were considered in making the interpretation,
- (5) the interpretation,
- (6) other information the review authority deems appropriate,
- (7) the signature of the Zoning Administrator, and
- (8) the date of decision.

50-807 Effect of interpretation

Once an interpretation is made, it carries the same weight as if it were written into this chapter. If the Zoning Administrator decides that it is not possible to make a reasonable interpretation, that decision does not affect the validity of any part of this chapter. When appropriate, interpretations should be handled through the amendment process.

50-808 Compilation of interpretations

The Zoning Administrator must keep a written record of all interpretations made after [REDACTED], 2026 (the effective date of this code rewrite) and make them available for public inspection during normal office hours.

50-809 Appeal

- a. **Zoning administrator's decision.** An aggrieved person may appeal an interpretation made by the Zoning Administrator by filing an appeal with the Plan Commission without time constraint if the Zoning Administrator determines the interpretation applies broadly and is not specifically related to a particular development project or within 30 calendar days of the date of the decision if the Zoning Administrator determines the interpretation applies specifically to a particular development project.
- b. **Plan Commission's decision.** If the Zoning Administrator's decision is appealed to the Plan Commission, the Plan Commission's decision may also be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-810 through 50-824 reserved

DIVISION 19 ADMINISTRATIVE APPEAL

50-825 Generally

In situations where a property owner or another aggrieved party believes the Zoning Administrator has made an error in making an administrative decision, they may submit an administrative appeal as set forth in this division unless otherwise specified in this chapter.

50-826 Review procedure

The general steps below describe the process for reviewing an administrative appeal application.

1. **Submittal of appeal.** The applicant submits a written appeal to the Village Clerk within 30 calendar days of the date of the administrative decision being appealed, unless a different timeframe is established.
2. **Notification of appeal.** The Village Clerk provides a copy of the appeal to the Zoning Board of Appeals and the Zoning Administrator.
3. **Compilation and submittal of record.** The Zoning Administrator compiles a complete and accurate record relating to the action being appealed and transmits it to the Zoning Board of Appeals in a timely manner.
4. **Special notice to parties in interest.** The chairperson of the Zoning Board of Appeals gives notice for the public hearing to the parties in interest, including the applicant and the Zoning Administrator.
5. **Special notice to Wisconsin Department of Natural Resources.** If the administrative appeal relates to a decision relating to the shoreland-wetland regulations in this chapter, the Zoning Administrator sends a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources by regular mail and/or email at least 10 calendar days before the date of the public hearing.
6. **General notice.** The chairperson of the Zoning Board of Appeals provides for (i) a class 2 public notice and (ii) meeting agenda notice consistent with Article 4.

7. **Public hearing.** Allowing for proper notice, the Zoning Board of Appeals conducts a public hearing consistent with Article 4. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with Article 4. If the public hearing is adjourned, the Plan Commission may direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.

8. **Decision.** After the public hearing has been closed, the Zoning Board of Appeals makes a decision, based on the decision criteria in this division, to (i) affirm the Zoning Administrator's decision, (ii) set aside the decision, or (iii) modify the decision.

9. **Notification of decision.** Within a reasonable time following the Zoning Board of Appeals' decision, the Village Clerk sends the decision document to the applicant by regular mail and/or email and provides a copy of the same to the Zoning Administrator and the Plan Commission.

10. **Notification to Department of Natural Resources.** If the administrative appeal relates to a decision relating to the shoreland-wetland regulations in this chapter, the Village Clerk sends a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources by regular mail and/or email.

General Flowchart for Administrative Appeal



50-827 Basis of decision

- a. **Generally.** The Zoning Board of Appeals must determine whether the Zoning Administrator made an error in judgment as applied to the instance being appealed.
- b. **Historic property.** In an action involves a historic property, as defined in § 44.31(3), Wis. Stats., the Zoning Board of Appeals must consider any suggested alternatives or recommendations submitted by the landmarks commission, if one has been established, or the Plan Commission.

50-828 Effect of appeal

If an appeal involves an alleged violation of this code, it pauses all legal proceedings related to the action being appealed. However, if the Zoning Administrator certifies in writing to the Zoning Board of Appeals that, in their opinion, staying the proceedings would pose an imminent threat to life or property, the pause does not take effect unless a restraining order is issued. A restraining order may be granted by the Zoning Board of Appeals or a court of record, upon application and with notice to the Zoning Administrator.

50-829 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-830 through 50-849 reserved

DIVISION 20 VARIANCE

50-850 Generally

Recognizing that certain zoning regulations may cause unnecessary hardship to individual landowners if enforced strictly, the state legislature has established a mechanism allowing municipalities to issue a variance. This allows for a minor deviation from the regulations to alleviate the hardship, without undermining the overall intent of the municipality's zoning laws. This division outlines the procedures and requirements for reviewing variance applications related to dimensional standards.

50-851 Review procedure

The general steps below describe the process for reviewing a variance application.

1. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent must meet with the Zoning Administrator and other Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-submittal meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the Village's zoning requirements.
2. **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.

3. **Determination of completeness.** The Zoning Administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 2 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

General Flowchart for Variance



4. **Review date.** When the Zoning Administrator determines the application is complete, they will schedule the review with the Zoning Board of Appeals consistent with the board's meeting schedule.
5. **Special notice to Department of Natural Resources.** If the application relates to shoreland-wetland regulations in this chapter, the Zoning Administrator sends a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources via regular mail and/or email at least 10 calendar days before the date of the public hearing.
6. **General notice.** Consistent with Article 4, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notification, and (iii) meeting agenda notice.

7. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as described in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Zoning Board of Appeals, and any person upon request.
8. **Public hearing.** Allowing for proper notice, the Zoning Board of Appeals holds a public hearing consistent with Article 4. Prior to the close of the public hearing, the applicant or the board may request a continuance. If the public hearing is adjourned, the Zoning Board of Appeals may direct Village staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.
9. **Decision.** After the public hearing has been closed, the Zoning Board of Appeals makes a decision, based on the decision criteria in this division, to (i) approve the variance, (ii) approve the variance with conditions, or (iii) deny the variance. In making its determination, the Board will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a future meeting.
10. **Preparation of decision document.** Based on the action of the Zoning Board of Appeals, the Zoning Administrator and/or the Village Attorney prepares a decision document consistent with this division.
11. **Applicant notification.** Within a reasonable time following the Board of Zoning and Appeals' decision, the Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
12. **Notification to Department of Natural Resources.** If the application relates to the shoreland-wetland regulations in this chapter, the Zoning Administrator sends a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources via regular mail and/or email.
13. **Additional procedural steps.** If the Zoning Board of Appeals grants the variance, the applicant shall then follow other review procedures as may be required.

50-852 Basis of decision

The Zoning Board of Appeals must base its decision on the standards for granting a variance as outlined in § 62.23(7)(e)(7), Wis. Stats., as well as relevant judicial interpretations of the statute.

50-853 Limitations on issuing a variance

- a. **Prohibitions.** The following actions may not be allowed by a variance:
 - (1) expansion of a nonconforming use (e.g., expansion of area, increase in operational characteristics, etc.), or
 - (2) modification to lot size requirements so as to increase the permitted density or intensity of use.
- b. **Use variance.** The Zoning Board of Appeals may not issue a variance to allow a use not otherwise permitted under this chapter except upon proof that there can be no reasonable use of the property absent a variance as described in § 62.23(7)(e), Wis. Stats.^[1]
- c. **Variance type.** In the event there is a question as to whether a requested variance constitutes a dimensional variance or a use variance, the Zoning Board of Appeals has the authority to make a final determination. If a provision contains a number that is the basis for a variance application, the board should consider whether the number is used to control the scope of a land use (i.e., use variance) or to control the location of an otherwise permissible improvement on a property (i.e., dimensional variance).

Editorial notes:

- [1] Although a municipality in Wisconsin may have the implicit authority to issue a use variance, the Village has determined that use variances should not be issued.

50-854 Imposition of conditions

When approving a variance, the Zoning Board of Appeals may impose such conditions and restrictions it deems necessary to further the intent and purposes of this chapter.

50-855 Staff report content

The staff report should include the following:

- (1) preliminary findings for the decision criteria listed in this division,
- (2) a preliminary recommendation for approval or denial,
- (3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and
- (4) other information deemed necessary.

50-856 Content of decision document

- a. **Approval.** If an application for a variance is approved, the decision document may include, but not necessarily be limited to, the following:
 - (1) a statement that the variance is approved;
 - (2) a description of the variance;
 - (3) reasons for the decision based on the criteria listed in this division;
 - (4) conditions of approval, if any;
 - (5) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to completion and that the Zoning Board of Appeals may, with cause, grant a one-time extension, not to exceed 6 months;
 - (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (8) other information the Zoning Board of Appeals or Zoning Administrator deems appropriate;
 - (9) the signature of the chairperson of the Zoning Board of Appeals; and
 - (10) the date of the decision.
- b. **Denial.** If the application for a variance is denied, the decision may include, but not necessarily be limited to, the following:
 - (1) a statement that the variance request is denied,
 - (2) a description of the proposed variance,
 - (3) reasons for the decision based on the criteria listed in this division,
 - (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,
 - (5) a statement that the decision may be appealed as provided for in this division,
 - (6) other information the Zoning Board of Appeals or Zoning Administrator deems appropriate,
 - (7) the signature of the chairperson of the Zoning Board of Appeals, and
 - (8) the date of the decision.

50-857 Effect of approval

- a. **Generally.** An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed. An approval of a variance runs with the land and is binding on all future property owners.
- b. **Creation of nonconformity.** If a variance is granted and creates a nonconforming situation, the premises is subject to all applicable provisions relating to nonconformities set forth in Article 24.

50-858 Effect of denial

If the Zoning Board of Appeals denies a variance application, the board may not rehear the same, or essentially the same, application unless there has been substantial change in the circumstances relating to the application.

Editorial notes:

[1] See *Tateoka v City of Waukesha Bd. of Zoning Appeals*, 220 Wis.2d 656, 583 N.W. 2d 871 (Ct. App. 1998).

50-859 Expiration of an approval

- a. **Commencement of work.** A variance approval automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 6 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.
- b. **Completion of work.** If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator should initiate the process to terminate the approval as outlined in Division 17 of this article.

50-860 Appeal

An aggrieved person may appeal the Zoning Board of Appeal's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision, pursuant to § 62.23 (7)(e) 10, Wis. Stats.

50-861 through 50-874 reserved

DIVISION 21 REASONABLE ACCOMMODATION

50-875 Legislative findings

The Village Board makes the following legislative findings relating to reasonable accommodations for persons with disabilities:

- (1) The federal government has adopted laws with respect to various rights afforded persons with disabilities.
- (2) Some of these laws, most notably the Fair Housing Act and the Americans with Disabilities Act, affect how local zoning rules and regulations are administered by municipalities.
- (3) Under the Fair Housing Act, reasonable accommodations must be made with respect to local zoning laws so that a person with a disability has an equal opportunity to use and enjoy a dwelling unit.
- (4) Under Title II of the Americans with Disabilities Act, reasonable accommodations must be made with respect to local zoning laws to avoid discrimination as provided in the act.
- (5) If a local municipality can demonstrate that a requested modification would fundamentally alter the nature of its service, program, or activity (in this instance zoning requirements) it is not required to grant the modification.
- (6) Requests for wheelchair ramps in setback areas as authorized in this section do not fundamentally alter the nature of this zoning code.
- (7) Requests for all other types of reasonable accommodations will be reviewed individually to determine if the requested accommodation fundamentally alters the nature of this zoning code.

50-876 Reviews

- a. **Wheelchair ramps in setback areas.** The building inspector is authorized to approve the construction of wheelchair access ramps in setback areas pursuant to § 50-____ (1007).
- b. **Other reasonable accommodations.** The general steps below describe the process for reviewing other requests for reasonable accommodations.
 - (1) **Pre-submittal meeting.** Before submitting an application, the applicant or their agent must meet with Village staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-submittal meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the Village's zoning requirements.
 - (2) **Submittal of application materials.** The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Village Board.
 - (3) **General notice.** Consistent with Article 4, the Zoning Administrator provides property owner notice and meeting agenda notice.
 - (4) **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report as set forth in this division. If one is prepared, the Zoning Administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
 - (5) **Decision.** After considering the information submitted by the applicant and the Zoning Administrator's staff report, if any, the Plan Commission makes a decision, based on the decision criteria in this division, to (i) approve the requested accommodation, (ii) approve the requested accommodation with conditions, or (iii) deny the requested accommodation.
 - (6) **Preparation of decision document.** Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with this division, subject to the direction given by the Plan Commission.
 - (7) **Applicant notification.** If the application is denied, the Zoning Administrator, within a reasonable time following the Plan Commission's decision, sends the decision document to the applicant by regular mail and/or email.
 - (8) **Acceptance by property owner.** If the requested accommodation is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return it to the Zoning Administrator within six months of the decision date. Before the end of this period, the property owner may submit a written request for an extension. The Zoning Administrator may, for good cause, grant a one-time extension. If the signed decision document is not returned within the initial or extended period, the approval will automatically become null and void without further action by the Village.
 - (9) **Recording of decision document.** If the property owner signs the decision document, it is recorded, at the applicant's expense, in the register of deeds office for Washington County.

50-877 Basis of decision

The Plan Commission, in making its decision, should consider the following factors:

- (1) whether the individual(s) for whom the requested accommodation is sought has a disability as defined by applicable federal law,
- (2) whether the requested accommodation is necessary to afford the person(s) with a disability an equal opportunity to use and enjoy a dwelling or housing opportunity,
- (3) whether the requested accommodation would fundamentally alter the nature of this zoning code,
- (4) whether the requested accommodation would impose an undue financial or administrative burden on the Village,
- (5) whether the requested accommodation would result in a significant adverse impact on surrounding properties or land uses that cannot be mitigated,

- (6) whether there are alternative accommodations that would be equally effective in meeting the needs of the individual(s) while imposing a lesser impact on the Village's zoning regulations or policies,
- (7) whether the requested accommodation would pose a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others, and whether the threat can be reduced or eliminated,
- (8) whether the requested accommodation is the minimum needed to comply with federal law, and
- (9) any other factor allowed under state or federal law.

50-878 Confidentiality of applicant information

In reviewing petitions for reasonable accommodations, the reviewing authority will attempt to balance the privacy rights and reasonable request of an applicant for confidentiality, with normal procedural requirements relating to public notice, public hearings, written decision documents that may include findings of fact and conclusions of law, and maintaining adequate records. Any document identifying the disability or medical condition of any specific person will be treated as confidential and is not subject to disclosure by the Village for any reason, including Wisconsin's Open Records law, unless ordered to do so by a court of competent jurisdiction and notice is given to the person who provided the document to the Village. Specifically, any medical records regardless of source, including statements of medical providers, is not subject to disclosure. For any other type of document, such as an application or determination, the document may be subject to disclosure, but only after the nature or description of the person's disability or medical condition has been redacted by the Village Attorney. A statement regarding the Village's handling of information subject to this provision should be included in the decision document.

50-879 Nature of approval

An accommodation approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land.

50-880 Imposition of conditions

When approving a reasonable accommodation, the Plan Commission may impose conditions it deems necessary to uphold the overall intent of this chapter. Typical conditions of approval include the following:

- (1) periodic inspection of the property to verify compliance with this section and any conditions of approval;
- (2) removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;
- (3) time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;
- (4) recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;
- (5) measures to reduce the impact on surrounding properties and uses;
- (6) measures in consideration of the physical attributes of the property and structures; and
- (7) other conditions necessary to protect the public health, safety, and welfare.

50-881 Staff report content

The staff report may include the following:

- (1) preliminary findings for the decision criteria listed in this division,
- (2) a preliminary recommendation for approval or denial,
- (3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and
- (4) any other information deemed necessary.

50-882 Content of decision document

- a. Approval.** If the application for a reasonable accommodation is approved, the decision document may include the following:
- (1) a statement that the reasonable accommodation is approved;
 - (2) a description of the reasonable accommodation;
 - (3) reasons for the decision based on the factors listed in this division;
 - (4) conditions of approval, if any;
 - (5) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion and that the Zoning Administrator may, with cause, grant a one-time extension, not to exceed of up to 6 additional months;
 - (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
 - (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
 - (8) any other information the Plan Commission or Zoning Administrator deems appropriate;
 - (9) the signature of the Zoning Administrator; and
 - (10) the date of the decision.
- b. Denial.** If the application for a reasonable accommodation is denied, the decision may include the following:
- (1) a statement that the reasonable accommodation is denied,
 - (2) a description of the reasonable accommodation,
 - (3) reasons for the decision based on the factors listed in this division,
 - (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,
 - (5) a statement that the decision may be appealed as provided for in this division,
 - (6) any other information the Plan Commission or Zoning Administrator deems appropriate,
 - (7) the signature of the Zoning Administrator, and
 - (8) the date of the decision.

50-883 Expiration of approval

- a. Commencement of work.** An approval of a reasonable accommodation automatically expires 12 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 6 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.
- b. Completion of work.** If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator should initiate the process to terminate the approval as outlined in Division 17 of this article.

50-884 Amendment of approval

- a. Generally.** The property owner may submit an application to propose a change to a previously issued approval of a reasonable accommodation.

- b. **Minor change.** If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.
- c. **Major change.** If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

50-885 Appeal

- a. **Plan Commission decision.** An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.
- b. **Administrative decision regarding amendment.** An aggrieved person may appeal the Zoning Administrator's decision made pursuant to § 50-884 (b) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

50-886 through 50-899 reserved

DIVISION 22 DETERMINATION OF NAVIGABILITY

50-900 Generally

Shoreland regulations in this code only apply to navigable waterbodies. As set forth in Articles 11 and 12, those waterbodies that are navigable are depicted on the zoning map. It is possible a waterbody, or part thereof, that is mapped as navigable may, in fact, not be navigable. Similarly, there may be an unmapped waterbody that is, in fact, navigable.

50-901 Initiation

A request for a determination of navigability can be made by any of the following:

- (1) a property owner in the area to be affected by the determination;
- (2) the Zoning Administrator;
- (3) the Plan Commission, or any member of the commission;
- (4) the Zoning Board of Appeals, or any member of the board;
- (5) the Village Board, or any member of the council;
- (6) the Wisconsin Department of Natural Resources; and
- (7) any other interested party.

50-902 Basis of decision

In determining whether a waterbody is navigable or not, the Zoning Administrator should consult guidance materials and other resources available from the Wisconsin Department of Natural Resources. In the event there is reasonable uncertainty, the Zoning Administrator should ask the appropriate office of the Wisconsin Department of Natural Resources for assistance.

50-903 Effect on pending applications

If a request for a determination is pending and could effect a pending development application, the pending development application is put on hold until a final navigability determination has been issued.

50-904 Zoning map amendment

If a determination affects the waterbodies depicted on the zoning map, the Zoning Administrator should initiate the process to amend the zoning map consistent with this article.

50-905 Appeal

- a. **Zoning administrator's decision.** An aggrieved person may appeal the Zoning Administrator's decision by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.
- b. **Plan Commission's decision.** If the Zoning Administrator's decision is appealed to the Plan Commission, the Plan Commission's decision may also be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-906 through 50-924 reserved

DIVISION 23

DETERMINATION OF ORDINARY HIGH-WATER MARK

50-925 Generally

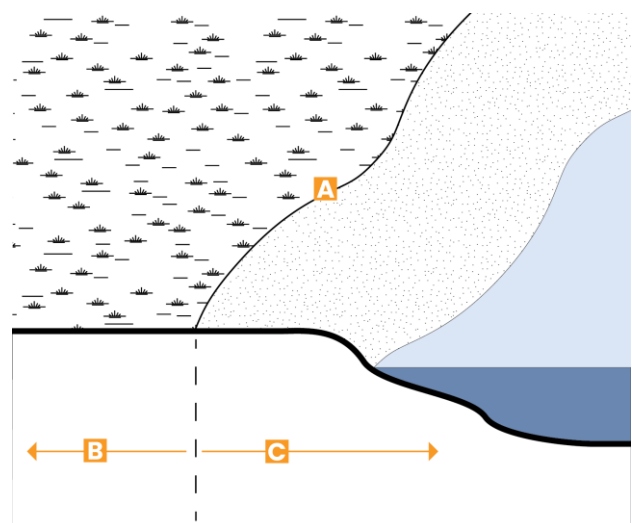
- a. **Local zoning regulations that apply above the OHWM.** The ordinary high-water mark (OHWM) is used in the shoreland regulations in this code and represents the point of measurement for building setbacks and other development requirements set forth in Article 12. The Zoning Administrator is authorized to establish the ordinary high-water mark on a case-by-case basis. Such determination can be made for a property owner before they submit a development application or as part of a development application.^[1]
- b. **Shoreline structures and waterway-related activities below the OHWM.** The Wisconsin Department of Natural Resources has the sole authority to establish the ordinary high-water mark when related to any project below the ordinary high-water mark, such as piers, lake rafts, shoreline erosion control structures (i.e., rip-rap), bridges, culverts, dredging, filling, or any other waterway-related activity under the jurisdiction of the department.

Editorial notes:

- [1] Given the importance of establishing the point of measurement for setback standards, establishing the OHWM before development plans are drawn up is highly recommended especially when the OHWM is not readily apparent.

50-926 Review procedure

- a. **Pre-proposal determination.** Upon request, the Zoning Administrator may establish the ordinary high-water mark for the subject property before the property owner submits a development application. Upon determination, the property owner should work with a professional surveyor to establish the elevation and provide such documentation to the Zoning Administrator.
- b. **Determination during project review.** In the event the property owner submits development plans for review, the Zoning Administrator must establish the elevation of the ordinary high-water mark. The elevation may be derived from an elevation proposed by a professional surveyor or be based on a prior determination on the subject property or on another nearby property.

Exhibit 5-1. Determination of ordinary high-water mark

- A** Ordinary high-water mark (OHWM)
B Local determination for shoreland regulations
C Determination by Wisconsin Department of Natural Resources for state-regulated projects and activities

50-927 Basis of decision

In determining the ordinary high-water mark, the Zoning Administrator should consult guidance and other resources available from the Wisconsin Department of Natural Resources. In the event the ordinary high-water

mark is not readily evident, the Zoning Administrator should ask the appropriate office of the Wisconsin Department of Natural Resources for assistance.

50-928 Appeal

- a. Zoning administrator's decision.** An aggrieved person may appeal the Zoning Administrator's decision by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.
- b. Plan Commission's decision.** If the Zoning Administrator's decision is appealed to the Plan Commission, the Plan Commission's decision may also be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

50-929 through 50-999 reserved

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Date: April 7, 2026

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 – Article 16, Dimensional and Related Standards, dated 04-07-2026,
and Appendix C, dated 04-07-2026

We have prepared the initial draft of Article 16 and Appendix C for your review. They work in tandem. Article 16 provides the details for the dimensional standards:

- What are they?
- What is their purpose?
- How are measurements made?
- What exceptions, if any, apply?

Appendix C provides the numerical standards. There is one page for each base zoning district. At the bottom is a simple graphic that shows how/where the standards apply to a parcel. When drafting the numerical standards, we stayed pretty close to the standards in the Village's existing zoning code.

Attachment:

- Article 16, dated 04-07-2026
- Appendix C, dated 04-07-2026

ARTICLE 16 DIMENSIONAL AND RELATED STANDARDS

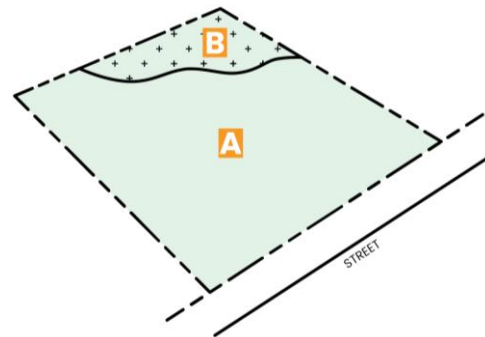
50-2300 Generally

- a. **Applicable standards.** Lots, buildings, and other structures not located within a planned development district must conform to the dimensional standards specified in Appendix C, except as may be otherwise allowed in this chapter. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district and incorporated into Article 9.
- b. **Change in lot.** The size and/or configuration of a lot may not be modified by any means when such modification increases the degree of an existing nonconformity or makes a conforming lot or building nonconforming. This restriction does not however apply when a governmental body acquires land from a willing or unwilling seller for a road construction project or any other public project.

50-2301 Lot area

- a. **Intent.** The size of buildable lots, along with other dimensional standards, are used to encourage mutually compatible uses as set forth in the Village's comprehensive plan.
- b. **Standard.** The minimum size of lots must comply with the standards specified in Appendix C, except when such lots are otherwise authorized elsewhere in this code.
- c. **Exemptions.** An outlot created by a land division that is authorized by the Village is exempt from the minimum lot size requirements if the parcel is dedicated to the public or used for stormwater facilities or other types of development-related infrastructure or common open space, including walking and recreation trails.

Exhibit 16-1. Lot area



$$\text{Lot area} = A \text{ (total area)} - B \text{ (exclusions, if any)}$$

- d. **Measurement of lot area.** Lot area is measured on the horizontal plane and excludes the following:
 - (1) 100 percent of wetlands as delineated by a professional wetland delineator recognized by the Wisconsin Department of Natural Resources,
 - (2) 100 percent of the area of a flag lot that constitutes the stem,
 - (3) 80 percent of the land within the 100-year floodplain overlay district,
 - (4) 100 percent of the area that extends into an existing or planned street right-of-way, and
 - (5) 100 percent of any survey overlaps.
- e. **Change in lot with a conditional use.** The property boundary lines of a lot with a conditional use may not be modified in any manner without the express authorization of the Plan Commission. If the Plan Commission determines that the proposed reconfiguration or change in lot area is substantive, the proposed change may only occur if the Plan Commission grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.
- f. **Lot area in the context of land divisions.** Minimum lot area requirements are one of many factors that affect how many lots could potentially be created through the land division process.
- g. **Nonconformity.** An existing lot that is smaller than the minimum lot area is considered a nonconforming lot and is subject to applicable standards in Article 24.

50-2302 Lot width

- a. **Intent.** Lot width, along with other dimensional standards, establish minimum requirements to ensure compatibility of lots and that lots are buildable consistent with the character as set forth in the Village's comprehensive plan.
- b. **Standard.** The width of a lot must comply with the standards specified in Appendix C, unless otherwise modified.
- c. **Exemptions.** A parcel created by a land division that is authorized by the Village is exempt from the lot width requirements if the parcel is to be dedicated to the public or used for stormwater facilities and other types of development-related infrastructure or common open space including walking and recreation trails.
- d. **Measurement of lot width.** Lot width is measured at the front-yard setback.
- e. **Nonconformity.** An existing lot that does not comply with the minimum width requirement is considered a nonconforming lot and is subject to applicable standards in Article 24.

50-2303 Lot frontage

- a. **Intent.** Lot frontage, along with other dimensional standards, establishes minimum requirements to ensure compatibility among lots and that lots have adequate access to a public street for ingress and egress.
- b. **Standard.** The frontage of a lot must comply with the standards specified in Appendix C.
- c. **Measurement of lot width.** Lot frontage is measured along the front lot line or along the planned street right-of-way, whichever is furthest from the street.
- d. **Nonconformity.** An existing lot that does not comply with the minimum width requirement is considered a nonconforming lot and is subject to applicable standards in Article 24.

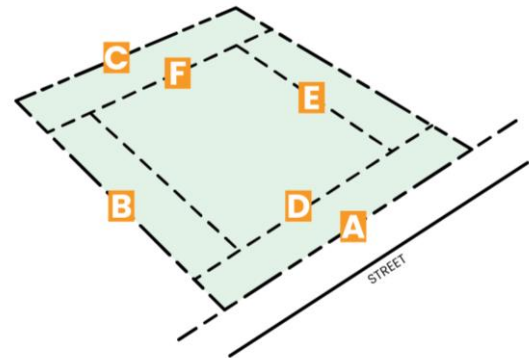
50-2304 Lot configuration

- a. **Intent.** Standards controlling the configuration of lots are intended to avoid oddly shaped lots, multi-sided lots, and any other configuration that increases the likelihood a property owner might seek relief from a dimensional standard arising from a poorly designed lot.
- b. **Standard.** Side lot lines must be substantially at right angles or radial to street lines. Lot lines may not cross municipal boundaries. As a general rule, lots must be rectangular in shape, and lots having more than 5 sides must be avoided. However, a lot line may follow the center of the stream when lot(s) on either side conform with all other requirements.
- c. **Nonconformity.** An existing lot that does not comply with the depth-to-width ratio is considered a nonconforming lot and is subject to applicable standards in Article 24.

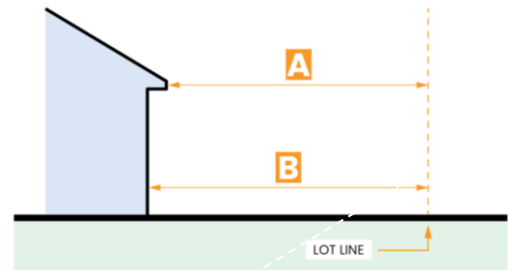
50-2305 Building setbacks

- a. **Intent.** Building setback standards, along with other dimensional standards, establish a pattern of development in each of the zoning districts. The established setback standards provide for a varying degree of (1) privacy between neighbors; (2) separation to mitigate noise and odor; (3) space for light and air circulation; (4) land for landscaping, recreational use, pleasure, and stormwater management; (5) land for maintaining the exterior of buildings and other structures; (6) room for the placement and maintenance of under-ground and above-ground utilities; and (7) room for emergency vehicles between and around buildings and other structures.
- b. **Standards.** Except as allowed in this section, buildings must comply with the setback requirements specified in Appendix C. When a survey overlap exists between the subject property and an adjoining lot, required setbacks are measured from the boundary line of the adjoining property as depicted on the most recent recorded deed, plat, or survey for that adjoining lot. This standard ensures that buildings and structures on the subject property will remain compliant with setback requirements after the survey overlap is resolved through a boundary agreement, corrective instrument, or judicial action.

- c. Setback averaging for street yards.** The required street yards may be decreased to the average of the existing street yards of the abutting buildings on each side but in no case less than 15 feet in any residential district and 5 feet in any business district. For the purpose of this subsection, the following rules apply when applying setback averaging:
- (1) Building projections which may extend into the street yard are not included.
 - (2) Street yard setback reductions as allowed by a variance are not included.
- d. Decks and porches.** Decks and porches are part of the building and therefore must comply with all applicable setback requirements or as allowed in subsection (f) below.
- e. Wheelchair access ramps.** The building inspector may, upon written petition, allow the construction of an unenclosed wheelchair access ramp in a setback area, provided the proposed location for the ramp is the only reasonable location based on the existing configuration of the building and the ramp encroaches into the setback area no more than is necessary to provide access to the building. Also see Article 5 for additional provisions relating to reasonable accommodations.
- f. Measurement.** Minimum setbacks are measured from the corresponding lot line to the fascia if the roof overhang is more than 2 feet or to the foundation wall if the roof overhang is 2 feet or less (Exhibit 16-3).

Exhibit 16-2. Minimum building setbacks

- A Front lot line
 B Side lot line
 C Rear lot line
 D Street-yard setback, minimum
 E Side-yard setback, minimum
 F Rear-yard setback, minimum

Exhibit 16-3. Measurements to lot line

- A Roof overhang more than 2 feet
 B Roof overhang 2 feet or less

- g. Exceptions.** Those parts of a building enumerated in Exhibit 16-4 may extend past the minimum setbacks as indicated.

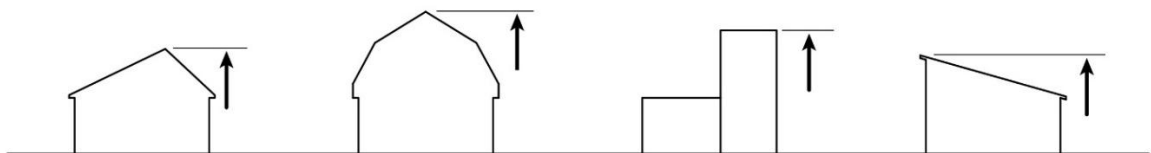
Exhibit 16-4. Building features and projections allowed in a required street yard, side yard, and rear yard

Feature	Maximum projection
Exterior building materials such as sheathing, siding and trim, and bricks	6 inches into a required street yard, side yard, or rear yard
Cantilevered floors	12 inches into a street yard or rear yard, provided the width of the wall section is not more than 15 percent of the total wall face and the overhang is 12 inches or less
Sills, belt courses, buttresses, cornices, ornamental features, and the like	8 inches into a required street yard, side yard, or rear yard
Roof overhang (eaves)	24 inches into a required street yard, side yard, or rear yard
Chimneys	2 feet into a required street yard, side yard, or rear yard
Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers	2 feet into a required side yard or rear yard
Bay windows	3 feet into a required street yard, side yard, or rear yard
Balconies	3 feet into a required street yard or side yard; 5 feet into a required rear yard
Steps, stoops, and porches, provided they are not higher than the ground floor elevation	4 feet into a required street yard; 2 feet into a required side yard or rear yard

50-2306 Height of principal building

- Intent.** The height of principal buildings help shape the overall look and feel of the built environment and when regulated help to ensure compatibility of buildings on adjoining lots.
- Standard.** The height of principal buildings must comply with the standards specified in Appendix C.
- Measurement of building height.** The vertical distance measured from the average elevation of the finished ground surface adjoining a building's exterior (grade plane) to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or the highest point of gambrel, hip, gable, or shed roof.

Exhibit 16-5. Measuring principal building height



- Exceptions.** Those parts of a building enumerated in Exhibit 16-6 are not included in the measurement of building height.

Exhibit 16-6. Building features not included in measurement

Building feature	Maximum
Chimney or flue	Up to 6 feet over the maximum building height
Spire or steeple on a church or other institutional building	The side- and rear-yard setbacks are increased one foot for every foot over the maximum building height for the district where the building is located; existing buildings that do not meet this standard are deemed conforming Example: If the standard side-yard setback is 20 feet and the maximum building height is 45 feet, a steeple with an overall height of 60 feet, means the adjusted side-yard setback is 35 feet ($20 + 15 = 35$ feet).
Cupola	Up to 4 feet over the maximum building height, provided the width does not exceed 4 feet
Solar chimney	Up to 6 feet over the maximum building height
Elevator penthouse	Up to 8 feet over the maximum building height

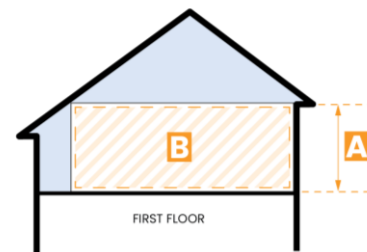
- e. **Nonconformity.** An existing principal building that exceeds the maximum height standard is considered a nonconforming building and is subject to applicable standards in Article 24.

50-2307 Height of accessory building

- a. **Intent.** The maximum height of accessory buildings is established to ensure they are subordinate in size and scale as compared to principal buildings on the lot.
- b. **Standard.** The height of accessory buildings must comply with the standards specified in Appendix C.
- c. **Measurement of building height.** The height of an accessory building is measured from the bottom of the building to the highest point on the roof.
- d. **Nonconformity.** An existing accessory building that exceeds the maximum height standard is considered a nonconforming building and is subject to applicable standards in Article 24.

50-2308 Living area

- a. **Intent.** Standards for living area are intended to ensure development is compatible with the size of the lot and the character of development as set forth in the Village's comprehensive plan.
- b. **Standard for residential living area.** A building intended in whole or part for residential purposes must provide a minimum floor area as specified in Appendix C.
- c. **Measurement.** Living area is measured from exterior wall to exterior wall. In multi-unit buildings, living area is measured from exterior wall to exterior wall and from the center of common walls between adjoining units. The following are specifically not considered a living area:
- (1) any space above the first floor, where the floor-to-ceiling height is less than 7 feet;
 - (2) unfinished basements;
 - (3) crawlspace;
 - (4) attics not used for living purposes;
 - (5) attached garages;
 - (6) breezeways;
 - (7) unheated sunrooms;

Exhibit 16-7. Living area above first floor


- A 7 feet
B Living (floor) area

- (8) porches;
- (9) balconies;
- (10) stoops; and
- (11) similar features.

d. **Nonconformity.** An existing building that does not have the minimum living area is not considered a nonconforming building.

50-2309 Attached garage area

- a. **Intent.** Regulating the size of attached garages in relation to the living area of a dwelling helps ensure that residential buildings remain primarily oriented toward living space rather than vehicle storage. These standards promote balanced building proportions, maintain the residential character of neighborhoods, and help prevent garages from becoming the dominant architectural feature of a dwelling.
- b. **Standard.** The floor area of garages must comply with the standards specified in Appendix C.
- c. **Measurement.** The floor area of the garage is measured from the exterior walls of the garage to the drywall on the wall separating the garage from the living area. The floor area does not include any stairwells that provide access to the basement from inside the garage.
- d. **Nonconformity.** An existing dwelling with an attached garage that exceeds the maximum area is considered a nonconforming building and is subject to applicable standards in Article 24.

50-2310 Floor area of accessory buildings

- a. **Intent.** Standards are needed to ensure accessory building are subordinate in size to principal buildings.
- b. **Standard.** The floor area of accessory buildings must comply with the standards specified in Appendix C.
- c. **Measurement.** The floor area of an accessory building is measured from outside wall to outside wall provided the roof overhang is 2 feet or less. Any area of the roof with a roof more than 2 feet is counted as floor area along with any unenclosed attached roof area.
- d. **Nonconformity.** An accessory building that exceeds the maximum permitted floor area is considered a nonconforming building and is subject to the requirements of Article 24. If the combined floor area of more than one accessory building exceeds the maximum permitted floor area, the largest building is not considered nonconforming provided its individual floor area does not exceed the maximum permitted floor area. The remaining accessory building or buildings are considered nonconforming and are subject to the requirements of Article 24.

50-2311 Number of principal buildings on a lot

- a. **Generally.** Every building hereafter erected, structurally altered, or relocated must be located on a single lot. In no case, except in business districts, industrial districts, and planned development districts, shall there be more than one principal building on a lot, except as provided in this section. The principal residential building must be built first in all districts.
- b. **Distinction between one building and multiple buildings.** In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:
 - (1) connection by a breezeway of any length;
 - (2) connection by a deck;
 - (3) connection by a porch;
 - (4) any underground connection of any type;
 - (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;

- (6) any connection that serves no significant purpose other than a walkway;
- (7) any connection that is significantly smaller in dimension than the connected parts; or
- (8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

- c. **Exception.** The Plan Commission may approve the issuance of a new single-family residential home building permit, and allow the occupancy of an existing residential structure on a parcel, for a period of time not to exceed 2 years during the construction of the new residence, provided the property owner enters into a binding agreement, that includes the following provisions:
 - (1) The property owner will remove the existing residential building within 90 days from the issuance of the occupancy permit for the new residence.
 - (2) The Village is authorized to access the property to remove the existing residential building if the property owner fails to do so within 60 days of issuance of an occupancy permit for the new residence.
 - (3) The Village may assess a special charge against the subject property to remove the existing residential building and restore the site to an acceptable condition as determined by the building inspector.
 - (4) Any other provision deemed necessary by the City.
- d. **Additional standards.** When this chapter allows more than one principal building on a lot, the Plan Commission or Village Board, as appropriate, may (1) require a greater setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to account for concerns related to the purposes of this chapter as described in § 50-05 or in other sections of this chapter.
- e. **Nonconformity.** If there is more than one principal residence on a lot, the provisions in Article 24 apply.

50-2312 Number of accessory buildings on a lot

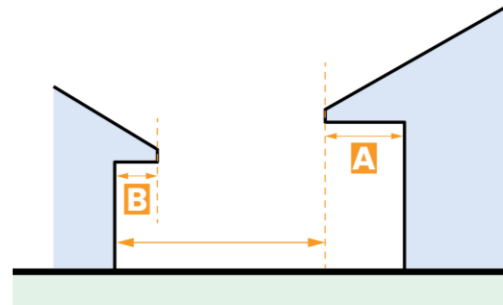
- a. **Generally.** The number of accessory buildings on a lot must comply with the requirements specified in Appendix C.
- b. **Distinction between one building and multiple buildings.** In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:
 - (1) connection by a breezeway of any length;
 - (2) connection by a deck;
 - (3) connection by a porch;
 - (4) any underground connection of any type;
 - (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;
 - (6) any connection that serves no significant purpose other than a walkway;
 - (7) any connection that is significantly smaller in dimension than the connected parts; or
 - (8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

50-2313 Building separations

- a. **Intent.** Keeping an adequate distance between accessory and principal buildings helps to avoid a haphazard appearance of buildings on a property and provide adequate access for emergency services.
- b. **Standard.** Accessory buildings and principal buildings must maintain the minimum separation specified in Appendix C.
- c. **Measurement.** The distance between buildings on the same lot is measured from (1) the building wall if there is no roof overhang, (2) the building wall if the roof overhang is 2 feet or less, and (3) the fascia if the roof overhang is more than 2 feet.
- d. **Nonconformity.** The accessory building is considered to be a nonconforming building and is therefore subject to the requirements in Article 24.

Exhibit 16-8. Distance between buildings



- A Roof overhang more than 2 feet
B Roof overhang 2 feet or less

50-2314 Building coverage

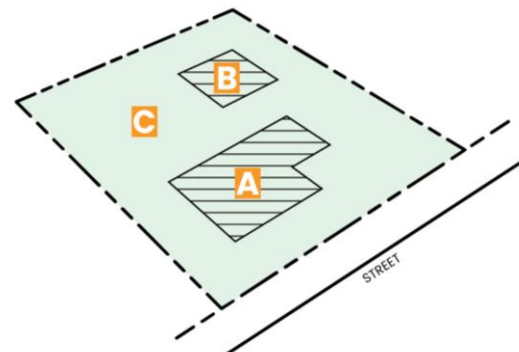
- a. **Intent.** Building coverage is a measure of how much of a lot is occupied by buildings and is used in conjunction with other standards such as building height to ensure buildings fit the character of each zoning district as generally set forth in the Village's comprehensive plan.
- b. **Standards.** Development on a lot must comply with the building coverage standards specified in Appendix C.
- c. **Measurement and calculation of building coverage.** Building coverage is the ratio of the footprint of all buildings on a lot to the lot area, expressed as a percent. It is calculated as follows:

$$\text{Building coverage} = \left(\frac{\text{total floor area}}{\text{lot area}} \right) \times 100$$

For the purpose of this section, the floor area is the footprint of all buildings measured from the outside of exterior walls or support columns provided the roof overhang is 2 feet or less. Any roofed area that extends more than 2 feet from the exterior wall or a support column is included. Attached decks and stoops are not included.

- d. **Nonconformity.** An existing principal building that does not comply with the building coverage requirements is not considered a nonconforming building. An existing accessory building that does not comply with the building coverage requirements is considered a nonconforming building and is therefore subject to the requirements in Article 24.

Exhibit 16-9. Building coverage



- A Principal buildings
B Accessory buildings
C Lot area
Building coverage = $\left(\frac{(A + B)}{C} \right) \times 100$

Steps to Measure Building Coverage:

1. Determine the lot area based on the standards in § 50-2301.
2. Add up the footprint of all the buildings on the subject property.
3. Divide the total building footprint area by the lot area, then multiply by 100 to get the percentage of the lot covered by buildings.

Example: If the lot area is 10,000 square feet, and the total area of the building footprint is 6,000 square feet, the building coverage would be 60 percent.

$$(6,000 / 10,000) \times 100 = 60 \text{ percent}$$

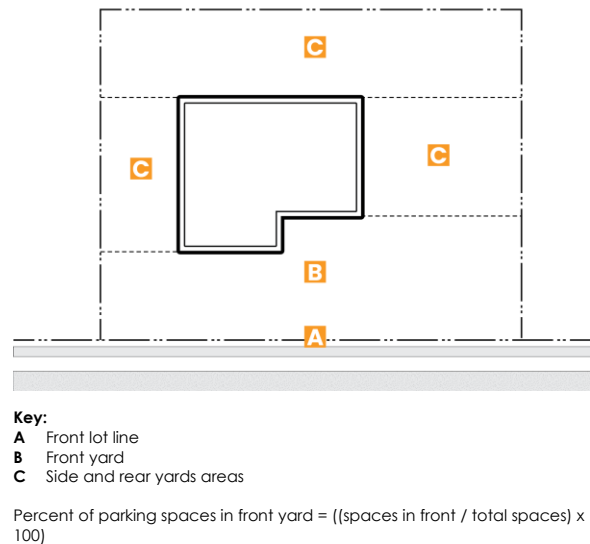
50-2315 Parking lot setback

- a. **Intent.** Parking lot setback standards reduce the visual impacts of parking on the surrounding environment, encourage more efficient land use, and help ensure development is compatible with the character of development as set forth in the Village's comprehensive plan.
- b. **Standard.** All parking lots with 5 or more vehicle parking spaces may not be located any closer to a lot line than the minimum distance specified in Appendix C.
- c. **Measurement.** The parking setback is measured from the face of a curb along the perimeter of the parking lot. When no curb is present, the parking setback is measured from the edge of the pavement. Driveways and vehicle lanes providing access to a parking lot from the public right-of-way are not considered part of the parking lot for the purposes of conforming with this section.

50-2316 Parking in front yard

- a. **Generally.** In some zoning districts, the number of parking spaces in a parking lot that can be located in the front yard is controlled to ensure the building remains the primary visual element on the site which will promote aesthetically pleasing streetscapes and pedestrian-friendly access.
- b. **Standard.** The proportion of parking spaces that can be located in the front yard must comply with the standards in Appendix C. The remaining parking spaces must be located to the side or rear of the building (Exhibit 6-10).
- c. **Administrative adjustment.** Upon petition, the Zoning Administrator may grant an administrative adjustment to allow more parking in the front yard when they determine that (1) there are topographic, environmental, or easement constraints making side or rear parking infeasible, and (2) the project incorporates enhanced landscaping, decorative paving, public plazas, or architectural features that soften the visual impact of the additional parking in the front.

Exhibit 6-10. Placement of parking spaces in certain zoning districts



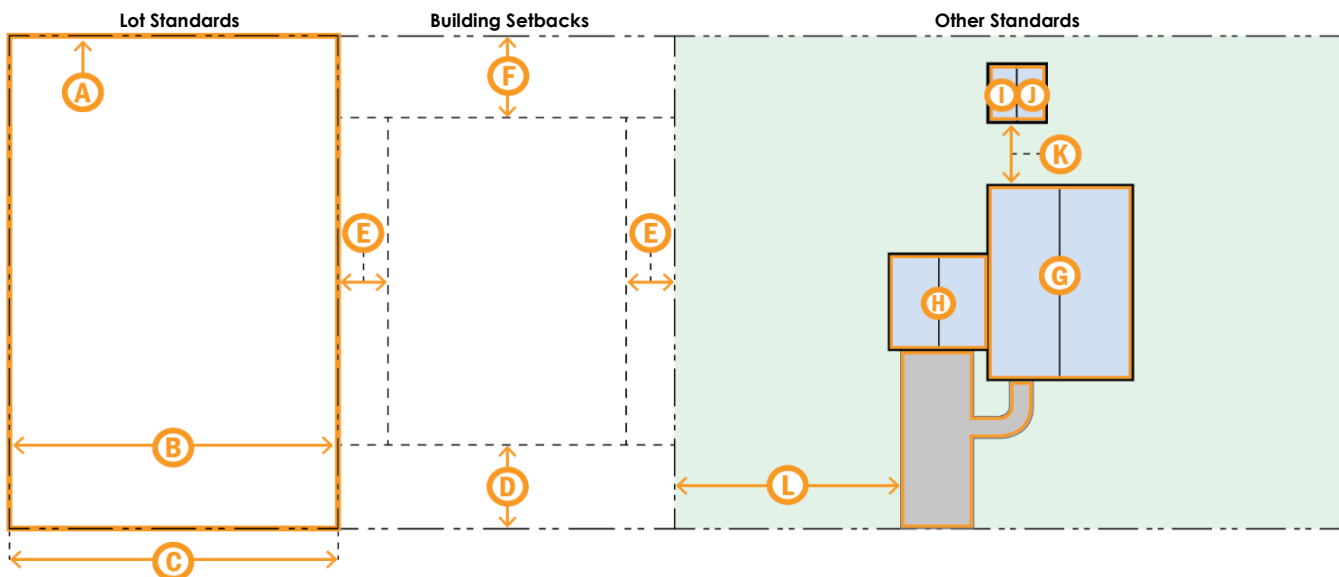
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Appendix C Dimensional Standards

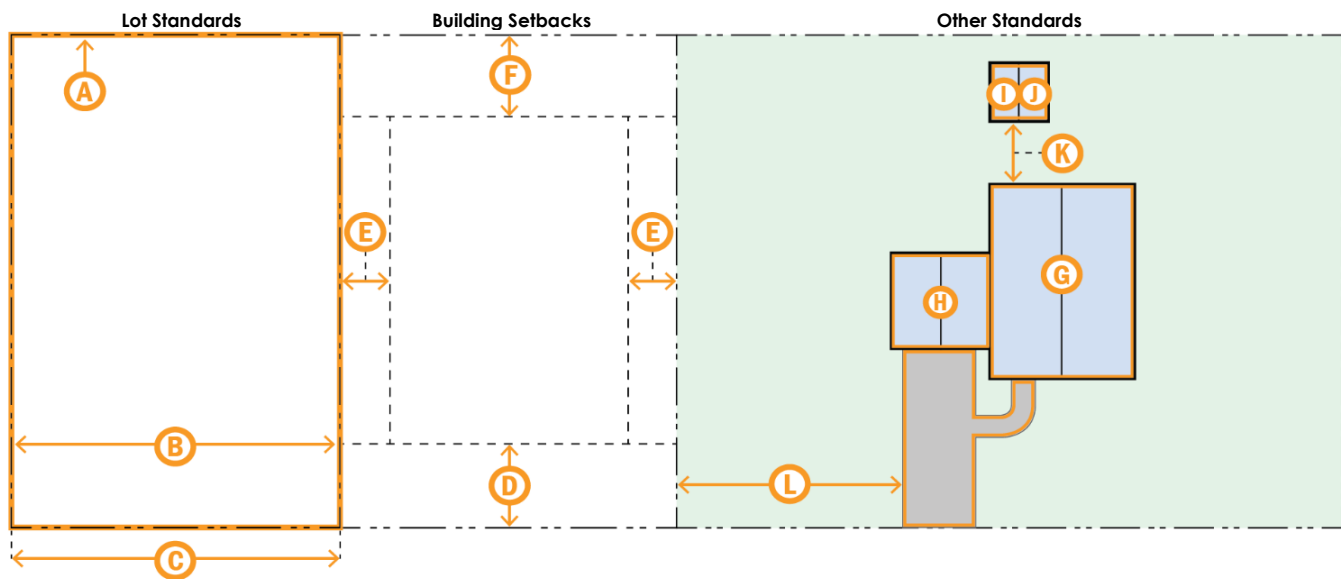
Single-Family Residential (RD-1) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	14,000 square feet
B	Lot width, minimum	§ 50-2302	90 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet for principal buildings, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	12 feet for principal building; 3 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building without an alley; 5 feet for accessory building with an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	1,100 square feet with at least 750 square feet on first floor
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



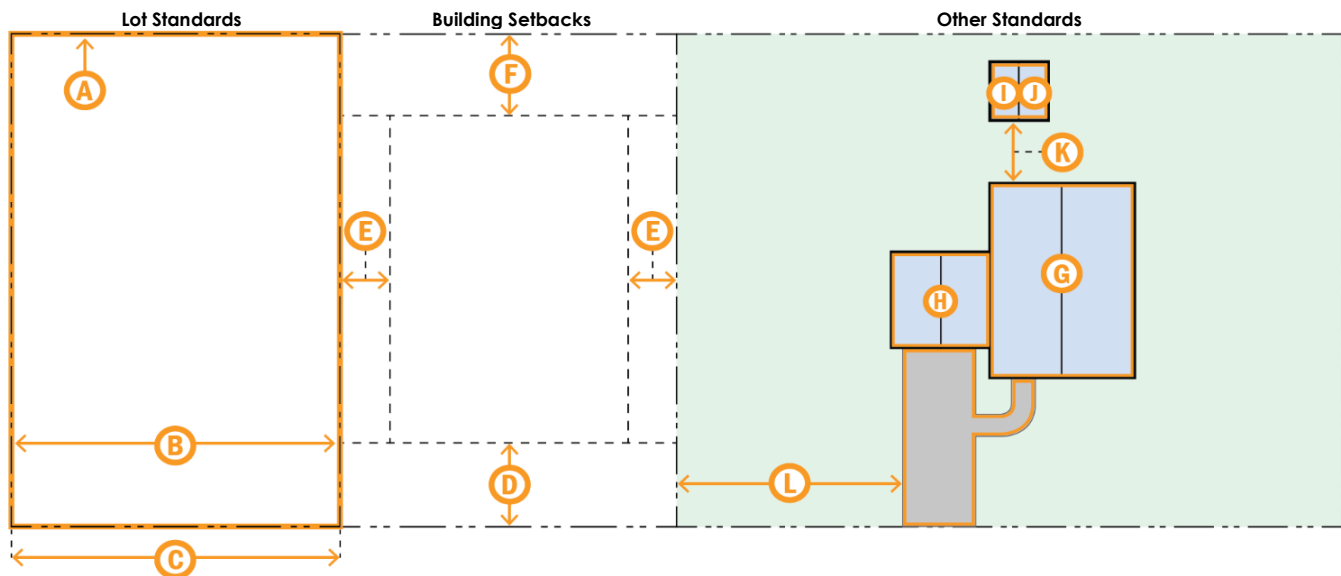
Single-Family Residential (RD-2) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	10,000 square feet
B	Lot width, minimum	§ 50-2302	75 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	25 feet for principal buildings on local streets, 30 feet for principal buildings on collector or arterial streets, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	10 feet for principal building; 3 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building without an alley; 5 feet for accessory building with an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	1,000 square feet with at least 600 square feet on first floor
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



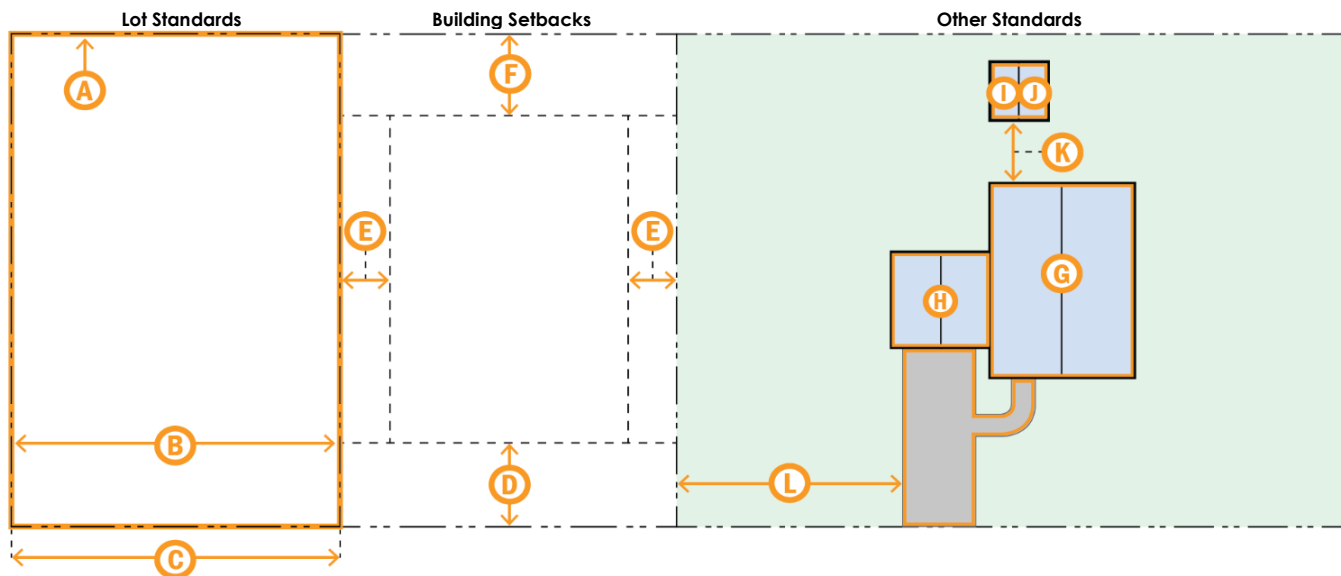
Single-Family Residential (RD-3) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	8,000 square feet
B	Lot width, minimum	§ 50-2302	90 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	25 feet for principal buildings on local streets, 30 feet for principal buildings on collector or arterial streets, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	8 feet for principal building; 3 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building without an alley; 5 feet for accessory building with an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	800 square feet for one-bedroom; 900 square feet for two-bedroom; 1,000 square feet for three or more bedrooms
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



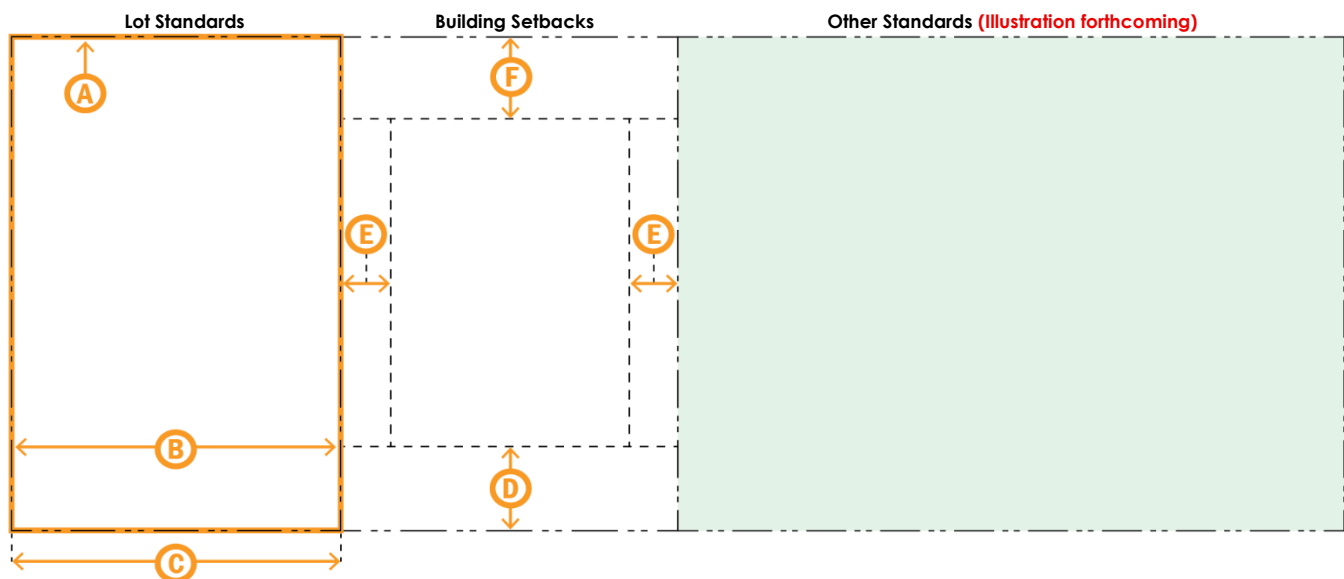
Single-and Two-Family Residential (RD-4) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	12,000 square feet
B	Lot width, minimum	§ 50-2302	85 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	25 feet for principal buildings on local streets, 30 feet for principal buildings on collector or arterial streets, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	15 feet for principal building; 3 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building without an alley; 5 feet for accessory building with an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	700 square feet for one-bedroom; 1,000 square feet for two or more bedrooms
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



Multi-Family Residential (RD-5) District

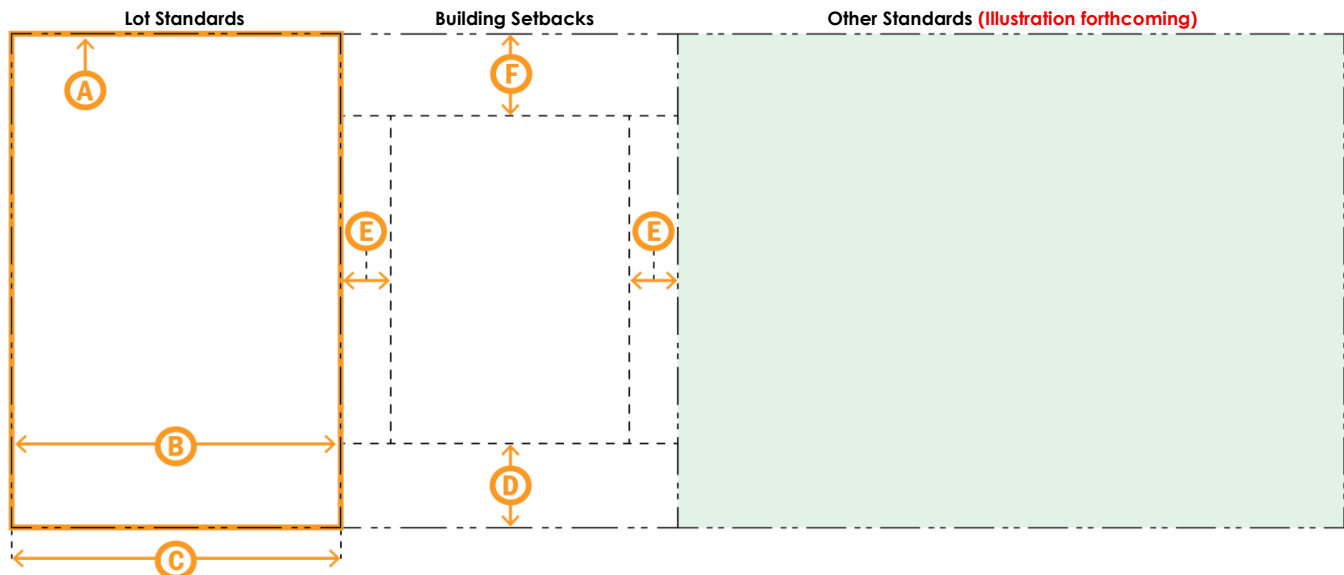
Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	3,000 square feet for each one-bedroom unit, 3,500 square feet for units with two or more bedrooms; with a minimum lot area of 16,000 square feet
B	Lot width, minimum	§ 50-2302	85 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet for principal buildings, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	20 feet for principal building; 3 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building without an alley; 5 feet for accessory building with an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	500 square feet for one-bedroom; 700 square feet for two-bedroom; 900 square feet for three or more bedrooms
H	Floor area of attached garage, maximum	§ 50-2309	NA
I	Accessory building floor area, maximum	§ 50-2310	40 percent of dwelling unit (verify)
-	Number of principal buildings, maximum	§ 50-2311	3, provided the overall density is maintained
J	Number of accessory buildings, maximum	§ 50-2312	1 per unit (verify)
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
L	Building coverage, maximum	§ 50-2314	65 percent
Site Standards			
M	Driveway setback, minimum	-	8 feet from residential; 5 feet from non-residential
N	Parking lot setback, minimum	§ 50-2315	10 feet from residential; 5 feet from non-residential



Manufactured Home (RD-9) District

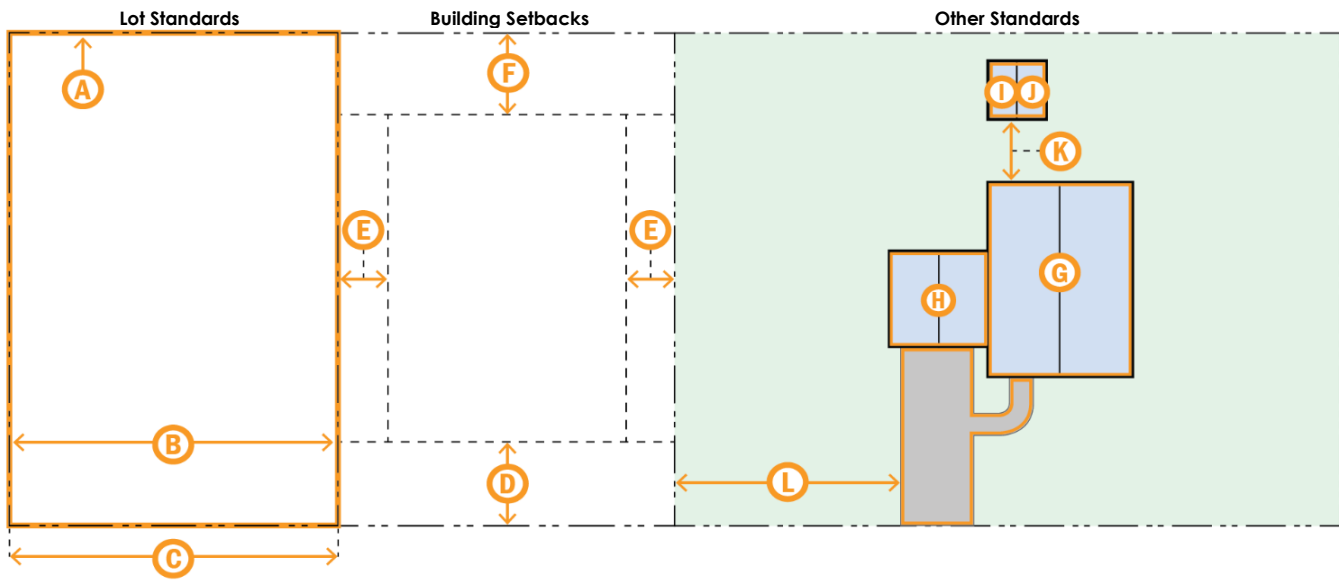
Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	5,000 square feet for each single-wide unit; 7,200 square feet for each double-wide unit
B	Lot width, minimum	§ 50-2302	60 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	50 feet from public streets; 30 feet from service roads
E	Side-yard setback, minimum	§ 50-2305	15 feet
F	Rear-yard setback, minimum	§ 50-2305	15 feet
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	15 feet
-	Accessory building height, maximum	§ 50-2307	12 feet
-	Residential living area, minimum	§ 50-2308	NA
-	Floor area of attached garage, maximum	§ 50-2309	NA
G	Accessory building floor area, maximum	§ 50-2310	150 square feet for each unit
-	Number of principal buildings, maximum	§ 50-2311	No limit (Each unit is considered a principal building)
H	Number of accessory buildings, maximum	§ 50-2312	1 for each unit
I	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
J	Driveway setback, minimum	-	10 feet

Note: Additional standards specifically related to manufactured home parks are included in Appendix B, Series 1.02 and Chapter 26 of the municipal code.



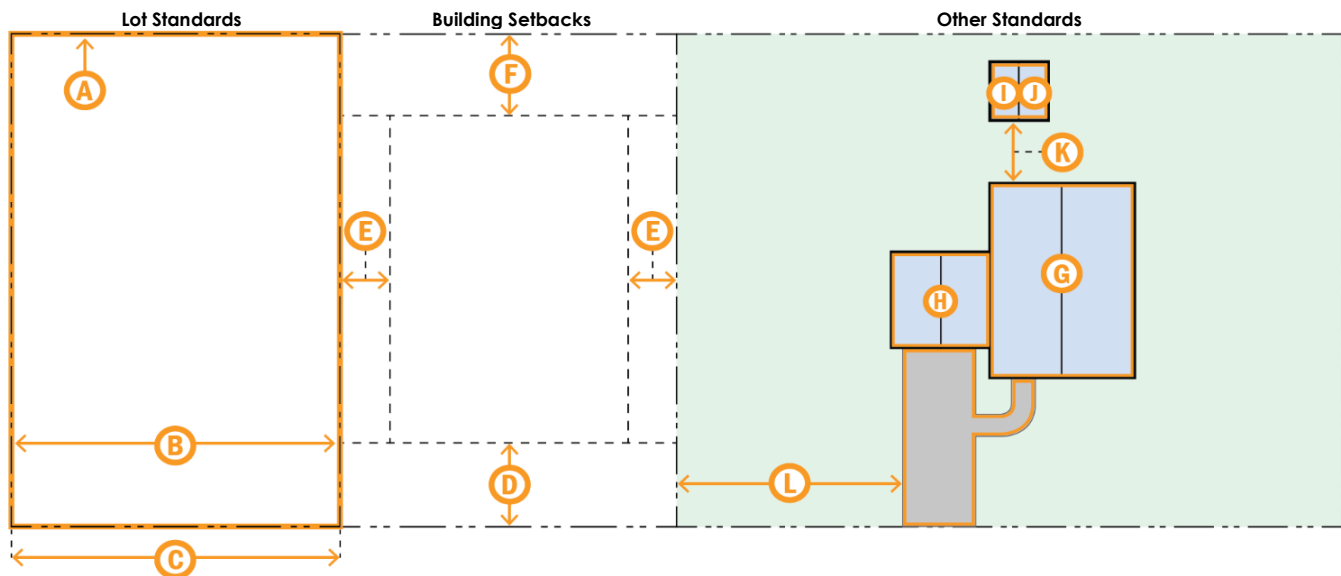
Single-Family Residential (RT-10) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	20,000 square feet
B	Lot width, minimum	§ 50-2302	175 feet for corner lot; 150 feet for other lots
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	75 feet from centerline of street or 42 feet from right-of-way, whichever is greater
E	Side-yard setback, minimum	§ 50-2305	Total (aggregate) of 25 feet for principal building, but not less than 10 feet on one side; 10 feet for accessory building (verify)
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building without an alley; 5 feet for accessory building with an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	1,200 square feet for a one-story; 1,800 square feet for a two-story with at least 1,000 square feet on first floor
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



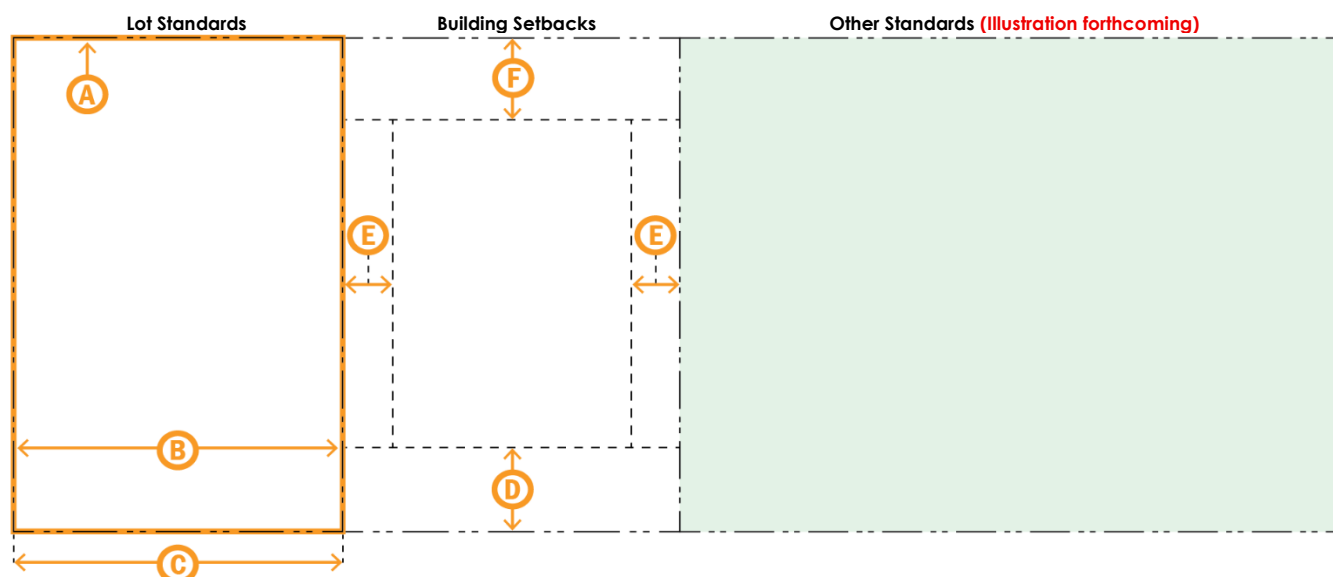
Single-Family Residential (RT-11) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	1 acre (43,560 square feet)
B	Lot width, minimum	§ 50-2302	175 feet
C	Lot frontage, minimum	§ 50-2303	60 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	100 feet from centerline of street or 42 feet from right-of-way, whichever is greater
E	Side-yard setback, minimum	§ 50-2305	25 feet for principal building; 10 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	50 feet for principal building; 10 feet for accessory building without an alley; 5 feet for accessory building with an alley (verify)
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	1,200 square feet for a one-story; 1,800 square feet for a two-story with at least 1,000 square feet on first floor
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



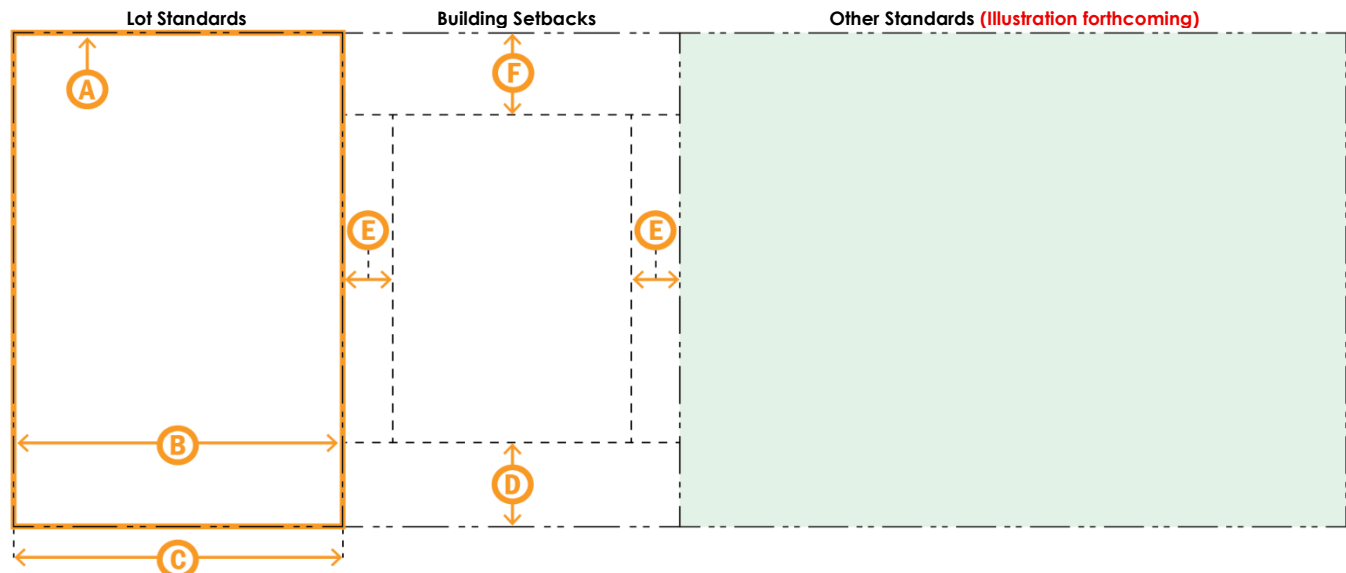
Community Business (C-1) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	1 acre (43,560 square feet)
B	Lot width, minimum	§ 50-2302	150 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	10 feet
E	Side-yard setback, minimum	§ 50-2305	0/10 feet - see ordinance
F	Rear-yard setback, minimum	§ 50-2305	25 feet
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Accessory building floor area, maximum	§ 50-2310	25 percent of the floor area of the principal building
-	Number of principal buildings, maximum	§ 50-2311	1
H	Number of accessory buildings, maximum	§ 50-2312	2
I	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
J	Building coverage, maximum	§ 50-2314	65 percent
Site Standards			
K	Driveway setback, minimum	-	8 feet from residential; 5 feet from non-residential
L	Parking lot setback, minimum	§ 50-2315	12 feet from residential; 5 feet from non-residential
M	Parking in front yard, maximum	§ 50-2316	No limitation



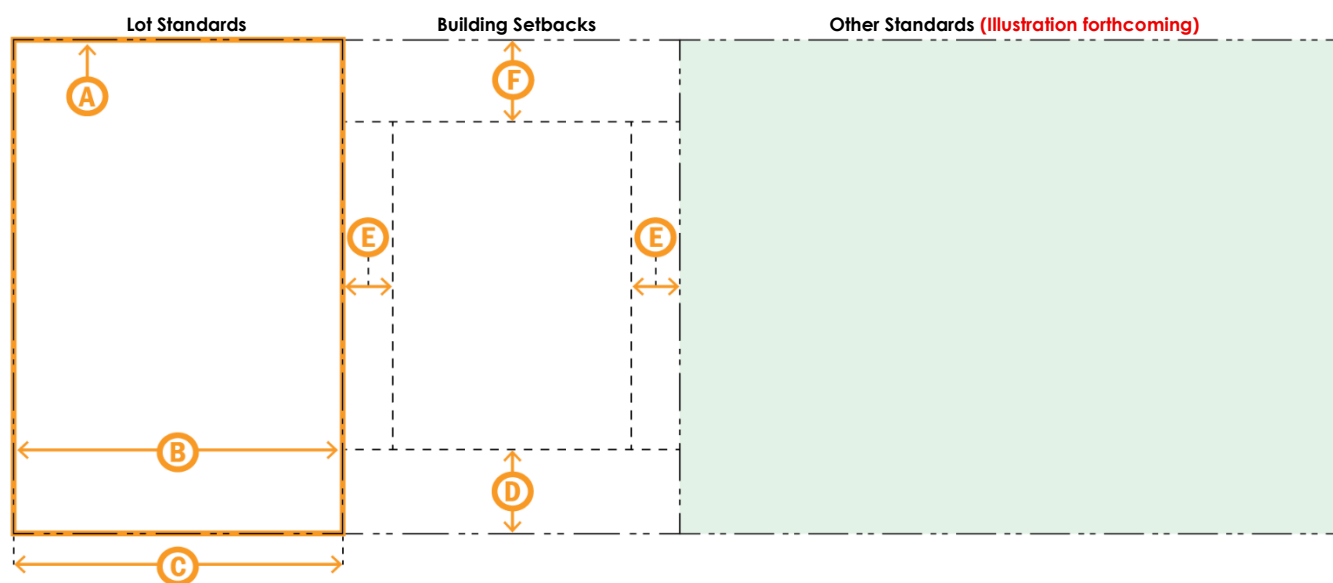
Main Street Mixed Use Business (C-2) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	14,000 square feet
B	Lot width, minimum	§ 50-2302	90 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet for principal buildings, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	12 feet for principal building; 3 feet for residential accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for residential accessory building without an alley
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	1,000 square feet with at least 750 square feet on first floor
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
L	Building coverage, maximum	§ 50-2314	60 percent; NA for single-family
Site Standards			
M	Driveway setback, minimum	-	8 feet from residential; 5 feet from non-residential
N	Parking lot setback, minimum	§ 50-2315	12 feet from residential; 5 feet from non-residential
O	Parking in front yard, maximum	§ 50-2316	20 percent; NA for single-family



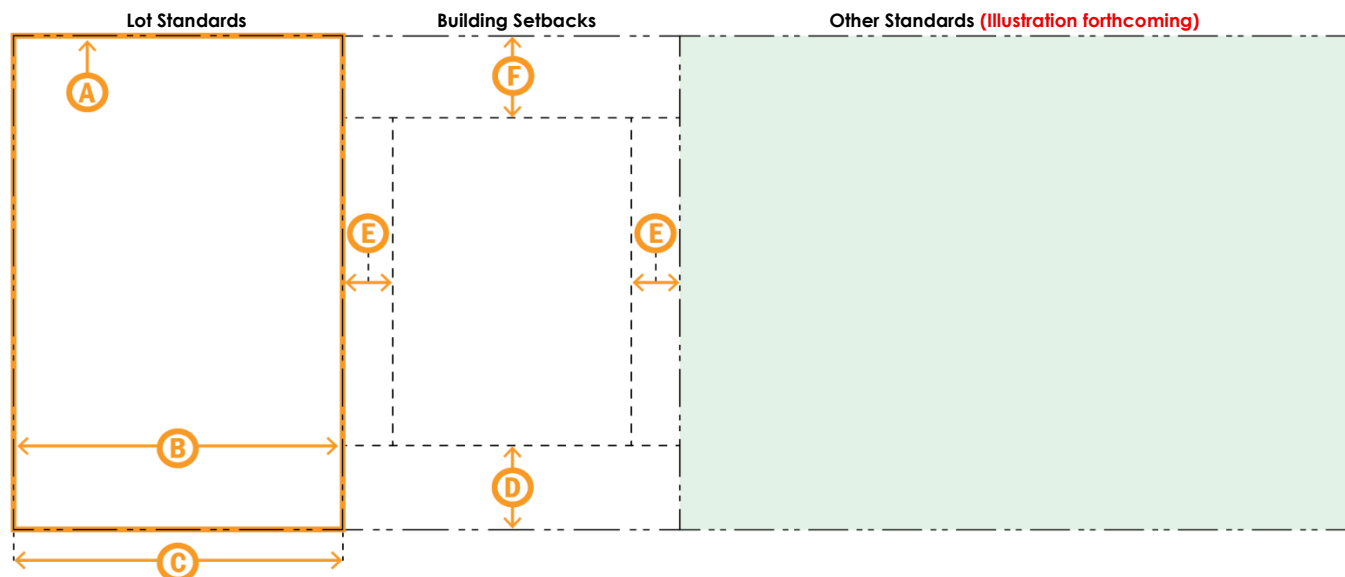
Infrastructure (PSC-1) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	8,000 square feet
B	Lot width, minimum	§ 50-2302	70 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet for principal buildings, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	12 feet for principal building; 10 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 10 feet for accessory building
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Accessory building floor area, maximum	§ 50-2310	15 percent of the floor area of the principal building
-	Number of principal buildings, maximum	§ 50-2311	1
H	Number of accessory buildings, maximum	§ 50-2312	2
I	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
J	Building coverage, maximum	§ 50-2314	No limitation
Site Standards			
K	Driveway setback, minimum	-	8 feet from residential; 5 feet from non-residential
L	Parking lot setback, minimum	§ 50-2315	12 feet from residential; 5 feet from non-residential



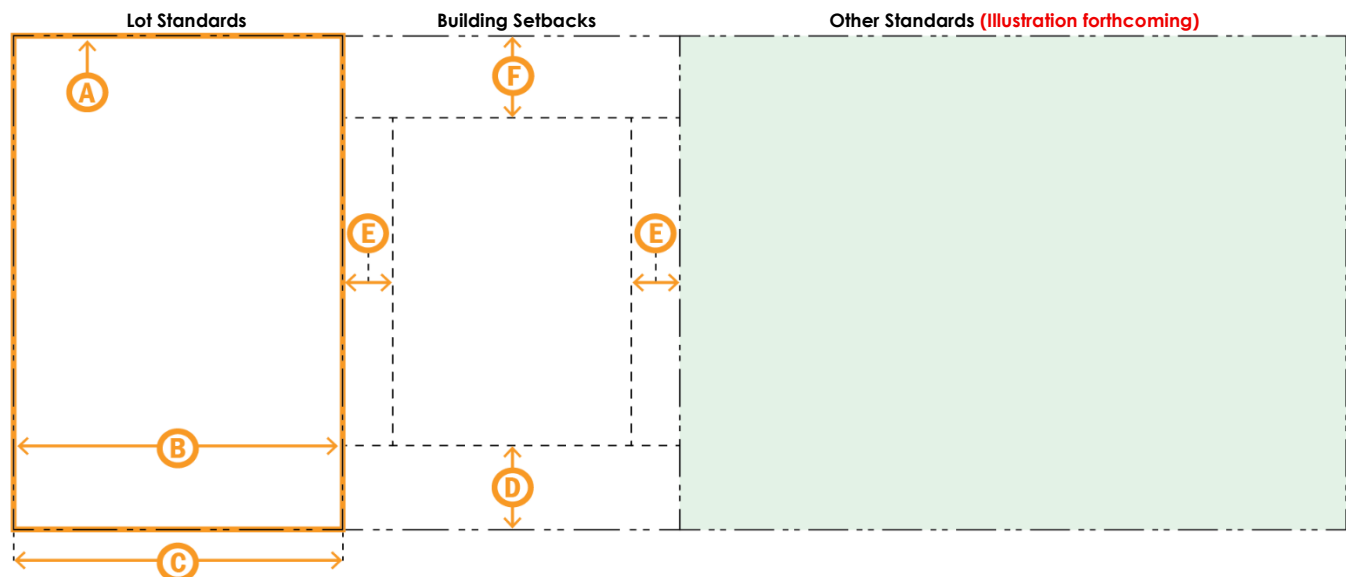
Institutional (PSC-2) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	8,000 square feet
B	Lot width, minimum	§ 50-2302	70 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet for principal buildings, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	12 feet for principal building; 10 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 10 feet for accessory building
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Accessory building floor area, maximum	§ 50-2310	15 percent of the floor area of the principal building
-	Number of principal buildings, maximum	§ 50-2311	1
H	Number of accessory buildings, maximum	§ 50-2312	2
I	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
J	Building coverage, maximum	§ 50-2314	60 percent
Site Standards			
K	Driveway setback, minimum	-	8 feet from residential; 5 feet from non-residential
L	Parking lot setback, minimum	§ 50-2315	12 feet from residential; 5 feet from non-residential
M	Parking in front yard, maximum	§ 50-2316	50 percent when residential lots are on both sides of the subject property



Park and Recreation (PSC-3) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	14,000 square feet
B	Lot width, minimum	§ 50-2302	90 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet for principal buildings, or setback averaging
E	Side-yard setback, minimum	§ 50-2305	12 feet for principal building; 10 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	25 feet for principal building; 10 feet for accessory building
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Accessory building floor area, maximum	§ 50-2310	15 percent of the floor area of the principal building
-	Number of principal buildings, maximum	§ 50-2311	No limitation
-	Number of accessory buildings, maximum	§ 50-2312	No limitation
H	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
I	Building coverage, maximum	§ 50-2314	40 percent for lots less than 10 acres; no limit for lots 10 acres or more
Site Standards			
J	Driveway setback, minimum	-	8 feet from residential; 5 feet from non-residential
K	Parking lot setback, minimum	§ 50-2315	12 feet from residential; 5 feet from non-residential

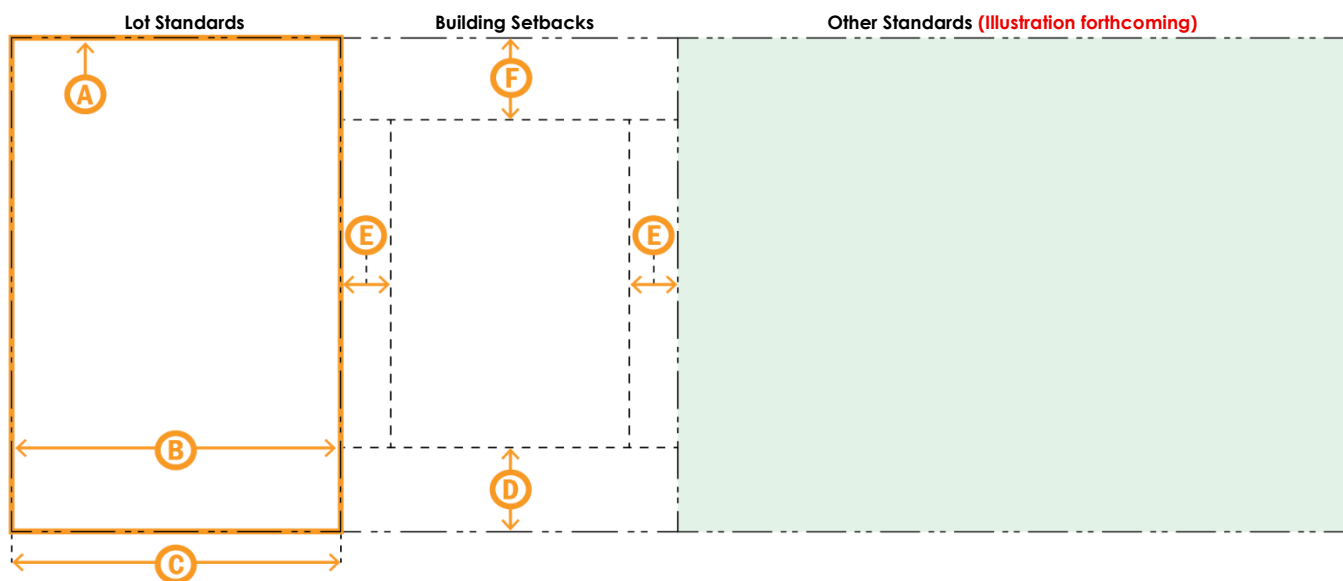


Railroad (PSC-4) District

There are no specific dimensional standards for this base zoning district.

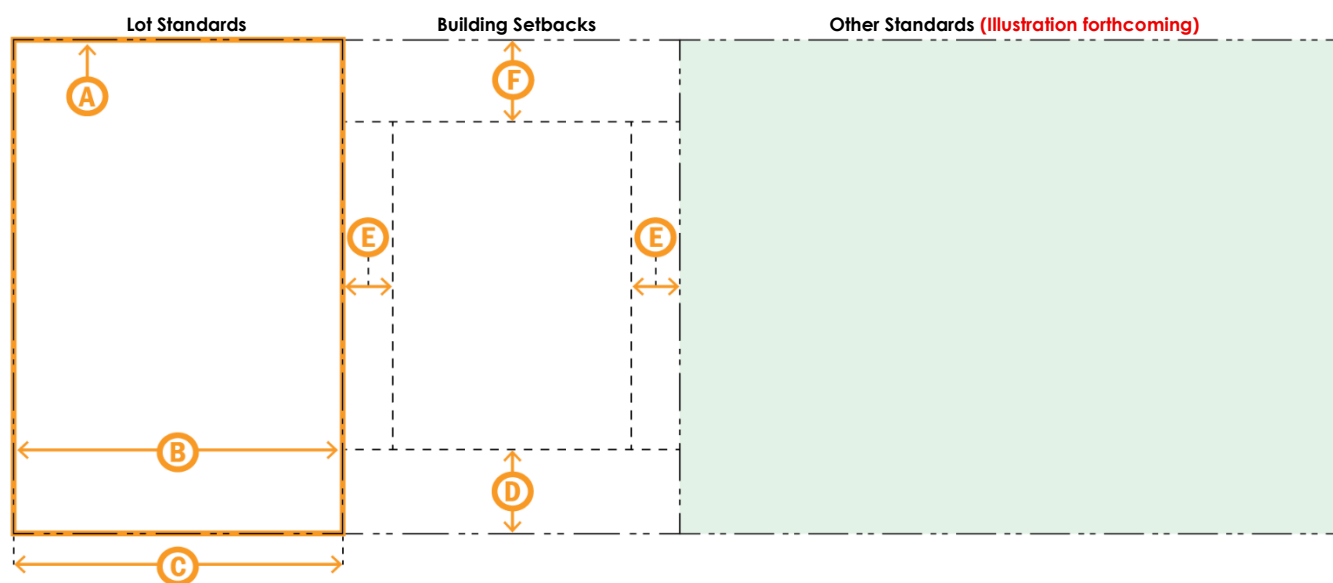
Limited Manufacturing (M-1) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	10,000 square feet
B	Lot width, minimum	§ 50-2302	60 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet
E	Side-yard setback, minimum	§ 50-2305	12 feet
F	Rear-yard setback, minimum	§ 50-2305	25 feet
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Accessory building floor area, maximum	§ 50-2310	25 percent of the floor area of the principal building
-	Number of principal buildings, maximum	§ 50-2311	1
H	Number of accessory buildings, maximum	§ 50-2312	2
I	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
J	Building coverage, maximum	§ 50-2314	70 percent
Site Standards			
K	Driveway setback, minimum	-	10 feet from residential; 5 from industrial; 8 feet from other
L	Parking lot setback, minimum	§ 50-2314	15 feet from residential; 5 from industrial; 10 feet from other



General Manufacturing (M-2) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	10,000 square feet
B	Lot width, minimum	§ 50-2302	60 feet
C	Lot frontage, minimum	§ 50-2303	35 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	30 feet
E	Side-yard setback, minimum	§ 50-2305	12 feet
F	Rear-yard setback, minimum	§ 50-2305	25 feet
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Accessory building floor area, maximum	§ 50-2310	25 percent of the floor area of the principal building
-	Number of principal buildings, maximum	§ 50-2311	1
H	Number of accessory buildings, maximum	§ 50-2312	2
I	Separation between principal and accessory buildings, minimum	§ 50-2313	Per local building code (Collin to verify)
J	Building coverage, maximum	§ 50-2314	70 percent
Site Standards			
J	Driveway setback, minimum	-	10 feet from residential; 5 from industrial; 8 feet from other
K	Parking lot setback, minimum	§ 50-2315	15 feet from residential; 5 from industrial; 10 feet from other

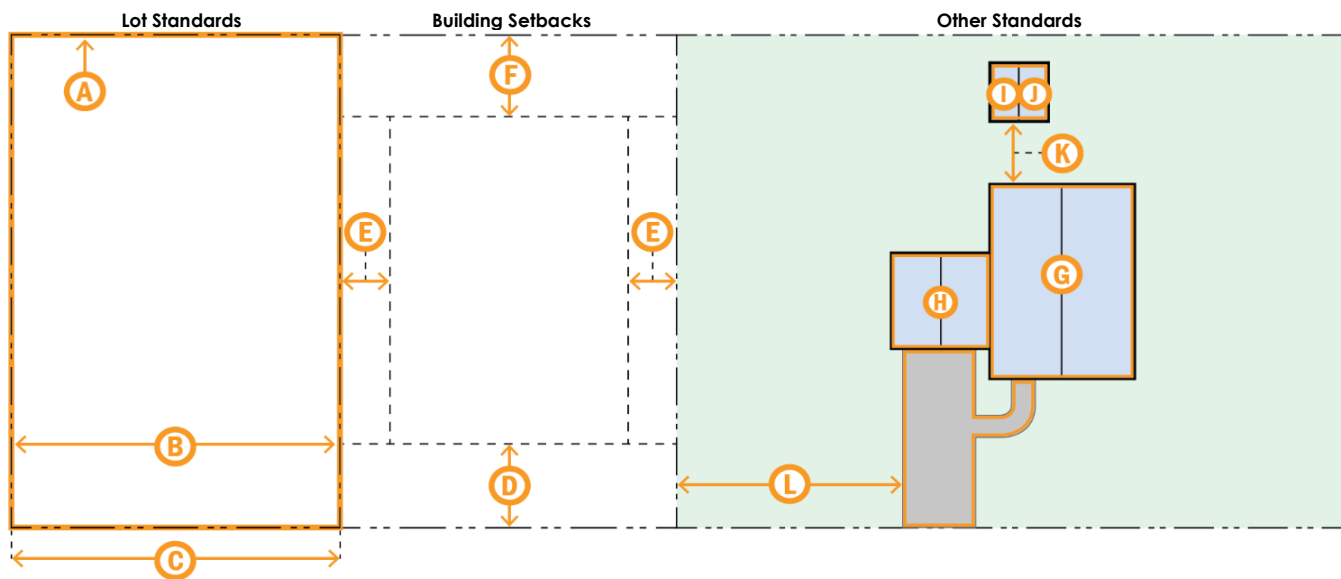


Conservancy (CON) District

There are no specific dimensional standards for this base zoning district.

Urban Transition (UT) District

Lot Standards		Details	
A	Lot area, minimum	§ 50-2301	5 acres; 40,000 square feet if farmstead remnant after the consolidation of existing farms
B	Lot width, minimum	§ 50-2302	300 feet; 120 feet if farmstead remnant after the consolidation of existing farms
C	Lot frontage, minimum	§ 50-2303	75 feet
Building Setbacks			
D	Street-yard setback, minimum	§ 50-2305	50 feet for principal buildings
E	Side-yard setback, minimum	§ 50-2305	25 feet for principal building; 3 feet for accessory building
F	Rear-yard setback, minimum	§ 50-2305	50 feet for principal building; 3 feet for accessory building
-	Shore-yard setback, minimum	-	75 feet, or setback averaging per § 50-1904
Building Standards			
-	Principal building height, maximum	§ 50-2306	35 feet
-	Accessory building height, maximum	§ 50-2307	15 feet
G	Residential living area, minimum	§ 50-2308	1,000 square feet with 600 feet on first floor
H	Floor area of attached garage, maximum	§ 50-2309	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater
I	Accessory building floor area, maximum	§ 50-2310	880 square feet or 40 percent of the living area of the dwelling unit, whichever is greater (less the area of the attached garage)
-	Number of principal buildings, maximum	§ 50-2311	1
J	Number of accessory buildings, maximum	§ 50-2312	2
K	Separation between principal and accessory buildings, minimum	§ 50-2313	10 feet if accessory building does not have ¾-hour fire-resistive construction on the abutting walls; 5 feet if accessory building has ¾-hour fire-resistive construction on the abutting walls
Site Standards			
L	Driveway setback, minimum	-	3 feet



Date: April 7, 2026

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 – Follow-up on Appendix A and B



At your last meeting, we presented the initial drafts of Appendix A and B along with the preliminary zoning map. Given the amount of material, we wanted to revisit those parts to review any comments/questions you may have.

As a starting point, below are 'new' land uses.

1.01	Live/work dwelling	7.22	Sheltered workshop
2.05	Hospice care center	10.03	Composting facility
2.07	Residential shelter care facility	10.05	Data center
5.02	Artisan retreat	10.07	Makers space
5.03	Artisan shop	10.09	Multi-tenant outdoor storage yard
5.04	Body art shop	11.01	Battery energy storage system
5.05	Business incubator	11.04	Solar power generating facility
5.06	Commercial drone delivery hub	13.06	Keeping of bees
5.17	Multipurpose business	13.14	Wind energy system, less than one megawatt
5.20	Package delivery/pickup hub	13.15	Wind energy system, one megawatt and more
5.22	Public EV charging facility	14.02	Accessory dwelling unit
5.26	Shared-use kitchen	14.14	In-family suite
6.04	Indoor shooting range	15.06	Onsite power generating facility
7.02	Adult day care	16.03	Mobile food establishment
7.04	Birth center	16.09	Short-term rental
7.09	Convention center		
7.11	Food pantry		

Additional things to highlight:

- 1.05 When a multi-family building has 5 or more units, there are requirements for a private outdoor area (H) and requirements for inside parking (I).
- 13.04 Fences can now be located up to the lot line without obtaining the 'permission' of the abutting property owner.
- 16.09 The Village has some ability to regulate short-term rentals. Those regulations are essentially limited to licensing requirements. A separate ordinance (outside of the zoning code) would be needed.

Date: April 7, 2026

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 – Zoning Map, dated 04-07-2026



Please find attached the initial draft of the zoning map (in two parts). It is also currently online for viewing at <https://villageofjacksonwi.zoninghub.com/zoningmap.aspx>. (Note – It may take a short while for the page to load. We're working to speed that up.)

With this memo we are introducing a few changes to the base zoning districts. First, we added a new group for "Public Service and Civic Districts". Below are the base districts along with their descriptions. PSC-1 is the only new district, the others were renamed.

Public Service and Civic Districts

- (12) **PSC-1 Infrastructure**^[1] This district is intended to accommodate public and private facilities that provide essential utility and infrastructure services necessary to support the community. These facilities include, but are not limited to, water towers, sewage treatment plants, electric substations, pumping stations, and similar large-scale infrastructure that serves the broader public. This district is intended to ensure that such facilities are appropriately located and developed in a manner that minimizes potential impacts on surrounding properties while maintaining reliable service to the community.
- (13) **PSC-2 Institutional** This district is to accommodate public and private institutions that provide educational, religious, caregiving, and similar community services. These uses include, but are not limited to, schools, churches, nursing homes, day care centers, adult day care facilities, and comparable institutional uses that serve the needs of residents. This district is intended to ensure that such uses are appropriately located and developed in a manner that is compatible with surrounding land uses while supporting access to essential community services.
- (14) **PSC-3 Park and Recreation** This district is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undo disturbance of natural resources and adjacent uses.
- (15) **PSC-4 Railroad**^[1] This district is intended to accommodate railroad lines and spurs.

Special Purpose Districts

- (18) **CON Conservancy**^[1] This district consists of lands with significant environmental constraints, and which are intended to be kept in an undeveloped condition.
- (19) **UT Urban Transition**^[1] This district is intended to accommodate extremely low-density single-family residential uses and limited agricultural uses. Properties in this district are generally undeveloped and can be rezoned to other zoning classifications to enable urban-level development. Proposed rezonings for a development project must be consistent with the Village's comprehensive plan and neighborhood plans, if any, and are only allowed when public utilities and other essential community services are available.

Editorial notes:

[1] This district was added as part of the 2025/26 zoning code update project.

Village of Jackson Zoning Map (1 of 2)

Discussion Draft 04-07-2026

Base Zoning Districts

- Residential**
- RD-1 Single-Family Residential
 - RD-2 Single-Family Residential
 - RD-3 Single-Family Residential
 - RD-4 Single-Family and Two-Family Residential
 - RD-5 Multiple-Family Residential
 - RD-9 Manufactured Home Neighborhood
 - RT-10 Single-Family Residential
 - RT-11 Single-Family Residential

Project-Based Development Districts

- PDD-01 Sysco
- PDD-02 KARM
- PDD-03A The Oaks of Jackson (Subdistrict A)
- PDD-03B The Oaks of Jackson (Subdistrict B)
- PDD-03C The Oaks of Jackson (Subdistrict C)
- PDD-03D The Oaks of Jackson (Subdistrict D)
- PDD-04A Morning Meadows (Phase I and II)
- PDD-04B Morning Meadows (Phase III)
- PDD-05 Rytec Corportation
- PDD-06 Laurel Springs Villas
- PDD-07A Cobblestone Meadows (Subdistrict A)
- PDD-07B Cobblestone Meadows (Subdistrict B)

Business

- C-1 Community Business
- C-2 Main Street Mixed Use Corridor

Public Service and Civic

- PSC-1 Infrastructure
- PSC-2 Institutional and Public Service
- PSC-3 Park and Recreation
- PSC-4 Railroad

Industrial

- M-1 Limited Manufacturing
- M-2 General Manufacturing

Special Purposes

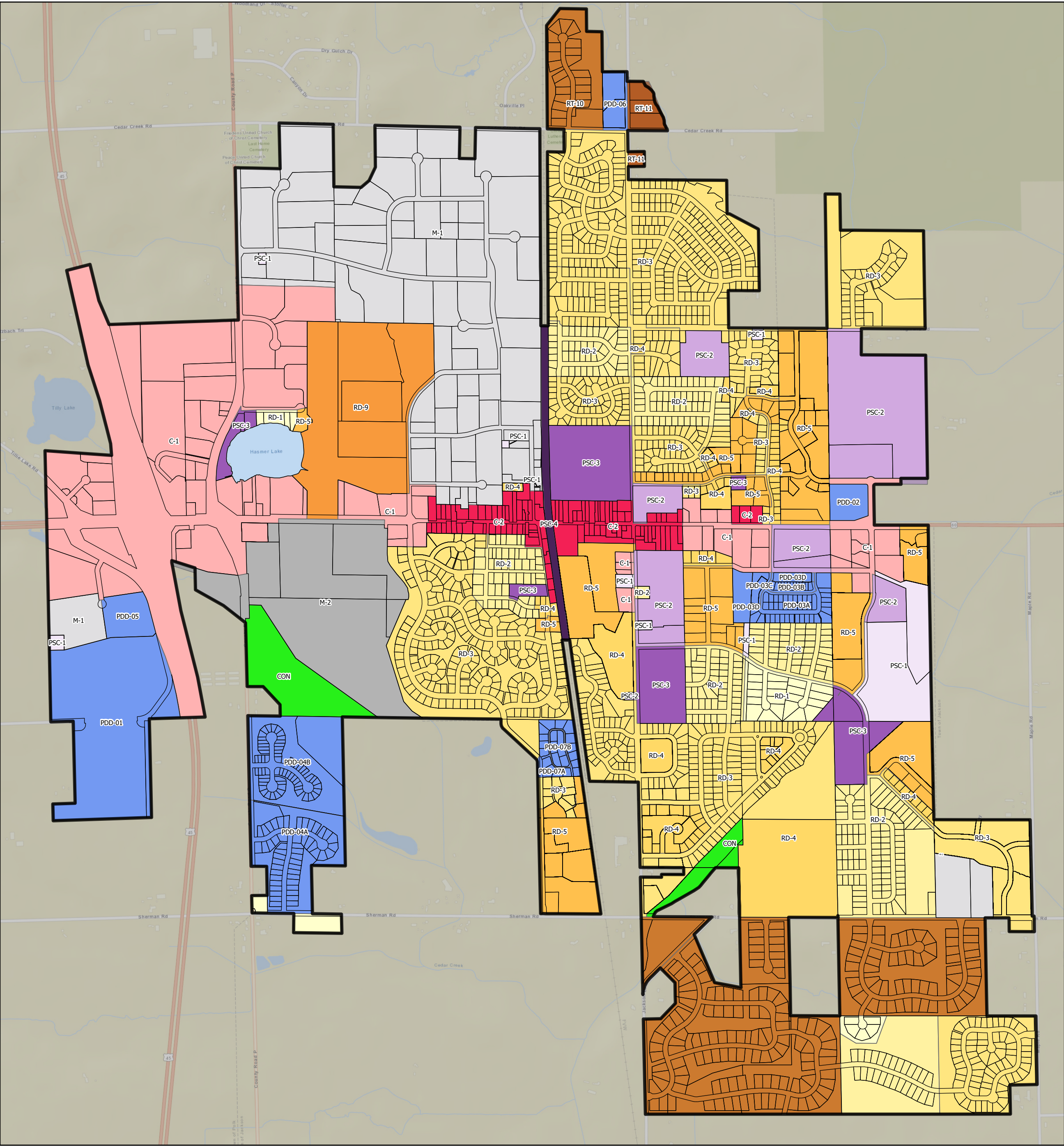
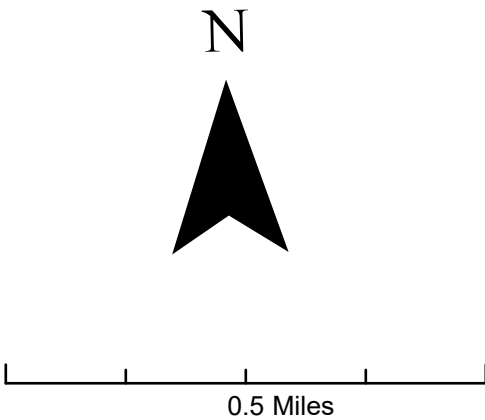
- CON Conservancy

Other Map Features

- Village Boundary
- Parcel line

Notes:

1. The parcel lines were derived from data available from Washington County on or about March 24th, 2026.



Map Certification

Village Administrator	Date
Village Clerk	Date

Date of Last Map Update: _____

Recent Map Revisions

Ordinance	Description
2026-__	Comprehensive rewrite of zoning code and map

Village of Jackson Zoning Map (2 of 2)

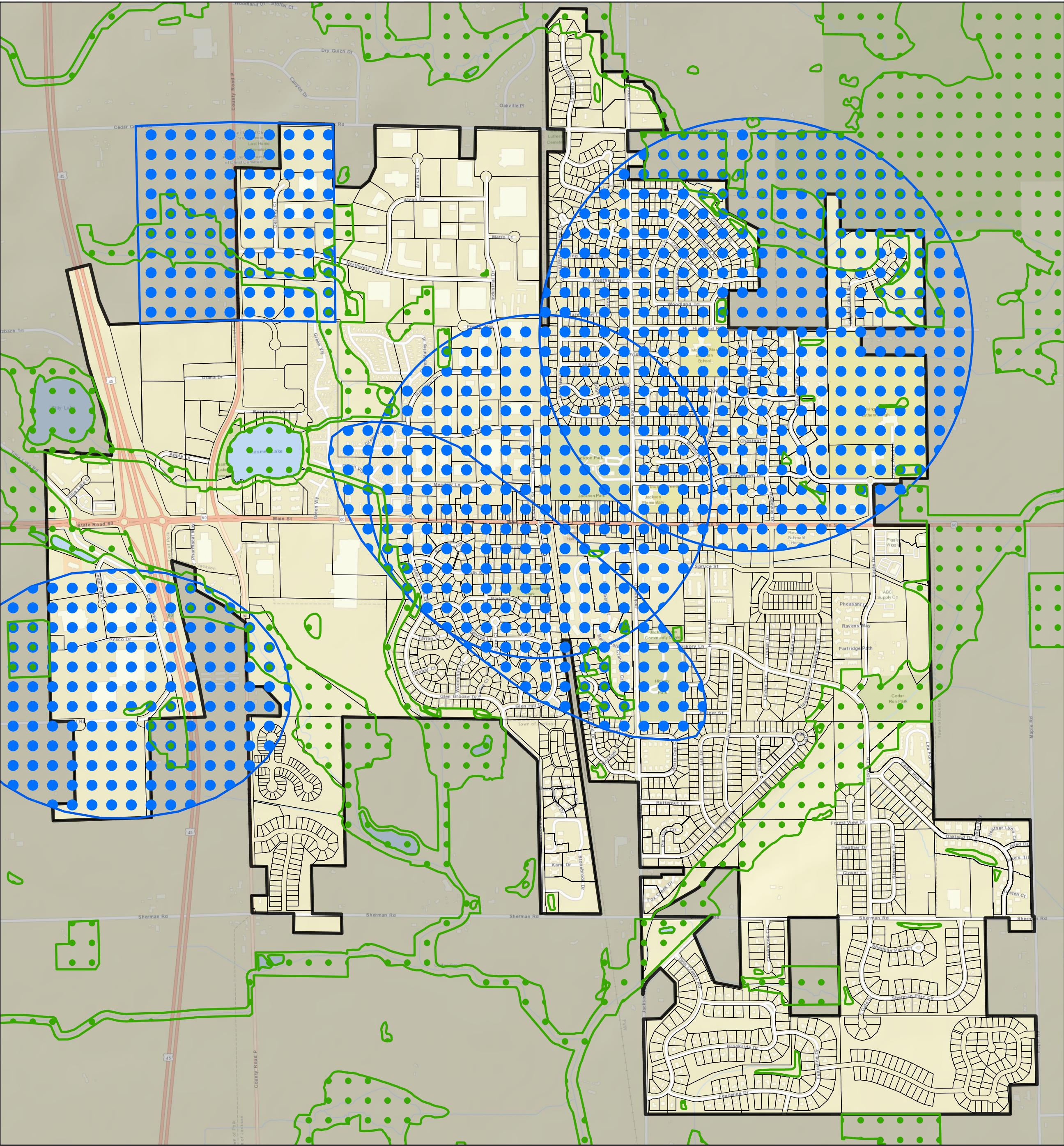
Discussion Draft 04-07-2026

Overlay Zoning Districts

-  Environmental Corridors
-  Wellhead Protection

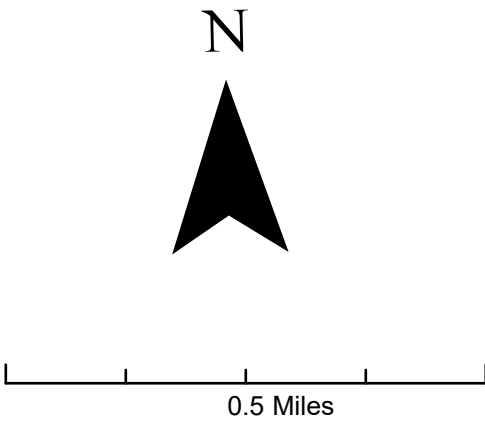
Other Map Features

-  Village Boundary
-  Parcel line



Notes:

1. The parcel lines were derived from data available from Washington County on or about March 24th, 2026.



Map Certification

Village Administrator _____ Date _____

Village Clerk _____ Date _____

Date of Last Map Update: _____

Recent Map Revisions

Ordinance	Description
2026-__	Comprehensive rewrite of zoning code and map