

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION AGENDA
MONDAY, MARCH 19, 2018
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

Roll Call

1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission Minutes of February 19, 2018.
2. Architectural Board and Plan Commission review and consideration of site, building and landscaping plans for a building addition and soccer field shelters at Lake Country Lutheran High School, 401 Campus Drive.
3. Plan Commission consideration of rezoning of the property located east of 1270 E Capitol Drive (former Slugger's property) from RS-3 Single-Family Residential District to the newly created RSE-2 Single-Family Residential Estate District.
4. Plan Commission consideration of an Extraterritorial CSM for the 15-acre parcel on the east side of Campus Drive north of the Lake Country Lutheran vacant property in the Town of Merton.
5. Plan Commission consideration of amendments to the Sign Code related to signage in the Institutional and Park and Recreation Districts.
6. Plan Commission discussion related to Conditional Use Permits and, specifically, Conditional Uses in the Q-1 Quarrying/Extractive District including potential amendments to the Hartland Zoning Code.
7. Adjourn

David E. Cox, Village Administrator

A complete packet of meeting materials is normally available by 5:00pm on the Friday before the meeting on the Village website: www.villageofhartland.com (Government/Agendas and Minutes).

Notice: Please note that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Darlene Igl, WCPC/CMC, Village Clerk, at 262/367-2714. The Municipal Building is handicap accessible.

MEMORANDUM

TO: Architectural Board and Plan Commission
FROM: David E. Cox, Village Administrator 
DATE: March 16, 2018
SUBJECT: Agenda Information – March 19, 2018

The following information relates to the upcoming Architectural Board and Plan Commission meeting agenda and includes additional or summary information and staff recommendations as necessary. The numbering will follow the numbering of the agenda.

Item 2 Related to an addition to Lake Country Lutheran High School.

Background: Lake Country Lutheran High School is pursuing a gymnasium addition to the school building, which is in keeping with the original plans for the school as defined when the high school campus was first considered. The original grading and storm water facilities were implemented as if the proposed addition was completed at that time. As such, it appears that the storm water facilities do not need to be upgraded and the site will not require additional grading aside from that which is necessary to scrape down for footings. The proposed addition will match the exterior appearance of the building's façade on that side. Additionally, the school is proposing the addition of shelters at the soccer field, which include team areas and a storage room.

Recommendation: Recommend approval of the proposed addition and soccer shelter plans.

Item 3 Related to rezoning the E Capitol property.

Background: In follow up to previous discussion and in anticipation of the receipt of the Certified Survey Map (CSM) dividing the parcel, the Plan Commission is asked to begin the official process to rezone the former Sluggers property to the new RSE-2 Single Family Residential Estate District. It is expected that the CSM will be considered as part of the April meeting at which time, all final recommendations can be made.

Recommendation: Undertake initial review and recommend Village Board set a public hearing on the matter.

Item 4 Related to an Extraterritorial CSM.

Background: The Plan Commission is asked to consider a CSM for the property owned by the Kieckhefer family. The property in question was created by the dedication of Campus Drive which divided the farm property owned by Kiefer Farms, LLC. The CSM, which

dedicates a small amount of Right of Way to the Town of Merton, otherwise makes no changes to the property's configuration and is likely being done to establish the parcel as an official parcel with a legal description and appropriate property pins. The Commission will recall that a Preliminary Plat for the subdivision of the subject parcel was approved by the Village in 2016. That subdivision is still in progress and staff understands that this CSM is a step in moving toward final approvals including sale of the property.

Recommendation: Recommend approval of the CSM.

Item 5 Related to amending the Sign Code.

Background: The Hartland Lakeside School District has indicated a desire for a new sign at North Shore Middle School that would include an electronic message board. As discussed at the last meeting, such a sign is not currently permitted in the zoning district in which the school is located. The Plan Commission determined at the February meeting that it was appropriate to amend the Sign Code to allow consideration of the sign. Official ordinance language has been drafted for consideration.

Recommendation: Recommend approval of the Sign Code amendment.

Item 6 Related to Conditional Uses.

Background: As the Commission may be aware, recent changes in State Law will require the Village to take actions related to improving and clarifying the Conditional Use Permit process and, in particular, the conditions on which the permits will be issued. The Village will need to define in advance the conditions for each type of use. The Commission will be asked to begin that discussion including whether to consider or recommend a temporary moratorium. However, staff is aware that the owners of a business operating in the Q-1 district on W Capitol Drive, in which all uses are Conditional Uses, will be coming forward for a new CUP for a change in its operation.

Recommendation: Discuss the plan for moving forward on Conditional Uses and provide direction on the matter of CUPs in the Q-1 District.

DC:PC Agenda Info 3-19

cc: Ryan Amtmann, Village Engineer
Mike Einweck, Public Works Director
Scott Hussinger, Building and Zoning Official

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, FEBRUARY 19, 2018
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

Present: Tim Hallquist, Jeff Pfannerstill, Randy Swenson, Jack Wenstrom, Tim Fenner
David deCourcy-Bower and James Schneeberger.

Others Present: Administrator Cox, Building Inspector Hussinger and Deputy Clerk Bushéy

Roll Call

1. Motion (Wenstrom /Hallquist) to approve the Jt. Architectural Board/Plan Commission Minutes of January 15, 2018 meeting. Carried (7-0).

2. Architectural Board and Plan Commission review and consideration of landscape plans for 505-525 Cottonwood Avenue.

Alex Brackman from Wangard was present to explain the landscape plan. Property was purchased in June of 2017. Step 1 was to work with landscaping out in front, however when property was purchased berm was already out of code compliance and there had been some trimming done on trees that had emerald ash borer issues and they got a little aggressive and took out the rest of the trees. They are working with the Board to get it back up to code. He believes they have met the tree requirement code and with the barrier to shield lights from cars for neighbors across the street. Mr. Brackman explained the landscape plan. The proposed shrubs going in are either 18 in or 2 ft. high with maturity at 5-6 ft. high. Evergreen trees going in are 6 ft. high and Deciduous trees are going in at 2.5 ft. height. Discussion on the berm, height of the trees and shrubs in the landscape plan.

Motion (Hallquist/Swenson) to accept landscape plan with reposition of evergreen if needed.
Carried (7-0).

3. Architectural Board and Plan Commission review and consideration of site, building, landscaping and lighting plans for construction of warehouse for MWS Warehouse, 400 Cardinal Lane.

Robert Buchta from Oliver Construction was present to explain construction plans. Owner Mike White is proposing construction of 11,952 sq. foot stand-alone building on adjoining property to be used as storage building. The Proposed construction will access existing parking with additional parking along front of stand-alone building with asphalt access path between the buildings. Metal

building structure with 4 ft. split face decorative block with an off-white color similar to the existing building with a blue band. The Landscaping plan was modified to bring in some additional trees to the existing property, decorative trees out front and plantings around foundation as well as the parking area. All issues from Engineers letter have been addressed. The lighting plan was explained and reviewed.

Motion (deCourcy-Bower/Swenson) to approve plans for construction of warehouse for MWS Warehouse, 400 Cardinal Lane meeting with contingencies. Carried (7-0).

4. Architectural Board and Plan Commission review of a proposed sign for North Shore Middle School, 800 E. North Shore Drive including discussion of current Sign Code provisions.

Steve Hogan from Hartland Lakeside School District was present to explain proposed signage. School District would like a new sign which includes an electronic display board. The board would display school activities as well as Village activities such as the street dance and parade. The School board is also asking to raise the sign by 3 ft. Hussinger said this type of sign is not currently permitted in this zoning district but Administrator Cox said unless Plan Commission would be willing to modify the sign provision and broaden the zoning code to allow it. Hallquist asked if there is anything in the ordinance regarding timing and Administrator Cox said they could set that. Mr. Hogan said they could set a time for it to shut off. Pfannerstill pointed out the setback on the property is considerable, it is 110 feet. Fenner said he is concerned about opening the door to similar properties and should be on a case by case basis. Hussinger and Pfannerstill agreed it should be on a case by case basis.

Motion (deCourcy-Bower/Wenstrom) to recommend change to the Sign Code provisions. Carried (7-0).

5. Plan Commission consideration of an ordinance creating the RSE-2 Single-Family District related to larger lot development without municipal utilities.

Administrator Cox reminded everyone this is the parcel that used to house Slugger's and the petitioner is proposing to divide property into 3 parcels. Ordinance was drafted using concepts that were discussed at the last Plan Commission meeting with this topic. It was initially used with the RSE-1 as a model and attempting to bring the size requirements down to something that was more akin to what was being discussed. Administrator Cox went on to say the operative piece was the provisions in the lot area that allow a CSM to be brought in for a land division that allows the CSM to create lots that are smaller than the standard number, not less than 110 feet wide or 25,000 sq. ft. in size, also if petitioner can demonstrate on the plat that sufficient space exists for onsite sewer, well and house, in which this specific case Mr. Eisenhut thinks he can and the Language matches that of RSE-1. On a side note, Administrator Cox said he has modified the language recently to take all of the Conditional Uses out of this district, which will be a topic of

discussion for the Board as State has changed those rules and the board will need to clean that up a bit in the code in general.

Mr. Eisenhut said everything is still basically the same as before however he would like to reduce a 30 ft. side yard setback requirement to 25 ft. and the 40 ft. setback from the road requirement to 30 ft. Some other points that were discussed were:

1. The setbacks on this property and other properties.
2. The depth and environmental corridor does make it challenging.
3. The min lot size in the proposed RSE-2 is larger than any lot size besides agricultural zoning in the village and the building inspector wasn't sure they want to reduce the setbacks less than the other districts.
4. The possibility of amending the setbacks in the future in the case of a hardship or modifying the front setbacks.
5. Could the 3 lots possibly have different setbacks?
6. 120 ft. vs 110 ft. width
7. The ordinance is drafted that the village board would make the decision on recommendation of the Plan Commission.
8. The default size of the width in the ordinance.

Pfannerstill said Mr. Eisenhut had gone before the Village Board to see if they were open to the changes and was directed to come back to the Plan Commission. Administrator Cox said the language in the ordinance is drafted that the default size of the parcel is 30,000 sq. ft. and 120 ft. in width. And it indicates without reducing the overall density of the parcel which is built on 30,000 sq. ft., the lot area could be reduced to not less than 25,000 sq. ft. and not less than 110 ft. in width by the Village Board based on the recommendation of the Plan Commission when the CSM contains the information. Administrator Cox said there is sufficient space available for doing septic, well and impervious surfaces. He said there is a built in variation process here that grants the Plan Commission and Village Board the ability to change that.

Hussinger said a 30 ft. setback would be helpful. It would shorten the driveway potentially and reduce the impervious surface which he thought would be helpful. Mr. Eisenhut said it would just be for the 1 lot. There was brief discussion on the setbacks.

Motion (Swenson/Schneeberger) to recommend to the Village Board to approve the change pertaining to the zoning code with a 25 ft. side setback, 30 ft. road setback and a minimum 110 ft. lot width. Carried (7-0). This now goes to the Village Board at the 2-26-18 meeting.

6. Items related to a request for amendments to the Comprehensive Land Use Plan for the area north of CTH K (Lisbon Road) and west of Winkleman Road.

- a. **Plan Commission final review and consideration of amendments to the Comprehensive Plan to increase recommended density and identify the future location of CTH KE in this area.**
- b. **Consideration of a "Village Plan Commission Resolution Recommending Adoption of an Amendment to the Village of Hartland Comprehensive Development Plan: 2035".**

Supplementary information was included in the packets and the proposed change was attached to the draft of the resolution in the packet for the Plan Commission. Administrator Cox said he attempted to draft a resolution that captured the conversations. He said he relocated the road and the draft includes going to the medium low density for the entire parcel. He said it also includes the entire parcel plan needing to be produced at one time and it would need to address a park, open space and the other factors of the comprehensive Plan that were already entered in that area.

deCourcy-Bower brought up several points that concerns him:

1. The level of detail, how specific the comprehensive plan is and if they are going to make the changes, it's prudent to understand those things, such as what is traffic circulation and what will it look like at a higher density.
2. A future park area shown and referenced to in the existing plan, the Village of Hartland Comprehensive outdoor recreation plan and in the comprehensive development plan.
3. Density transfer and an isolated resource area.

Pfannerstill opened the floor at 8:00 p.m. for public comments:

1. Ann Franke 1148 Mary Hill Circle- asked if the density referred to gross density or net density in regards to the development. Pfannerstill said it is gross density. She also commented on the resolution if it should be state statute 61 which refers to Villages or 62 which refers to cities. Administrator Cox said the section dedicated to Villages said to use City statutes. Mrs. Franke asked for clarification on the term dwelling, expressed her concern for the increased traffic and feels this is not the right area for this development.
2. Bob Pjevach 1002 Cypress Ct- Asked what the thought process is to change the Comprehensive Plan to change the density and if a traffic study has been considered. Pfannerstill said in regards to the thought process there was discussion at the last meeting because someone would like to purchase and develop the land and they need increased density to make it viable. He said this is the first step in the process and if it goes through then a Public Hearing would be held. Regarding a traffic study, Pfannerstill that may have to be done.
3. Dick Landwehr 251 Meadow Lane- Commented that if the Village doesn't do anything regarding KE, the County will put it at the bottom of their list unless they are forced to deal with it.

There was discussion on a traffic study and if one would be done. Matt Neumann said they wouldn't request a density change if the road wasn't changed. He said the County usually does a Traffic Impact Assessment (TIA) but not usually at this point. He said the traffic relocation for that intersection won't happen within the next 5 yrs. He said the time the County would do it would be about the time the development is complete.

There was discussion regarding the Comprehensive Plan and road placement.

Peter Jungbluth N55 W28945 CTH K commented that nothing gets done with the County until someone complains.

Dan Jungbluth N55 W28945 CTH K commented on developing it in Merton if this does not go through.

Motion (Fenner/Swenson) to adopt the resolution as presented. The Public Hearing is set for March 26, 2018 at the Village Board Meeting.

7. Adjourn

Motion (deCourcy Bower/Swenson) to adjourn. Carried (7-0). Meeting adjourned at 9:14 PM.

Respectfully submitted by
Recording Secretary,

Deidre Bush y, Deputy Clerk



DEPARTMENT OF BUILDING INSPECTION
APPLICATION FOR ARCHITECTURAL BOARD

Job Address 401 Campus Drive, Hartland, WI 53029
Lot, Block, Subdivision, Key No. HAV
Owner Mark Bahr, EMAIL MBahr@LHSAGM.org, Phone (414) 421-9120
Address 10427 W. Lincoln Ave. Suite 1300, City West Allis, State WI, Zip 53227
Contractor Catalyst Construction, Phone (414) 727-6840, FAX, EMAIL
Address 833 E. Michigan St. Suite 1000, City Milwaukee, State WI, Zip 53202

The Architectural Board meets on the THIRD MONDAY of the Month at 7:00 p.m. in the Board Room of the Hartland Municipal Building located at 210 Cottonwood Avenue in the Village of Hartland.

The DEADLINE for filing is FIFTEEN WORKING DAYS PRIOR TO THE MEETING DATE at 4:30 p.m. All of the following information must be received prior to the deadline in order to be placed on the agenda.

All applications for consideration by the Architectural Board are subject to the policies described in this document.

Commercial/Industrial/Multifamily:

- Four (4) bound sets of plans and application material and one (1) electronic copy of all submittals.
Elevations must show all sides of the structure and state the building materials and colors. Additions must be shown with the existing building.

Signs:

- Four (4) color renderings of the requested sign(s) and one (1) electronic copy of all submittals. Include colors and material type. Renderings are to be dimensioned and must show placement on building and height.
Details (color picture) of all existing wall signs on the same building elevation. A photograph of the building with sign location shown is recommended.
Four (4) site plans with dimensions. Not required for wall signs or other signs attached to the building. Four (4) sets of lighting details. Include type, location, number and photometric plan.
Submit Sign Permit Application

NOTE: Approval by the Architectural Board is not permission to begin construction; a building permit must first be obtained.

Date Applied: 2/26/2018 Date of Meeting: 3/19/2018 Item No.

**Hartland Architectural Board
Application Review Policies**

All applicants and applications are subject to the following policies in order to be considered by the Architectural Board.

1. The deadline for filing any application is a minimum of fifteen (15) working days before the meeting.
2. All applicants for building renovations are encouraged to communicate with or meet with the Building and Zoning Official and the Village Administrator prior to submission of an application.
3. Applications for signs within the boundaries of the Hartland Downtown Business Improvement District (BID) must be reviewed by the BID prior to the meeting with the Architectural Board.
4. All requested or required information, including the application and appropriate fees, must be received prior to the deadline in order to be placed on the agenda. Village Staff has been directed to delay placement on the Architectural Board Agenda based on incomplete submittals.
5. Applications shall include professional-level drawings of all elevations impacted by the proposed project showing the proposed conditions including location and depiction of requested signage.
6. Applications for signage on existing buildings should include a scale depiction of the sign on a current photograph of the existing building.
7. Four (4) sets of application materials and one (1) electronic copy (PDF) of all application materials must be submitted by the deadline.
8. Applications that include site plans must depict the following existing and proposed information plus other information as appropriate or as requested:
 - a. Complete dimensions (lot, building, setbacks, parking, drives, etc.)
 - b. Scale and north arrow
 - c. All structures (include building elevations and height)
 - d. Drainage and grades (include design calculations for drainage)
 - e. Storm Water Management Plan
 - f. Utilities and easements (sewer, water, storm etc.)
 - g. Calculation of lot coverage
 - h. Parking stalls (stalls to be minimum 180 s.f., driving lanes minimum 24 ft. wide and 30 ft. maximum at street right-of-way, asphalt to be minimum 3 ft. from lot lines)
 - i. Grading and erosion control
 - j. Landscaping, including a Tree Protection Plan
 - k. Exterior lighting details
 - l. Exterior HVAC equipment location
 - m. Dumpster location (screening required)
 - n. Street right-of-way
 - o. Miscellaneous items including, but not limited to, 100 year floodplain, wetland boundary, environmental corridor

9. Additional information may be requested by the Architectural Board or Staff.
10. The Applicant must complete and submit the required Professional Services Reimbursement Form along with any required deposit at the time of application.
11. The Applicant or a representative of Applicant able to make representations on behalf of the Applicant shall attend the meeting at which the matter will be discussed. Failure to have representation will result in tabling of the request to the next meeting.



**APPLICATION FOR
PLAN COMMISSION**

\$300 REVIEW FEE DUE AT TIME OF APPLICATION

Project Description Gymnasium and class room addition			
Proposed Use Education		No. of Employees	
Project Location 401 Campus Drive, Hartland, WI 53029			
Project Name Lake Country Lutheran High School Addition + Soccer shelters			
Owner Mark Bahr		Phone (414) 421-9120	
Address 10427 W. Lincoln Ave. Suite 1300		City West Allis	State WI Zip 53227
Engineer/Architect Groth Design Group		Phone (414) 810-7613	FAX
Address 700 W. Virginia Street		City Milwaukee	State WI Zip 53204
Contact Person David Boyd	Phone (414) 810-7613	FAX	E-mail dboyd@groth-architects.com

The Plan Commission meets on the third Monday of the Month at 7:00 PM in the Village Board Room of the Hartland Municipal Building located at 210 Cottonwood Avenue, Hartland.

The deadline for filing is a minimum of fifteen (15) working days before the meeting.

All of the requested information must be received prior to the deadline in order to be placed on the agenda. Village Plan Review Staff has been directed to delay placement on the Plan Commission Agenda based on incomplete submittals.

Four (4) sets of bound application materials and one (1) electronic copy of all materials must be submitted.

Applications that include site plans must depict the following existing and proposed information:

- > Complete dimensions (lot, building, setbacks, parking, drives, etc.)
- > Scale and north arrow
- > All structures (include building elevations and height)
- > Drainage and grades (include design calculations for drainage)
- > Storm Water Management Plan
- > Utilities and easements (sewer, water, storm etc.)
- > Calculation of lot coverage
- > Parking stalls (stalls to be minimum 180 s.f., driving lanes minimum 24 ft. wide and 30 ft. maximum at street right-of-way, asphalt to be minimum 3 ft. from lot lines)
- > Grading and erosion control
- > Landscaping, including a Tree Protection Plan
- > Exterior lighting details
- > Exterior HVAC equipment location
- > Dumpster location (screening required)
- > Street right-of-way
- > Miscellaneous, 100 year floodplain, wetland boundary, environmental corridor

Additional information may be requested by the Plan Commission or Staff.

All applications for consideration by the Plan Commission are subject to the policies described in this document.

Date Applied: 2/26/2018	Date of Meeting: 3/19/2018	Return Comments by:
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**Hartland Plan Commission
Application Review Policies**

All applicants and applications are subject to the following policies in order to be considered by the Plan Commission.

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 - n. Street right-of-way
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6. Additional information may be requested by the Plan Commission or Staff.
7. The Applicant must complete and submit the required Professional Services Reimbursement Form along with any required deposit at the time of application.
8. The Applicant or a representative of Applicant able to make representations on behalf of the Applicant shall attend the meeting at which the matter will be discussed. Failure to have representation will result in tabling of the request to the next meeting.

**Village of Hartland
Professional Services Reimbursement Form**

The Village of Hartland has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such services is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village. Also, be advised that the Village may pass on other certain fees, costs, and charges which will be the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to this Agreement between the Village and, The responsible party listed below, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of activities incurred by the responsible party, whether at our request or at the request of the Village, we shall be responsible for the fees and expenses incurred by the Village. In addition, we have been advised that certain other fees, costs, and charges will be our responsibility.

Project Name: Lake Country Lutheran High School Addition

Submit invoices to: Responsible Party Property Owner

Responsible Party:

Printed Name	Signature	Date
Street Address	City	State Zip
Phone	E-Mail	

Property Owner Name:

Mark Bahr		2-21-2018
Printed Name	Signature	Date
10427 W. Lincoln Ave, Suite 1300	West Allis	WI 53227
Street Address	City	State Zip
Phone 414-421-9100 ext. 207	E-Mail MBahr@LHSAGM.org	

INTERNAL USE ONLY

Amount Due: \$ _____ Check #: _____ Date Paid: ___/___/___ Rec'd By: _____



EXISTING SCHOOL FROM SOUTH



EXISTING SCHOOL FROM NORTHWEST



EXISTING SCHOOL FROM NORTHEAST



EXISTING NORTH GYM WALL



PROJECT TEAM SEAL

ARCHITECT

GROTH Design Group
720 W. Virginia Ave., Suite B105
Milwaukee, WI 53204
www.gdg-architects.com
PH (262) 377-8001
FX (262) 377-8003

LAKE COUNTRY LUTHERAN HIGH SCHOOL ADDITION

401 Campus Dr. Hartland, WI 53029

LOCATION MAP



INDEX OF DRAWINGS

- G001 - TITLE SHEET/EXISTING PHOTOS
- AS100 - OVERALL SITE PLAN
- AS101 - INLARGE SITE PLAN
- A201 - EXTERIOR ELEVATIONS
- C1.0 - SITE GRADING, STORM SEWER AND EROSION CONTROL PLAN
- SOCCER SHELTERS

PROJECT INFO

Date
02.23.2018
Project No.
16.016.02

SHEET TITLE

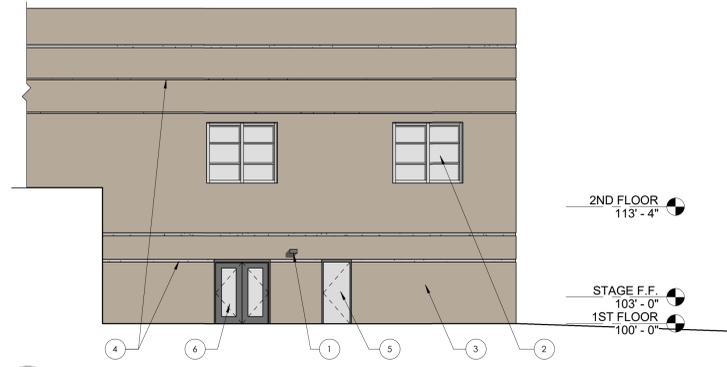
TITLE, SHEET INDEX, LOCATION MAP



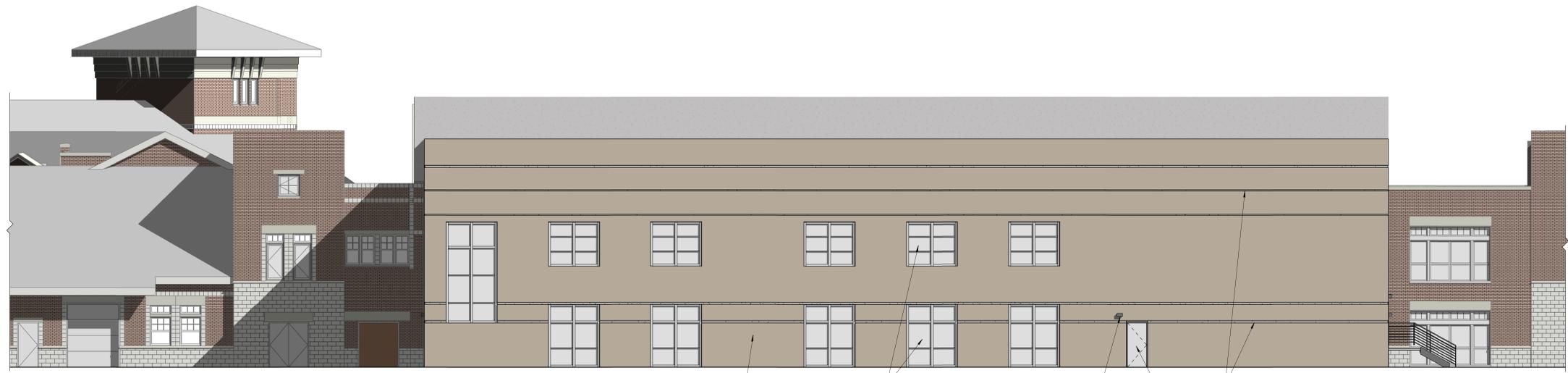
GROTH
Design
Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012
PH. (262) 377-8001
FX. (262) 377-8003

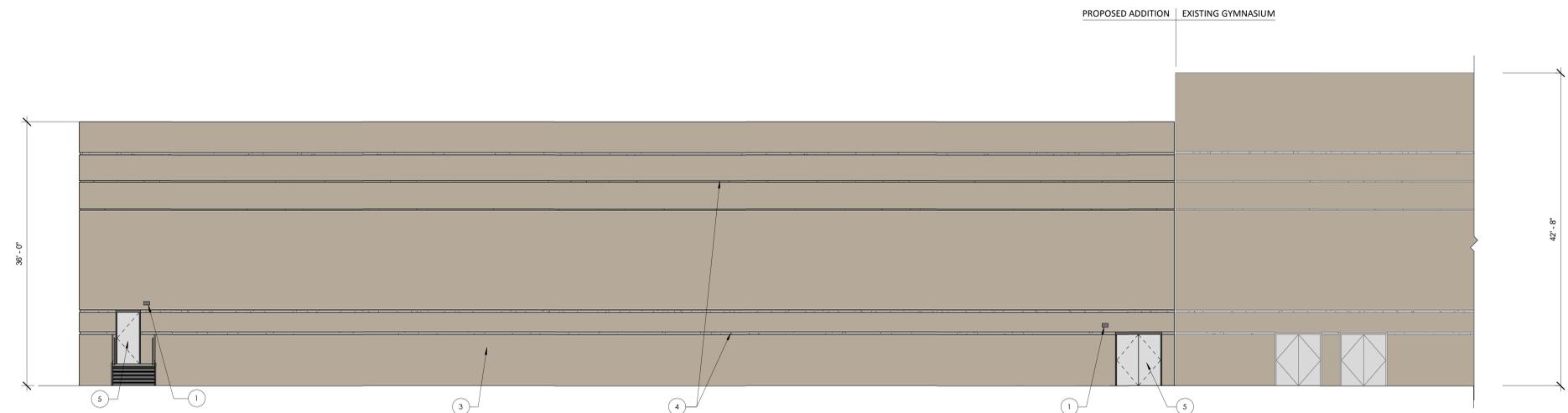
KEYED EXTERIOR ELEVATION NOTES	
TAG #	DESCRIPTION
1	EXTERIOR WALL MOUNTED DOWN LIGHT FIXTURE TO MATCH EXISTING
2	WINDOWS SIMILAR TO EXISTING SCHOOL WINDOWS
3	PRECAST CONCRETE WALL PANELS TO MATCH EXISTING
4	HORIZONTAL REVEALS TO MATCH EXISTING
5	INSULATED HOLLOW METAL DOOR AND FRAME PAINTED TO MATCH EXISTING
6	INSULATED HOLLOW METAL DOOR WITH FULL INSULATED GLASS



1 EAST ELEVATION
A010 | A201
1/8" = 1'-0"



2 NORTH ELEVATION
A103 | A201
1/8" = 1'-0"



3 WEST ELEVATION
A010 | A201
1/8" = 1'-0"

PROJECT

LAKE COUNTRY
LUTHERAN HIGH
SCHOOL

LAKE COUNTRY
LUTHERAN HIGH
SCHOOL ADDITION

401 Campus Dr. Hartland,
WI 53029

ISSUE

NO.	REV. DATE	DESCRIPTION

PROGRESS DOCUMENTS

These documents reflect progress and intent and may be subject to change, including additional detail. These are not final construction documents and should not be used for final bidding or construction-related purposes.

PROJECT INFO

Date: 02.23.2018
Project No.: 16.016.02

SHEET TITLE

EXTERIOR ELEVATIONS

A201

© Groth Design Group, Inc.

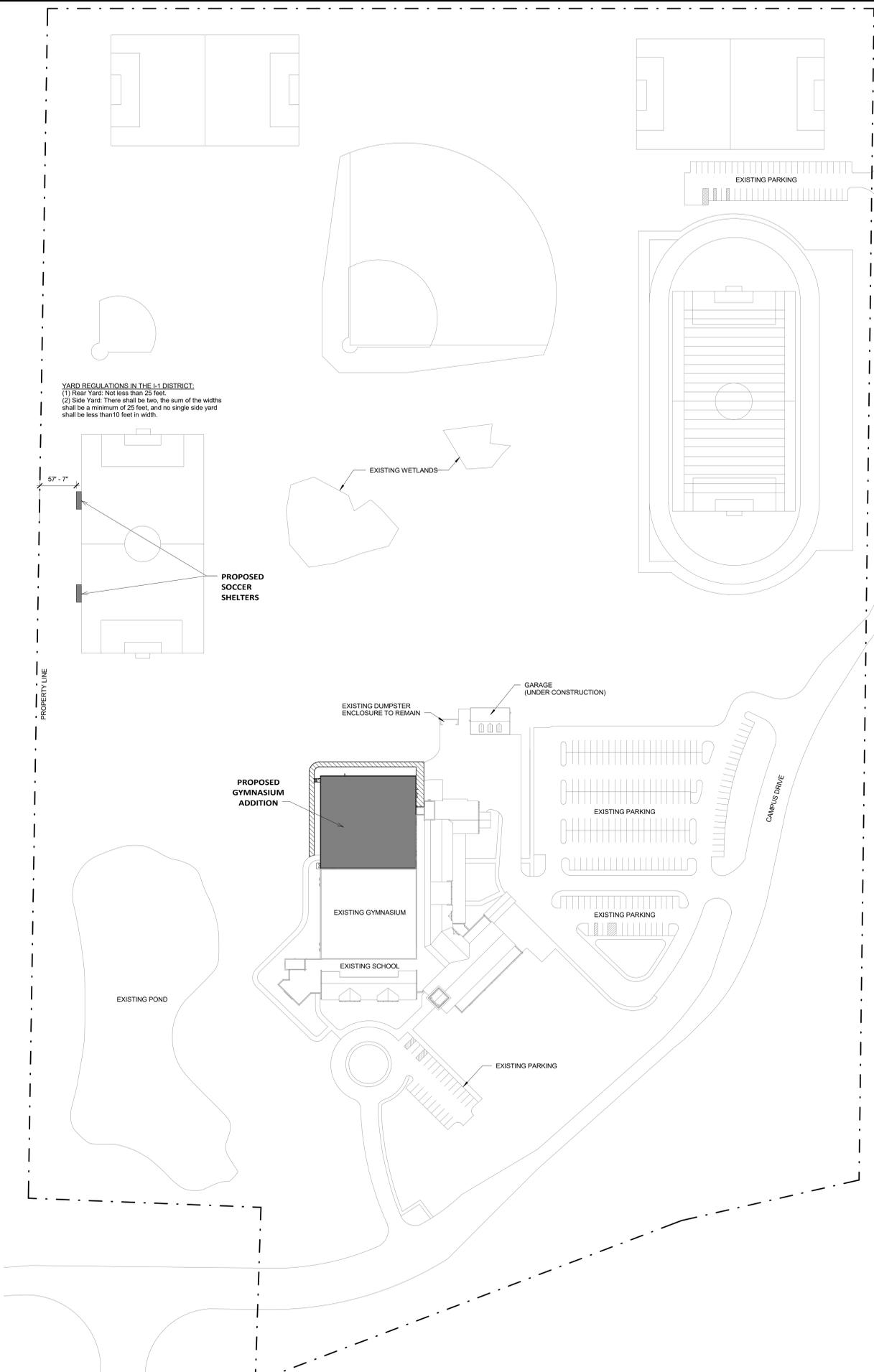
DESIGN DEVELOPMENT - PROGRESS SET



GROTH
Design
Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012
PH. (262) 377-8001
FX. (262) 377-8003

SITE PLAN GENERAL NOTES:
A. NOTIFY DIGGERS HOTLINE: WISCONSIN'S ONE-CALL CENTER (3) WORKING DAYS PRIOR TO THE START OF ANY WORK. CALL 811 OR (800) 242-8511 OR WWW.DIGGERSHOTLINE.COM
B. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS, DIMENSIONS, AND COORDINATES. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS AND THE CONTRACT DOCUMENTS.
C. CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED TO PERFORM WORK IN ACCORDANCE WITH REQUIREMENTS AND PROCEDURES OF ANY AND ALL AUTHORITIES HAVING JURISDICTION.



YARD REGULATIONS IN THE L-1 DISTRICT:
(1) Rear Yard: Not less than 25 feet.
(2) Side Yard: There shall be two, the sum of the widths shall be a minimum of 25 feet, and no single side yard shall be less than 10 feet in width.

57'-7"

PROPERTY LINE

LANDSCAPING AT ADDITION
Landscaping will match existing gymnasium lawn.

PARKING
Existing parking is larger than current needs. Any substantial parking needs with the new addition will be after school hours.

PROJECT

LAKE COUNTRY LUTHERAN HIGH SCHOOL
LAKE COUNTRY LUTHERAN HIGH SCHOOL ADDITION

401 Campus Dr. Hartland, WI 53029

ISSUE

NO. REV. DATE DESCRIPTION

PROGRESS DOCUMENTS

These documents reflect progress and intent and may be subject to change, including additional detail. These are not final construction documents and should not be used for final bidding or construction-related purposes.

PROJECT INFO

Date: 02.23.2018
Project No.: 16.016.02

SHEET TITLE

OVERALL SITE PLAN

AS100

© Groth Design Group, Inc.

DESIGN DEVELOPMENT - PROGRESS SET

2/23/2018 4:14:43 PM

1 SITE PLAN
A201 AS100 1" = 80'-0"





GROTH
Design
Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012
PH. (262) 377-8001
FX. (262) 377-8003

PROJECT

LAKE COUNTRY
LUTHERAN HIGH
SCHOOL

LAKE COUNTRY
LUTHERAN HIGH
SCHOOL ADDITION

401 Campus Dr. Hartland,
WI 53029

ISSUE

NO.	REV. DATE	DESCRIPTION

PROGRESS DOCUMENTS

These documents reflect progress and intent and may be subject to change, including additional detail. These are not final construction documents and should not be used for final bidding or construction-related purposes.

PROJECT INFO

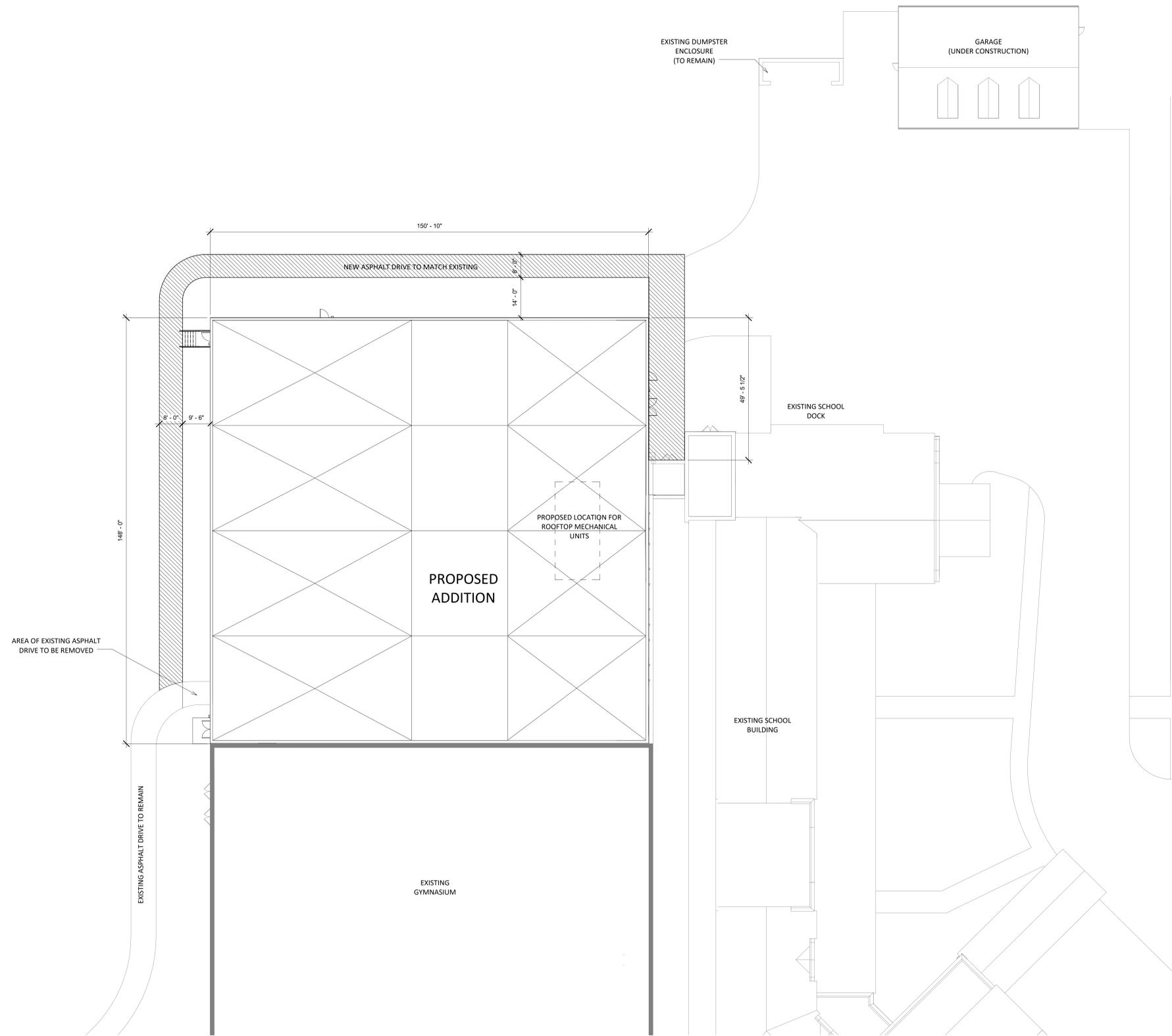
Date: 02.23.2018
Project No.: 16.016.02

SHEET TITLE

ENLARGED SITE PLAN

AS101

© Groth Design Group, Inc.



1 SITE PLAN - ENLARGED

A201 AS101 1/16" = 1'-0"

2/21/2018 4:18:37 PM

DESIGN DEVELOPMENT - PROGRESS SET



Lake Country Lutheran Area

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Hartland does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

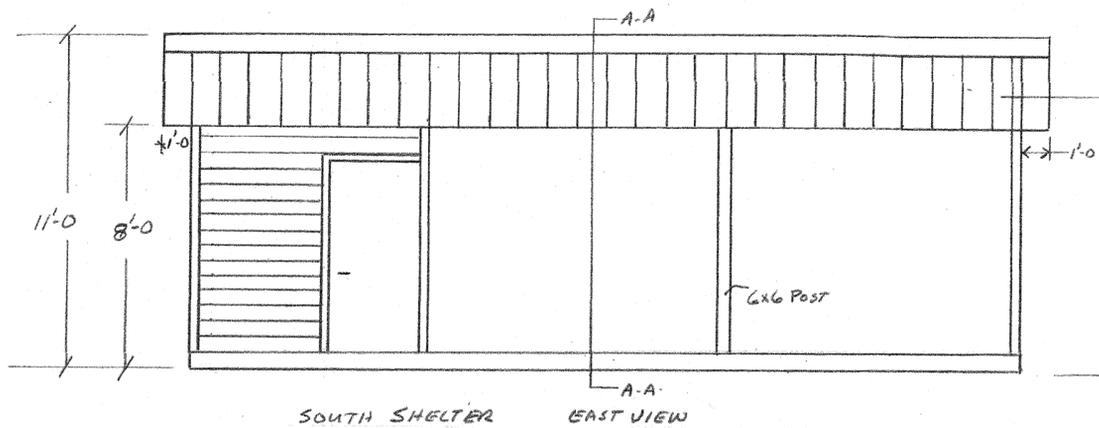


SCALE: 1 = 278'



Village of Hartland
 210 Cottonwood Ave
 Hartland, WI 53029
 262-367-2714

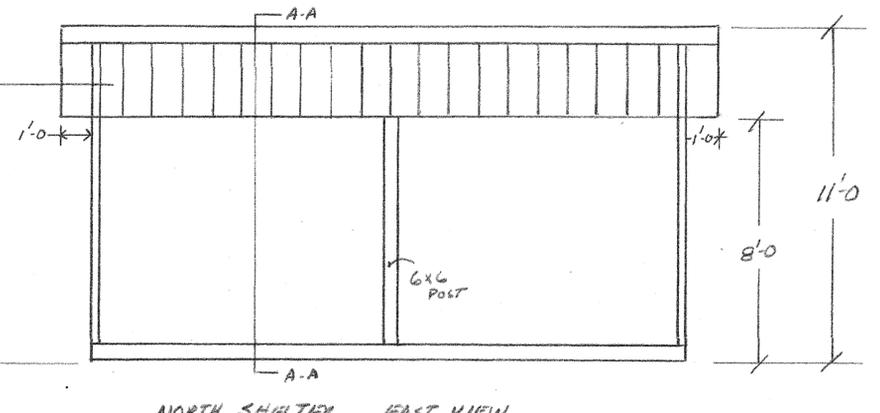
Print Date: 3/15/2018



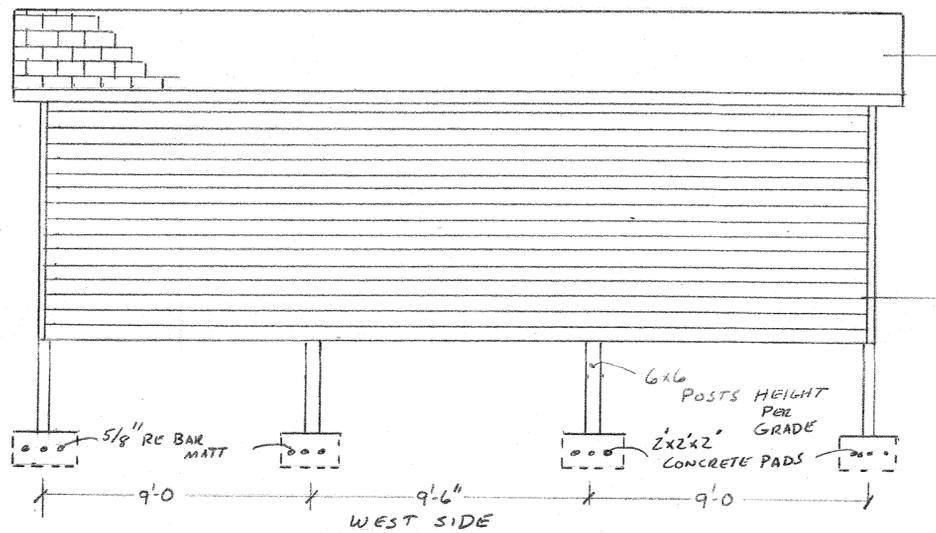
SOUTH SHELTER EAST VIEW

T-1-11 SIDING

GRADE



NORTH SHELTER EAST VIEW



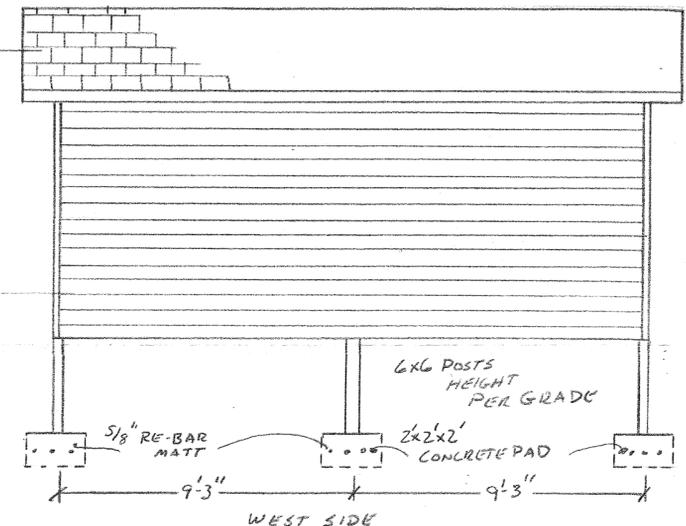
WEST SIDE

FIBERGLAS DEM. SHINGLES

6" LP SMARTSIDE
4" CORNERS

6x6 POSTS HEIGHT PER GRADE
2x2x2" CONCRETE PADS

5/8" RE-BAR MATT

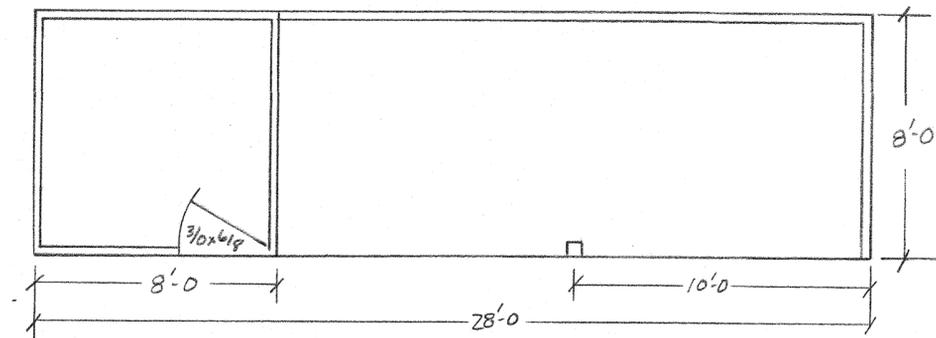


WEST SIDE

6x6 POSTS HEIGHT PER GRADE

5/8" RE-BAR MATT

2x2x2" CONCRETE PAD



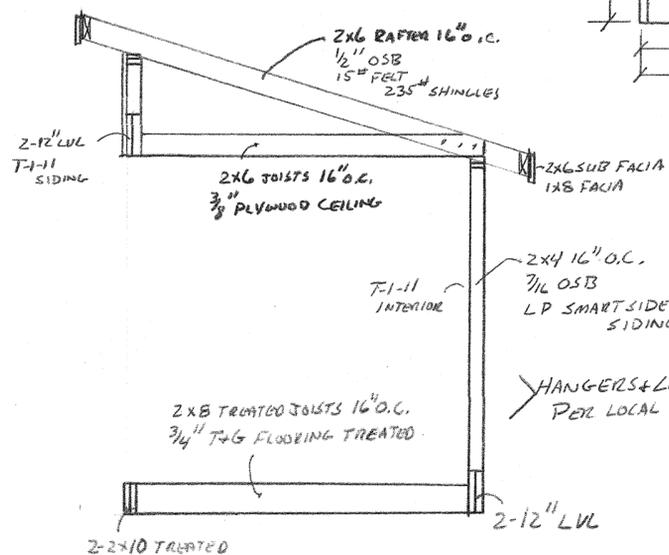
SOUTH SIDE

REAR GRADE SLOPES

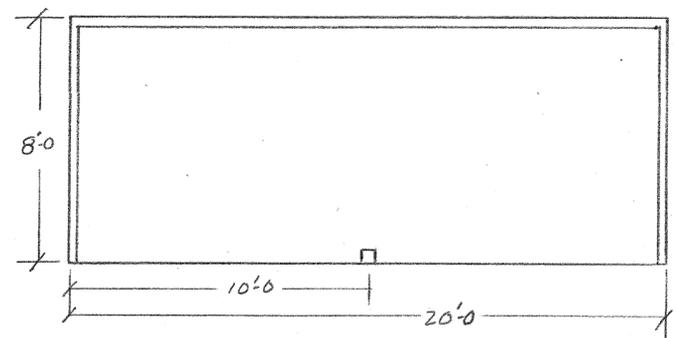
GRADE

NORTH SIDE

REAR GRADE SLOPES



SECTION A-A



SOCCER SHELTERS		
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY
DATE: 10-1-17		REVISED
LAKE COUNTRY LUTHERAN HIGH SCHOOL		
401 CAMPUS DRIVE HARTLAND, WI		DRAWING NUMBER

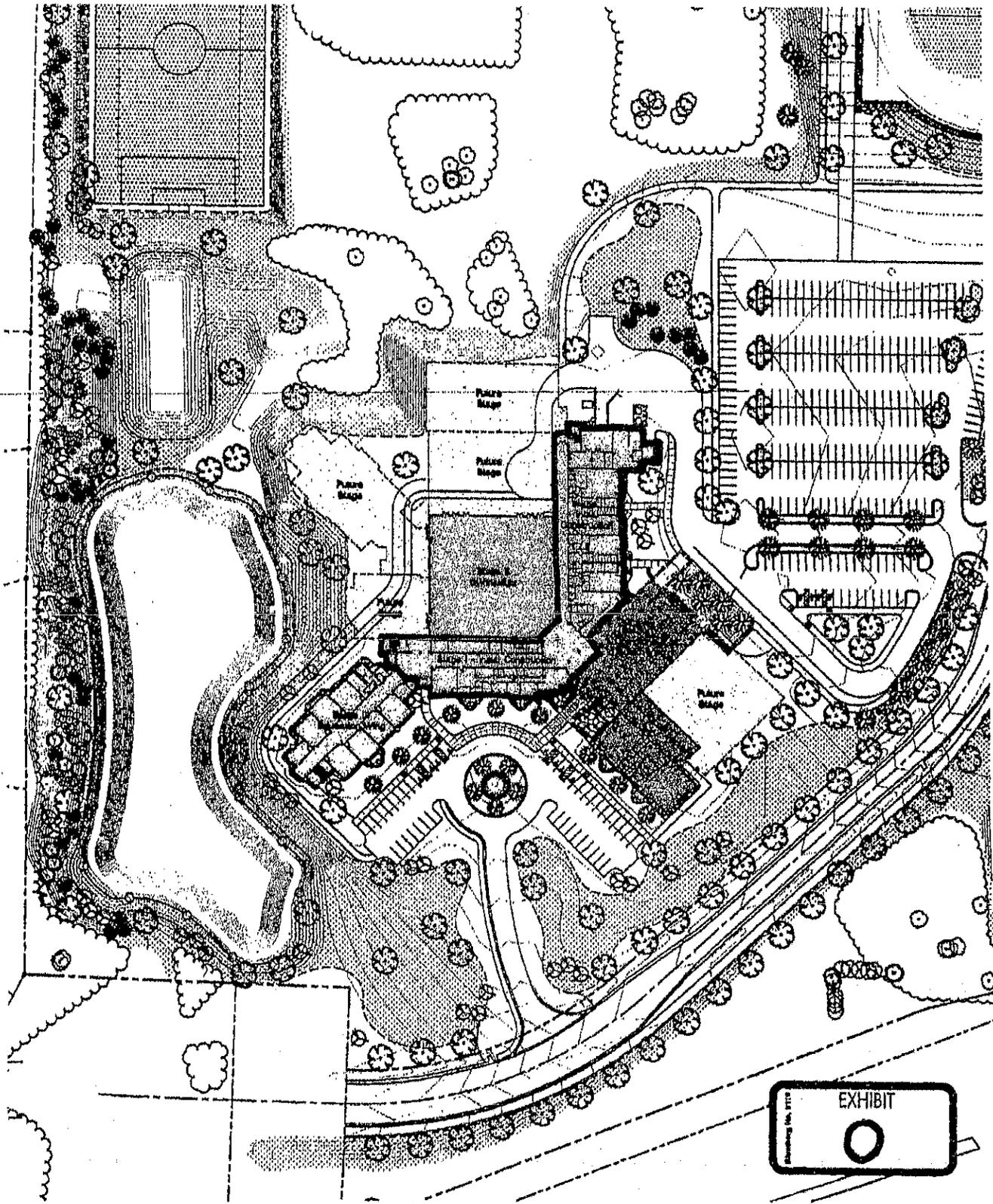


EXHIBIT
0

The Zimmerman Design Group
Architectural, Planning, Interior & Environmental Design
1111 Greenwood Avenue
Menasha, WI 54952, 920.421.0100

Staged Building Diagram

Lake Country Lutheran High School

ANDREW J RUSSELL
AMANDA M RUSSELL
N49W31057 OLD STEEPLE RD
HARTLAND WI 53029-8533

BRIAN NAHEY
5661 HIGHWAY 83
HARTLAND WI 53029-8502

DANIEL CURTIS
W310N4984 OLD STEEPLE RD
HARTLAND WI 53029-8529

HOMER & KATHY FARIAS 2003 JOINT
REVOCABLE TRUST
W310N4953 OLD STEEPLE RD
HARTLAND WI 53029-8530

JAMES & LINDA HOLMBERG TRUST
W310N4958 OLD STEEPLE RD
HARTLAND WI 53029

JAMES HAYETT
MICHELLE HAYETT
W310N5012 OLD STEEPLE RD
HARTLAND WI 53029

JEFFERY SCHUBERT
JUDITH SCHUBERT
W310N4932 OLD STEEPLE RD
HARTLAND WI 53029

LUTHERAN HIGH SCHOOL ASSOCIATION
OF GREATER MILW
10427 W LINCOLN AVE STE 1300
MILWAUKEE WI 53227-1263

MARGARET HELEN DOWD
N49W31079 OLD STEEPLE RD
HARTLAND WI 53029

RITA M SCHROEDER
N51W34835 WISCONSIN AVE UNIT 206
OKAUCHEE WI 53069

STATE OF WISCONSIN DOT
C/O DAVE KITZMAN
PO BOX 798
WAUKESHA WI 53187-0798

GUY N JR & PATRICIA F KIECKHEFER
LIVING TRUST DTD 3/4/09
W307N5276 ANDERSON RD
HARTLAND WI 53029

WOLFGANG C DORNER REVOCABLE
TRUST
PO BOX 655
HARTLAND WI 53029



VILLAGE OF HARTLAND
PETITION FOR:



REZONING

ZONING CODE AMENDMENT

(REQUIRES 2 PLAN COMMISSION MEETINGS AND MAY INCLUDE UP TO 3 VILLAGE BOARD MEETINGS. DURING ONE OF THE VILLAGE BOARD MEETINGS A PUBLIC HEARING SHALL BE HELD)

FEE: \$400.00 + \$200 Professional Fee Deposit

Date Filed:	Fee Paid:
	Receipt No.

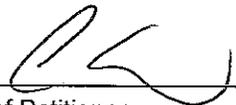
- Name: Craig Eisenhut

Address of Owner/Agent: 1146 W 29096 E Capital Dr.
Hartland WI 53029

Phone Number of Owner/Agent: _____

FAX No. _____ E-mail eisenstein69@yahoo.com
- State zoning change desired. (Example: From RS-1 (Single Family) to B-1 (Neighborhood Business))

From RS-3 to RSE-2
- Give complete legal description of property to be considered. (Attach a separate sheet with description and label sheet "Exhibit A").
- State present use of property and intended use. Vacant Land currently,
plan to build homes on the 3 separate
lots.
- State present language change code section and proposed language (use additional paper if necessary).


 Signature of Petitioner _____
 N46 W29096 E. Capital Dr Hartland WI 53029
 Address _____
 (262) 719-6650
 Phone _____

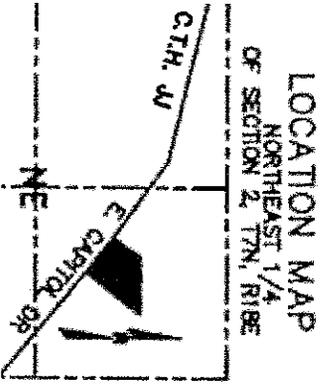
NOTE:

- a. Upon receipt of the petition of rezoning or zoning amendment change, the Plan Commission shall consider the request after the second meeting and make a recommendation to the Village Board. If the Village Board, upon reviewing the Plan Commission's recommendation, determines the request to have merit, it may order publication for a public hearing. After the public hearing held by the Village Board, it will take any action deemed necessary.
- b. Include a Plat Map in triplicate, drawn to a scale of not less than 100 ft. to the inch, showing the land in question, its location, the length and direction of each boundary thereof, the location of existing buildings and uses of same on such lands. Also, show the proposed building and the plat plans and indicate setbacks and offsets from the lot line. Parking area should also be shown.
- c. Ask for a copy of the Village Ordinance relating to zoning changes.
- d. Include fee payable to **The Village of Hartland**

\$400 for Rezoning + \$200 Professional Fee Deposit

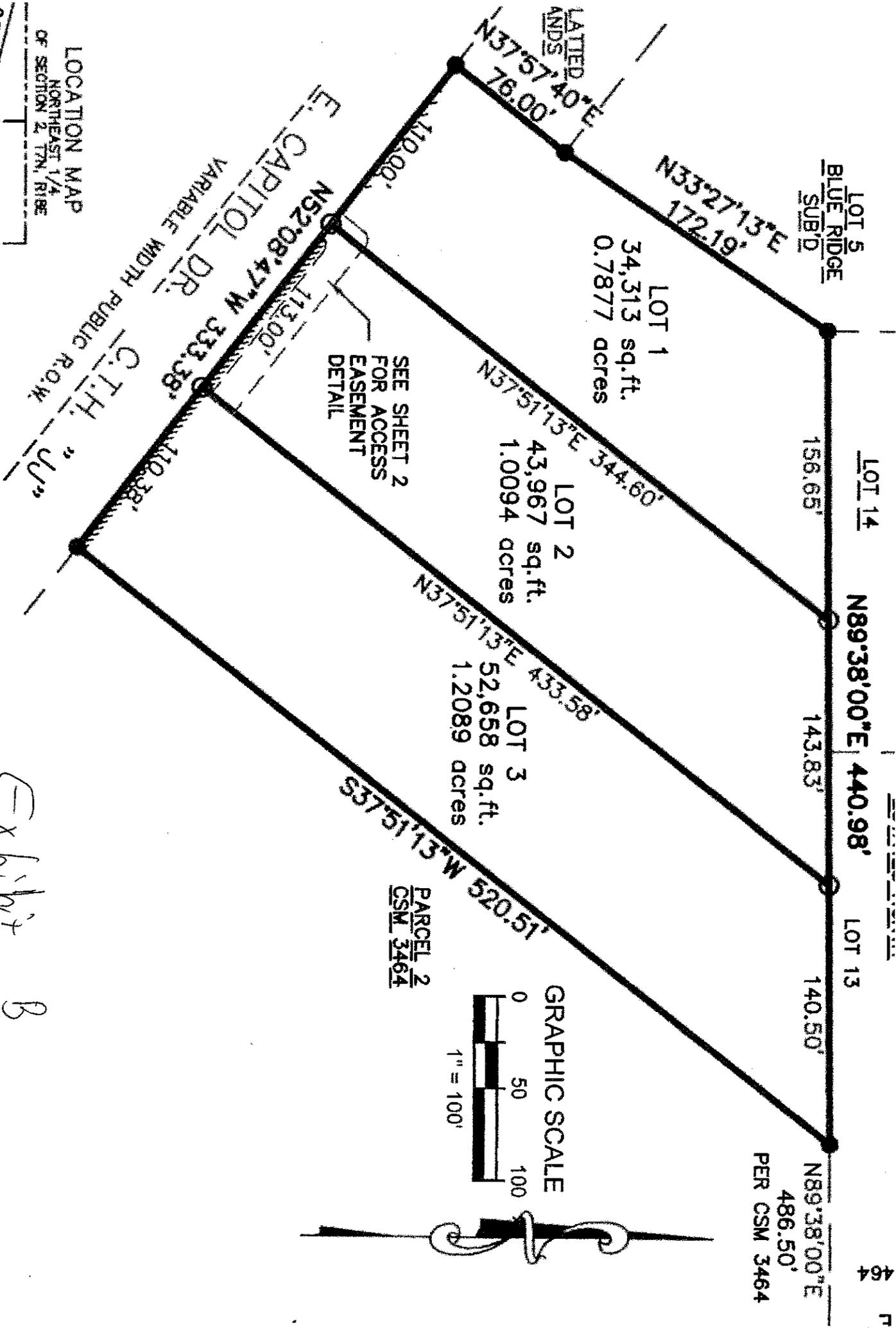
- e. Mail or deliver request, in triplicate, to:

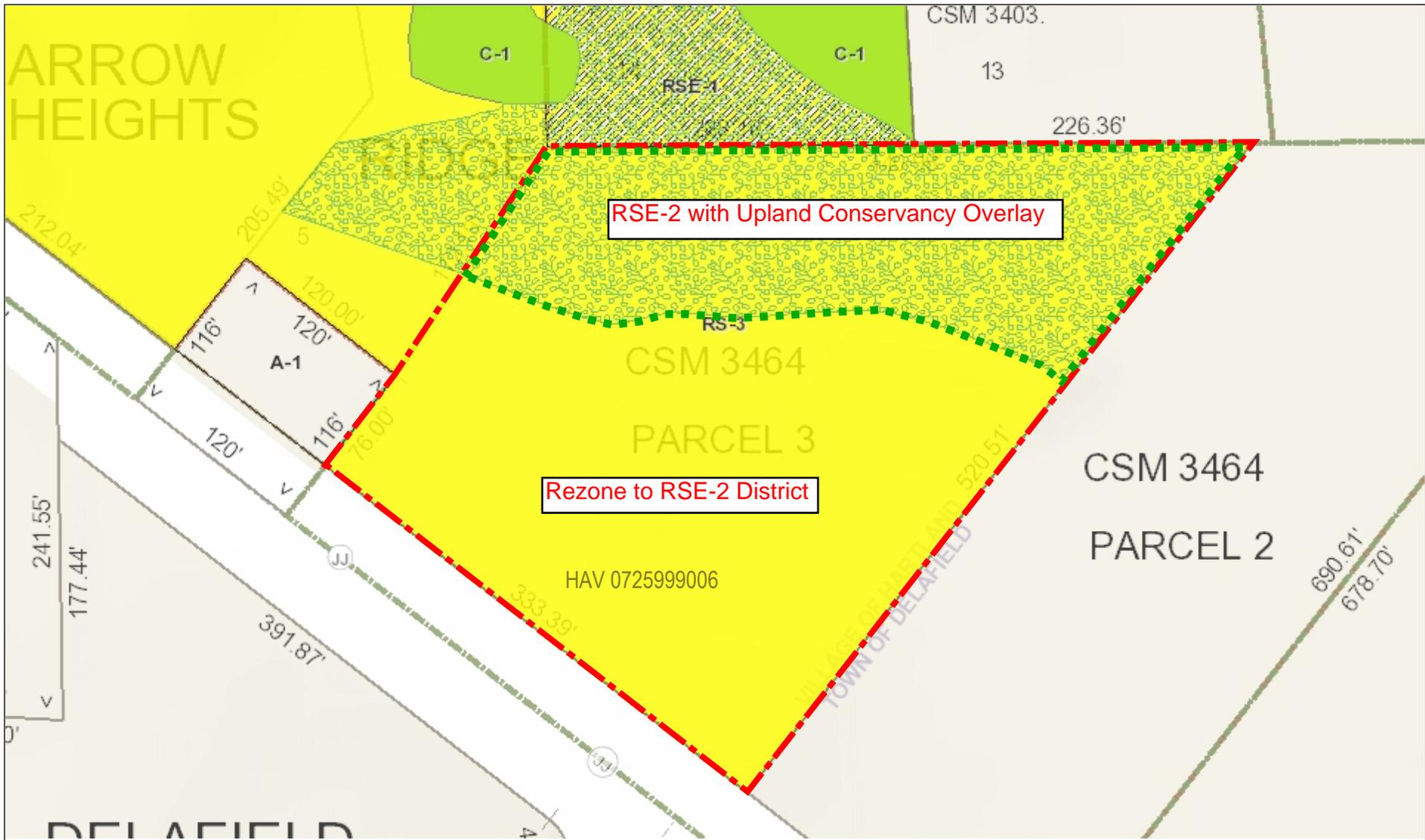
Village of Hartland
Village Clerk
210 Cottonwood Avenue
Hartland, WI 53029



OWNER:
CRAIG EISENHUT

Exhibit B





Village of Hartland

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

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SCALE: 1 = 89'



Village of Hartland
 210 Cottonwood Ave
 Hartland, WI 53029
 262-367-2714

Print Date: 3/14/2018

ROLAND NIEMETSCHKE
D NIEMETSCHKE
N47W29111 COUNTY ROAD JK
HARTLAND WI 53029-2352

JOHN BIEVER
J BIEVER
N46W29180 CAPITOL DR
HARTLAND WI 53029

WILLIAM B HUSSEL
PATRICIA J HUSSEL
1301 LISBON AVE
HARTLAND WI 53029

MARC A CHAPEL
JENNIFER R CHAPEL
108 BLUE RIDGE CT
HARTLAND WI 53029-1830

HABITAT FOR HUMANITY OF
WAUKESHA
2020 SPRINGDALE RD
WAUKESHA WI 53186-2842

WAUKESHA STATE BANK
PO BOX 648
WAUKESHA WI 53187-0648

CRAIG EISENHUT
N46W29096 E. CAPITOL DR.
HARTLAND WI 53029

VILLAGE OF HARTLAND
PETITION FOR LAND DIVISION:

EXTRATERRITORIAL PLAT REVIEW - \$100

- CSM (Certified Survey Map) + \$300 Professional Fee Deposit
or
 PRELIMINARY PLAT REVIEW + \$1,000 Professional Fee Deposit

Up to Five Parcels - \$150.00
Six to Fourteen Parcels - \$300.00
Fifteen or More Parcels - \$500.00

Reapplication for Approval of Any Preliminary
Plat Requiring Review \$50.00 (Minimum)
Reapplication for Previously Reviewed Plat \$10.00

FINAL PLAT REVIEW

\$10.00 Plus \$1.00 for Each Parcel Within the Final Plat
\$10.00 for Reapplication of Any Final Plat Previously Reviewed

Date: 3-15-18	Fee Paid: \$100 ⁰⁰
Date Filed: 3-15-18	Receipt No.: 194509

1. Name: Kiefer Farms LLC
Address of Owner/Agent: PO Box 180621 Delafield WI 53018
Phone Number of Owner/Agent: 414-559-2132
2. Give complete legal description of property to be considered. (Attach a separate sheet with description and label sheet "Exhibit A"). See CSM.
3. State present use of property and intended use.
Vacant Field Single family Subdivision


Signature of Petitioner

632 E Washington St Oconomowoc WI 53066
Address

414 559 2132
Phone



CERTIFIED SURVEY MAP NO.

BEING A PART OF LOT 1, BLOCK 4 OF ARROWHEAD HEIGHTS, AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T.8N., R.18E., TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

MARK A. POWERS, PLS 1701
LAKE COUNTRY ENGINEERING, INC.
970 S. SILVER LAKE ST., SUITE 105
OCONOMOWOC, WI. 53066
(262)569-9331

OWNER

SURVIVORS TRUST
W307 N5276 ANDERSON ROAD
HARTLAND, WI. 53029

LEGEND

- ⊙ - CONC MON W/ BRASS CAP FND
- - 1.5" DIA. IRON PIPE FOUND
- - 1.25" DIA. IRON PIPE FOUND
- ⊖ - 2.0" DIA. IRON PIPE FOUND
- ⊗ - 3/4" DIA. IRON REBAR SET, 18" LONG, WT. = 1.68 LBS/FT

LOT 2, C.S.M. NO. 10935

CURVE A

DELTA = 37°34'08"
RADIUS = 1170.00'
BRG = N19°31'01"E
CHORD DIST = 753.50'
ARC DIST = 767.17'

CURVE B

DELTA = 07°04'28"
RADIUS = 2319.98'
BRG = N34°45'51"E
CHORD DIST = 286.27'
ARC DIST = 286.45'

CURVE C

DELTA = 02°38'43"
RADIUS = 1140.89'
BRG = S89°40'45"W
(REC'D AS S89°43'22"W)
CHORD DIST = 52.67'
(REC'D AS 52.69')
ARC DIST = 52.67'
(REC'D AS 52.70')

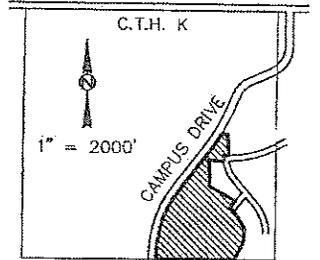
CURVE D

DELTA = 07°10'00"
RADIUS = 1200.89'
BRG = N85°24'54"W
(REC'D AS N85°22'15"W)
CHORD DIST = 150.11'
ARC DIST = 150.21'

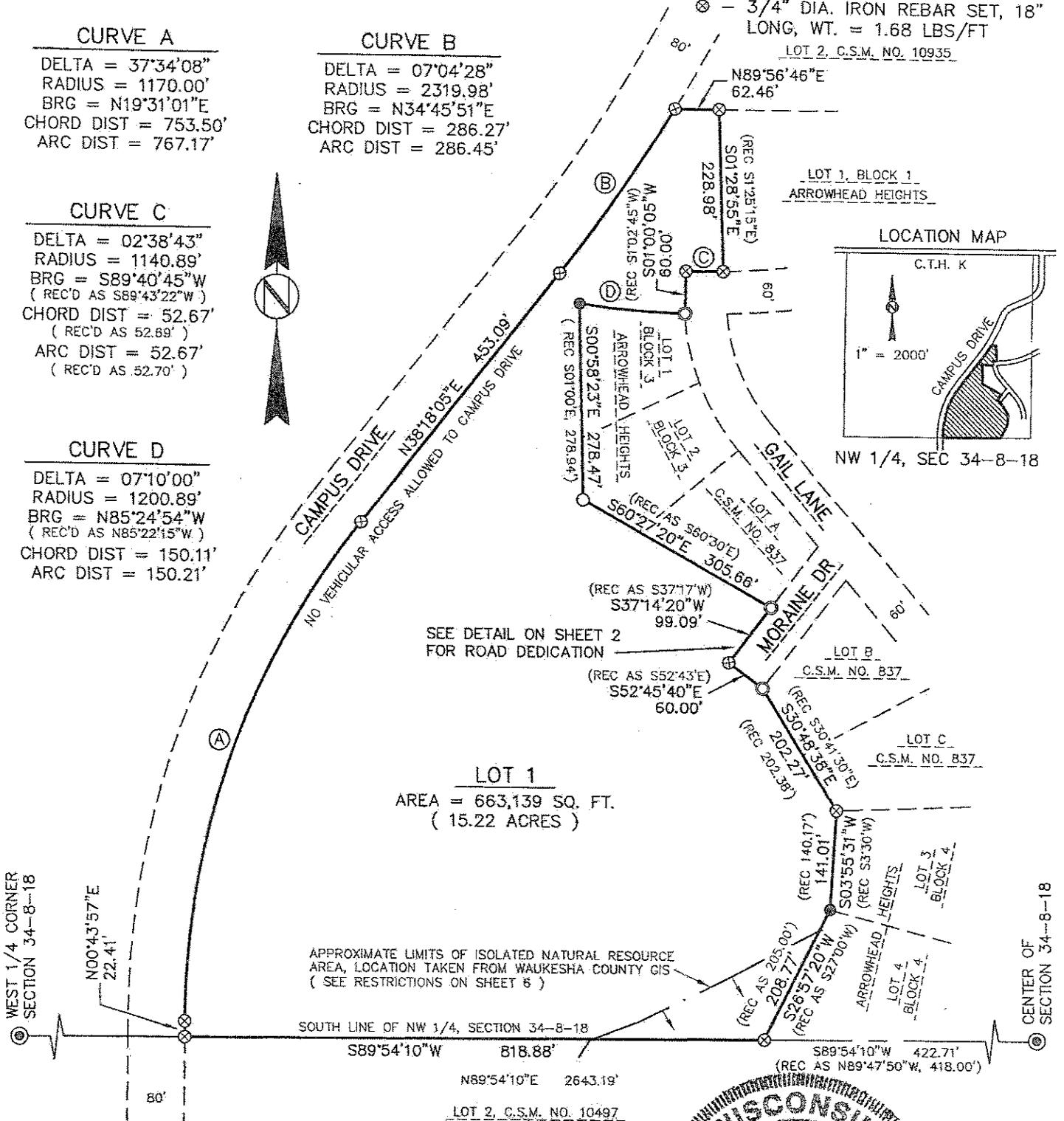


LOT 1, BLOCK 1
ARROWHEAD HEIGHTS

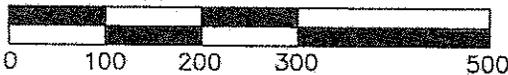
LOCATION MAP



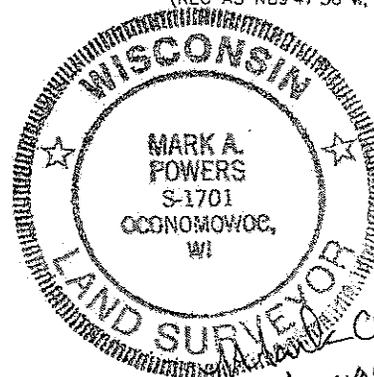
NW 1/4, SEC 34-8-18



SCALE : 1" = 200'



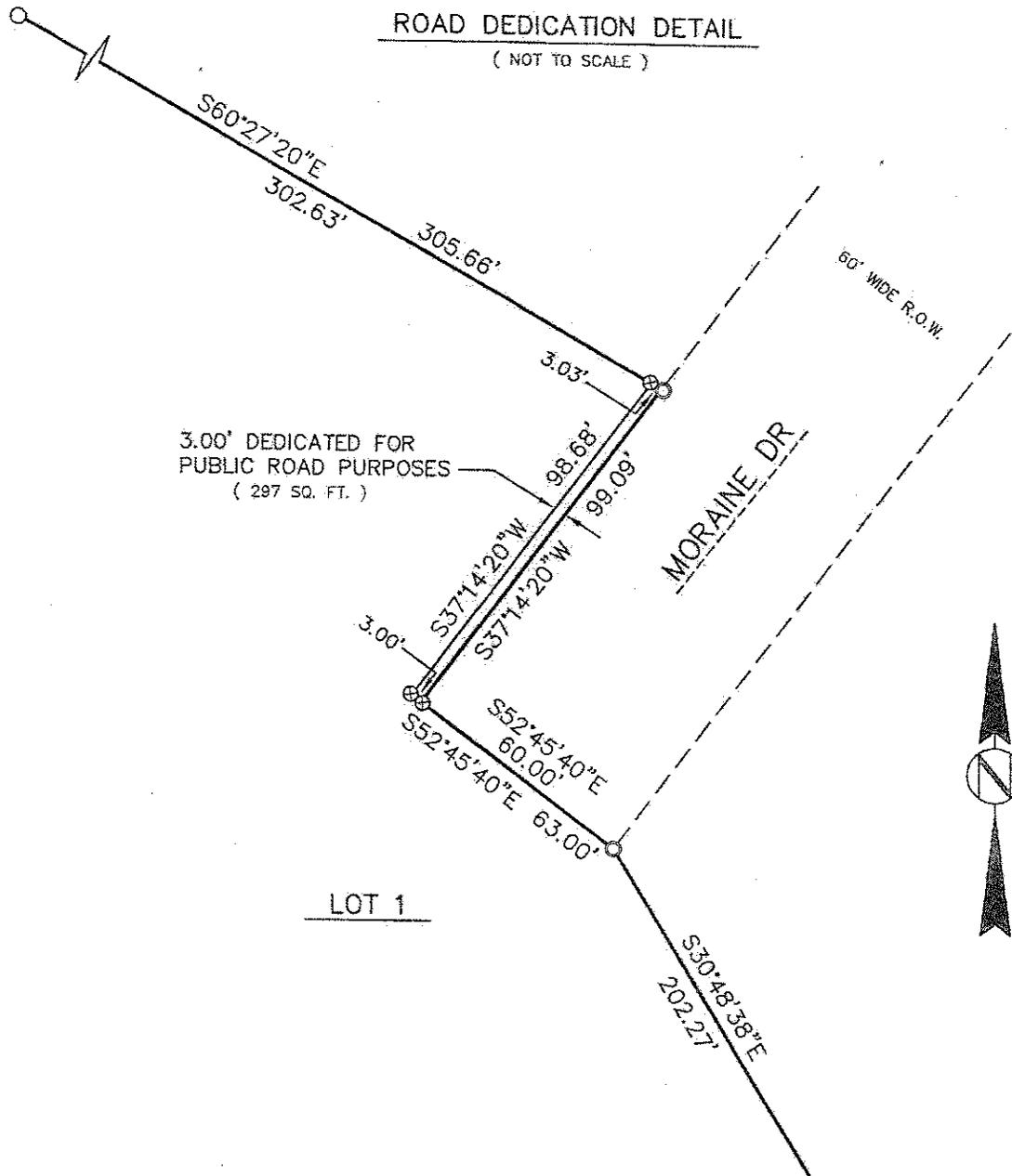
BEARINGS ARE REFERENCED TO STATE PLANE COORD., SOUTH ZONE (NAD 27) ON THE SOUTH LINE OF THE NW 1/4 OF SECTION 34-8-18 AS N89°54'10"E



February 23, 2018

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF LOT 1, BLOCK 4 OF ARROWHEAD HEIGHTS, AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T.8N., R.18E., TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN



Mark A. Powers
February 23, 2018

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF LOT 1, BLOCK 4 OF ARROWHEAD HEIGHTS, AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T8N, R18E, TOWN OF MERTON,
WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, MARK A. POWERS, professional land surveyor, do hereby certify:

THAT I have surveyed, divided, and mapped a part of Lot 1, Block 4 of Arrowhead Heights, and part of the SE 1/4 of the NW 1/4 of Section 34, T8N, R18E, Town of Merton, Waukesha County, Wisconsin, more fully described as follows;

Commencing at the West 1/4 corner of said Section 34; thence N89°54'10"E, along the South line of said NW 1/4, 2643.19 feet to the center of said Section 34; thence S89°54'10"W, along the South line of said NW 1/4, 422.71 feet to the point of beginning of the hereinafter described lands; thence S89°54'10"W, along said South line, 818.88 feet to the easterly right-of-way line of Campus Drive; thence along said easterly line on the following described courses; thence N00°43'57"E, 22.41 feet to a point of curvature; thence 767.17 feet along the arc of a curve to the right, with a radius of 1170.00 feet, whose chord bears N19°31'01"E, 753.50 feet to a point of tangency; thence N38°18'05"E, 453.09 feet to a point of curvature; thence 286.45 feet along the arc of a curve to the left, with a radius of 2319.98 feet, whose chord bears N34°45'51"E, 286.27 feet to the SW corner of Lot 2 of C.S.M. No. 10935; thence N89°56'46"E, along the south line of said Lot 2, 62.46 feet to the west line of Arrowhead Heights, a recorded subdivision; thence along the westerly line of said subdivision and the westerly line of C.S.M. No. 837 on the following described courses; thence S01°28'55"E, 228.98 feet to the north right-of-way line of Arrowhead Drive; thence 52.67 feet along the arc of a curve to the right, with a radius of 1140.89 feet, whose chord bears S89°40'45"W, 52.67 feet to a point; thence S01°00'05"W, 60.00 feet to the NE corner of Lot 1, Block 3 of said subdivision; thence 150.21 feet along the arc of a curve to the right, with a radius of 1200.89 feet, whose chord bears N85°24'54"W, 150.11 feet to the NW corner of said Lot 1, Block 3; thence S00°58'23"E, 278.47 feet to a point; thence S60°27'20"E, 305.66 feet to the westerly right-of-way line of Moraine Drive; thence S37°14'20"W, along said westerly line, 99.09 feet to a point; thence S52°45'40"E, 60.00 feet to the SW corner of Lot B of C.S.M. No. 837; thence S30°48'38"E, 202.27 feet to the NW corner of Lot 3, Block 4 of Arrowhead Heights; thence S03°55'31"W, 141.01 feet to the NW corner of Lot 4, Block 4 of said subdivision; thence S26°57'20"W, along the westerly line of said Lot 4, 208.77 feet to the South line of said NW 1/4 and the place of beginning. Said lands containing 663,436 sq. ft. (15.23 acres).

THAT I have made such survey, land division, and map by the direction of The Survivors Trust, owner of said land.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the subdivision regulations of the Town of Merton, the Village of Hartland and Waukesha County Department of Parks and Land Use-Planning and Zoning Division in surveying, dividing, and mapping the same.

Dated this 23rd day of February, 2018.

Mark A. Powers
Mark A. Powers, P.L.S. 1701



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF LOT 1, BLOCK 4 OF ARROWHEAD HEIGHTS, AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T8N, R18E, TOWN OF MERTON,
WAUKESHA COUNTY, WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION

I, Patricia Kieckhefer, representative of Survivors Trust, owner, hereby certify that I caused said lands to be surveyed, divided, mapped and dedicated, as shown on this map in accordance with the Town of Merton, Village of Hartland and Waukesha County.

Patricia Kieckhefer, Representative

STATE OF WISCONSIN
_____ COUNTY

PERSONALLY came before me this _____ day _____, 20____, the above named Patricia Kieckhefer, to me known to be the person who executed the foregoing instrument and acknowledged the same.

(Seal)

Notary Public

_____ County, Wisconsin

My commission expires _____



February 23, 2018

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the Town of Merton this _____ day of _____, 20_____.

Tim Klink, Chairman

Donna Hann, Secretary

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF LOT 1, BLOCK 4 OF ARROWHEAD HEIGHTS, AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T8N, R18E, TOWN OF MERTON,
WAUKESHA COUNTY, WISCONSIN

TOWN BOARD APPROVAL

Approved by the Town Board of the Town of Merton on this _____ day of _____,
20_____.

Tim Klink, Chairman

Donna Hamm, Clerk

VILLAGE OF HARTLAND PLAN COMMISSION APPROVAL

Approved by the Village of Hartland Plan Commission on this _____ day of _____,
20_____.

Chairman

Secretary

VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Hartland
on this _____ day of _____, 20_____.

Village President

Village Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State
Statutes, is hereby approved on this _____ day of _____, 20_____.

Dale R. Shaver, Director



Mark A. Powers
February 23, 2018

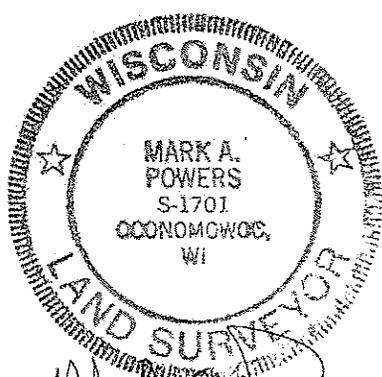
CERTIFIED SURVEY MAP NO. _____

BEING A PART OF LOT 1, BLOCK 4 OF ARROWHEAD HEIGHTS, AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN

ISOLATED NATURAL RESOURCE AREA PRESERVATION RESTRICTIONS – BUILDINGS PROHIBITED

Those areas of lands identified as Isolated Natural Resource Area on Sheet 1 of 6 of this Certified Survey Map shall be considered to be in a Isolated Natural Resource Preservation Area and shall be subject to the following restrictions:

- 1) Grading and filling are prohibited.
- 2) The removal of topsoil or other earthen materials are prohibited.
- 3) The removal or destruction of any vegetative cover, i.e. trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner, and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory, shall be permitted only when the access or service cannot be located outside of the Isolated Natural Resource Area and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
- 4) Grading by domesticated animals, i.e., horses, cows, etc., shall be discouraged to the greatest extent possible.
- 5) The introduction of plant material not indigenous to the existing environment of the Isolated Natural Resource Area is prohibited.
- 6) Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Park and Planning Commission, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- 7) The construction of buildings within the Isolated Natural Resource Preservation Area is prohibited.



Mark A. Powers
February 23, 2018

VILLAGE OF HARTLAND
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 46
OF THE VILLAGE OF HARTLAND MUNICIPAL CODE
PERTAINING TO ZONING ORDINANCE

DRAFT - March 14, 2018

THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:

Section 1: Section 46-981 of the Village of Hartland Municipal Code of Ordinances pertaining to Signs permitted in all institutional and park and recreation districts with a sign permit is hereby amended as follows with deletions shown with an overstrike and additions shown with an underline.

Sec. 46-981. - Signs permitted in all institutional and park and recreation districts with a sign permit.

The following signs are permitted in the I-1 and P-1 districts with a sign permit. Score boards without commercial logos or advertisements at schools and parks are allowed in such districts and do not require a sign permit.

(1) Private institutional, park and recreation name signs.

(2) Public institutional, park and recreation name signs.

(3) Changeable copy reader boards may be incorporated in signs in the I-1 district.

(4) Design and location of institutional and park and recreational ~~name~~-signs shall be approved based on the compatibility of such signs with adjacent land uses and the character of the neighborhood.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This Ordinance shall take effect and be in full force after adoption and proper publication.

Adopted this _____ day of _____, 2018.

VILLAGE OF HARTLAND

ATTEST:

By: _____
Jeffrey Pfannerstill, Village President

Darlene Igl, MMC, WCPC, Village Clerk

State of Wisconsin



SEE PAGE 3

2017 Assembly Bill 479

Date of enactment: **November 27, 2017**

Date of publication*: **November 28, 2017**

2017 WISCONSIN ACT 67

AN ACT *to renumber and amend* 59.694 (7) (c) and 62.23 (7) (e) 7.; *to amend* 59.69 (10e) (title), 59.69 (10e) (a) 1., 59.69 (10e) (b), 60.61 (5e) (title), 60.61 (5e) (a) 1., 60.61 (5e) (b), 62.23 (7) (hb) (title), 62.23 (7) (hb) 1. a. and 62.23 (7) (hb) 2.; and *to create* 59.69 (5e), 59.694 (7) (c) 1., 59.694 (7) (c) 3., 60.61 (4e), 60.62 (4e), 62.23 (7) (de), 62.23 (7) (e) 7. a., 62.23 (7) (e) 7. d., 66.10015 (1) (e), 66.10015 (2) (e), 66.10015 (4), 227.10 (2p) and 710.17 of the statutes; **relating to:** limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; and the right to display the flag of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 59.69 (5e) of the statutes is created to read:

59.69 (5e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. “Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a county, but does not include a variance.

2. “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be

related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit’s duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county’s decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit’s duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the county zoning board.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(e) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694 (10).

SECTION 3. 59.69 (10e) (title) of the statutes is amended to read:

59.69 (10e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 4. 59.69 (10e) (a) 1. of the statutes is amended to read:

59.69 (10e) (a) 1. "Development regulations" means the part of a zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

SECTION 5. 59.69 (10e) (b) of the statutes is amended to read:

59.69 (10e) (b) An ordinance enacted under this section may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 8. 59.694 (7) (c) of the statutes is renumbered 59.694 (7) (c) 2. and amended to read:

59.694 (7) (c) 2. To authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

4. A county board may enact an ordinance specifying an expiration date for a variance granted under this paragraph if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of adjustment does not specify an expiration date for the variance, a variance granted under this paragraph does not expire unless, at the time it is granted, the board of adjustment specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

5. A variance granted under this paragraph runs with the land.

SECTION 9. 59.694 (7) (c) 1. of the statutes is created to read:

59.694 (7) (c) 1. In this paragraph:

a. "Area variance" means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment under this subsection.

b. "Use variance" means an authorization by the board of adjustment under this subsection for the use of

land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 10. 59.694 (7) (c) 3. of the statutes is created to read:

59.694 (7) (c) 3. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 11. 60.61 (4e) of the statutes is created to read:

60.61 (4e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 59.694 (10).

SECTION 12. 60.61 (5e) (title) of the statutes is amended to read:

60.61 (5e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 13. 60.61 (5e) (a) 1. of the statutes is amended to read:

60.61 (5e) (a) 1. "Development regulations" means the part of a zoning ordinance ~~enacted under this section that applies to elements including setback, height, lot coverage, and side yard.~~

SECTION 14. 60.61 (5e) (b) of the statutes is amended to read:

60.61 (5e) (b) An ordinance ~~enacted under this section~~ may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 15. 60.62 (4e) of the statutes is created to read:

60.62 (4e) (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision

to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 61.35.

SECTION 16. 62.23 (7) (de) of the statutes is created to read:

62.23 (7) (de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or

renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

SECTION 17. 62.23 (7) (e) 7. of the statutes is renumbered 62.23 (7) (e) 7. b. and amended to read:

62.23 (7) (e) 7. b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

g. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

SECTION 18. 62.23 (7) (e) 7. a. of the statutes is created to read:

62.23 (7) (e) 7. a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 19. 62.23 (7) (e) 7. d. of the statutes is created to read:

62.23 (7) (e) 7. d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 20. 62.23 (7) (hb) (title) of the statutes is amended to read:

62.23 (7) (hb) (title) *Repair, rebuilding, and maintenance of certain nonconforming structures.*

SECTION 21. 62.23 (7) (hb) 1. a. of the statutes is amended to read:

62.23 (7) (hb) 1. a. "Development regulations" means the part of a zoning ordinance ~~enacted under this subsection~~ that applies to elements including setback, height, lot coverage, and side yard.

SECTION 22. 62.23 (7) (hb) 2. of the statutes is amended to read:

62.23 (7) (hb) 2. An ordinance ~~enacted under this subsection~~ may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 23. 66.10015 (1) (e) of the statutes is created to read:

66.10015 (1) (e) "Substandard lot" means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

SECTION 24. 66.10015 (2) (e) of the statutes is created to read:

66.10015 (2) (e) Notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:

1. Conveying an ownership interest in a substandard lot.
2. Using a substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.

SECTION 25. 66.10015 (4) of the statutes is created to read:

66.10015 (4) Notwithstanding the authority granted under ss. 59.69, 60.61, 60.62, 61.35, and 62.23, no political subdivision may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 26. 227.10 (2p) of the statutes is created to read:

227.10 (2p) No agency may promulgate a rule or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 27. 710.17 of the statutes is created to read:

710.17 Right to display the flag of the United States. (1) DEFINITIONS. In this section:

(a) "Housing cooperative" means a cooperative incorporated under ch. 185 or organized under ch. 193 that owns residential property that is used or intended to be used, in whole or in part, by the members of the housing cooperative as their homes or residences.

(b) "Member of a homeowners' association" means a person that owns residential property within a subdivision, development, or other similar area that is subject to any policy or restriction adopted by a homeowners' association.

(c) "Member of a housing cooperative" means a member, as defined in s. 185.01 (5) or 193.005 (15), of a housing cooperative if the member uses or intends to use part of the property of the housing cooperative as the member's home or residence.

(2) RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES. (a) Except as provided in sub. (3), a homeowners' association may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that

restricts or prevents a member of the homeowners' association from displaying the flag of the United States on property in which the member has an ownership interest and that is subject to any policy or restriction adopted by the homeowners' association.

(b) Except as provided in sub. (3), a housing cooperative may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that restricts or prevents a member of the housing cooperative from displaying the flag of the United States on property of the housing cooperative to which the member has a right to exclusive possession or use.

(3) EXCEPTIONS. A homeowners' association or housing cooperative may adopt and enforce a covenant, condition, or restriction, or enter into an agreement, that does any of the following:

(a) Requires that any display of the flag of the United States must conform with a rule or custom for proper display and use of the flag set forth in [4 USC 5 to 10](#).

(b) Provides a reasonable restriction on the time, place, or manner of displaying the flag of the United States that is necessary to protect a substantial interest of the homeowners' association or housing cooperative.

SECTION 28. Initial applicability.

(1) RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES. The treatment of section 710.17 of the statutes first applies to a covenant, condition, or restriction that is adopted, renewed, or modified, or to an agreement that is entered into, renewed, or modified, on the effective date of this subsection.

(2) CONDITIONAL USE PERMITS. The treatment of sections 59.69 (5e), 60.61 (4e), 60.62 (4e), and 62.23 (7) (de) of the statutes first applies to an application for a conditional use permit that is filed on the effective date of this subsection.

Hartland Village Code

Chapter 46 – Zoning

ARTICLE IV. - CONDITIONAL USES

DIVISION 1. - GENERALLY

Sec. 46-846. - Permits.

The village board may authorize the building inspector to issue a conditional use permit for conditional uses after review and a public hearing by the plan commission, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

Sec. 46-847. - Application.

Application for conditional use permits shall be submitted to the building inspector on forms furnished by the village clerk and shall include the following where pertinent and necessary for proper review by the plan commission:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor when engaged, and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a land surveyor registered in the state, or other map drawn to scale and approved by the building inspector, showing the location, property boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards; and areas subject to inundation by floodwaters.
- (4) In areas subject to inundation by floodwaters, the plat of survey shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structures or its effects on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the 100-year recurrence interval flood. Prior to the issuance of an occupancy permit, the applicant shall also submit a certification by a registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this chapter.
- (5) In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; mean and historic high-water lines, on or within 40 feet of the subject premises, and existing and proposed landscaping when so required by the plan commission.

Sec. 46-848. - Review and approval.

- (a) *Generally.* The plan commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewer and water systems, and the proposed plan of operation.

- (b) *Construction requirements.* Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the plan commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (c) *Lot, parking, loading and traffic requirements.* Compliance with all other provisions of this chapter such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in article II, division 5, of this chapter.
- (d) *Hearings.* The plan commission shall fix a reasonable time and place for the hearing, publish a class two notice and shall give due notice to the parties in interest and the building inspector. At the hearing, the applicant may appear in person, by agent or by attorney.
- (e) *Notice to DNR.* The zoning administrator shall transmit a copy of each application for a conditional use permit in the FWO floodway overlay district and the FFO floodplain fringe overlay district and in the shoreland portion of the C-1 lowland conservancy district, to the state department of natural resources (DNR) for review and comment at least ten days prior to the public hearing. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions granting conditional uses in the FWO floodway overlay district and the FFO floodplain fringe overlay district, and in the shoreland portion of the C-1 lowland conservancy district, shall be transmitted to the DNR within ten days of the effective date of such decision.
- (f) *Reexamination.* The plan commission may periodically conduct a review of an existing conditional use permit to ascertain whether all conditions are being met.
- (g) *Amendments.* Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement or an increase in the intensity of a conditional use shall be considered an amendment. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.
- (h) *Revocation of conditional use permit.* Should a permit applicant, his heirs or assigns fail to comply with the conditions of the permit issued by the village board or should the use, or characteristics of the use be changed without prior approval by the village board after a recommendation by the plan commission, the conditional use permit may be revoked.

Secs. 46-849—46-865. - Reserved.

DIVISION 2. - BED AND BREAKFAST¹⁷¹

Footnotes:

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Cross reference— Businesses, ch. 22.

Sec. 46-866. - Definitions.

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

Bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent to tourists or other transients for more than ten nights in a 12-month period; the owner's personal

residence; occupied by the owner at the time of rental; and in which the only meal served to guests is breakfast.

Breakfast means a meal served between 6:00 a.m. and 11:00 a.m.

Cross reference— Definitions generally, § 1-2.

Sec. 46-867. - Regulations.

- (a) *Permitted as conditional use.* Bed and breakfast establishments are permitted as a conditional use in the following residential districts and business district:
 - (1) RSE-1 single-family residential estate district.
 - (2) RS-1 single-family residential district.
 - (3) RS-2 single-family residential district.
 - (4) RS-3 single-family residential district.
 - (5) RS-4 single-family residential district.
 - (6) RS-5 single-family residential district.
 - (7) B-3 central business/mixed-use district.
- (b) *Issuance of conditional use permit; transfer; void upon sale of property.* A conditional use permit shall be issued to the owner after review and a public hearing by the plan commission and upon approval by the village board. Transfer of a conditional use permit because of transfer or sale of property is not permissible. Should such property be sold, then the conditional use permit shall become void.
- (c) *Subject to state law provisions.* All bed and breakfast establishments shall be subject to and comply with Wis. Admin. Code HFS ch. 197 which is adopted by reference in this section as if fully set forth.
- (d) *Registry.* Each bed and breakfast establishment shall be required to keep a register and require all guests to sign such register using their actual names and address before being assigned quarters. The register shall be available for inspection by the police department and building inspector for a period of not less than one year.
- (e) *Tenant occupancy.* No guest may be permitted to occupy space in a bed and breakfast establishment for a longer period than 14 consecutive days, during any 30-day period.
- (f) *Off-street parking.* A minimum of one parking stall shall be provided for every guest bedroom with a minimum of two additional stalls for the owner/proprietor. All parking areas shall meet the size requirements of section 46-923(1) and (2) and shall be hard-surfaced as required by section 46-923(6). All parking areas abutting residential properties shall be screened from view using a minimum six-foot high solid fence or comparable. No off-street parking shall be allowed within the front yard setback area and shall be a minimum of three feet from any side yard property line.
- (g) *Signage.* One on-premises sign shall be permitted not to exceed six square feet in area. The sign shall be of solid wood. All signs must be approved by the architectural board prior to installing such sign.
- (h) *Address numbering requirements.* Every bed and breakfast establishment shall be properly addressed with numbers on the front of the structure, a minimum of five inches high and of contrasting color so as to be visible from the street.
- (i) *Impact assessment.* The plan commission shall consider the potential impact to the surrounding neighborhood and proximity to any existing bed and breakfast establishment when reviewing a request for a bed and breakfast conditional use permit.

- (j) *Occupancy permit.* An occupancy permit shall be required whenever the property changes ownership and a new conditional use permit is granted to ensure compliance with all state and local regulations and ordinances.
- (k) *Special gatherings.* Renting of the bed and breakfast facilities for any special gathering (i.e. wedding receptions, parties, etc.) shall be prohibited.
- (l) *Annual permit review.* The conditional use permit shall be reviewed on an annual basis by the plan commission to ensure compliance with all conditional use requirements. Such property may be inspected by the police department, fire department, building inspector or other authorized personnel of the village to investigate and determine if any violations exist. The conditional use permit may be revoked by the village board upon findings of serious violations of any applicable regulations.
- (m) *Screening of refuse containers.* All refuse containers shall be screened from public view.

Secs. 46-868—46-880. - Reserved.

DIVISION 3. - COMMERCIAL DAY CARE/PRESCHOOL ^[18]

Footnotes:

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Cross reference— Businesses, ch. 22.

Sec. 46-881. - Permitted as conditional use.

Commercial day care/preschool, as defined in section 46-1, is permitted as a conditional use, subject to the restrictions set forth or referred to in this division, in the following zoning districts: All "B" business zoning districts, I-1 institutional district, P-1 park and recreation district and RM-1 and RM-2 multiple-family residential districts.

Sec. 46-882. - Conditional use permit; review and hearing; transfer; issuance requirements.

A conditional use permit for the establishment of a commercial day care/preschool may be issued only after review and a public hearing by the plan commission and upon approval by the village board. Transfer of such conditional use permit is permissible. Such conditional use permit may be issued only upon compliance with the following requirements:

- (1) Proof by the applicant of receipt of all necessary permits from the state department of health and social services and all other state agencies having regulatory jurisdiction over the activity no less than 30 days before the opening of the proposed facility.
- (2) Compliance with division 1 of this article.
- (3) Submission of a plan of operation as part of the application for the conditional use permit detailing:
 - a. The interior and exterior layouts of the operation, including adherence to setbacks of not less than 20 feet with respect to any property boundary abutting a residential district for any permanent or portable fixtures except for fencing;
 - b. Parking facilities dedicated to visitors, parents and staff;
 - c. Pedestrian and vehicular traffic patterns (particularly during the first two and final two hours of operation during each day);
 - d. Hours and days of operation;

- e. Name and phone number of a contact person available during all hours of operation with sufficient authority to resolve any immediate problems that may arise;
 - f. Height, location and sample of all fencing to be used;
 - g. Surfaces to be used for all outside playground areas;
 - h. Location, screening and pickup of all external garbage containers;
 - i. The maximum number of children to be cared for during each full day and at any given time by age group (i.e. the maximum number of children that will be on the premises at any given time and the total maximum number of children that may be on the premises within a 24-hour period); and
 - j. Such additional information as the plan commission or village board requires.
- (4) Except where preempted by state regulation, the plan commission and village board may deny issuance or renewal of such conditional use permit if past experience, comments of the public, village staff recommendations or the judgment of the plan commission or village board indicated that the plan of operation as proposed by the applicant would be in violation of any applicable village ordinance or would be disruptive to the existing character and activities in the zoning district or neighborhood.
- (5) In no event may such conditional use permit be issued unless the plan of operation provides for dedicated parking spaces equal to the total maximum number of employees who may work at the facility at any time, plus one dedicated parking space for every five children who may be cared for at the facility at its maximum capacity. The term "dedicated parking space" means either off-street private parking with signs posted reserving the parking for the day care during its hours of operation or on-street or other public parking located within 200 feet of the main entrance of the commercial day care/preschool, and has been determined by the department of public works and police department to be sufficiently under utilized for other parking purposes so as to be readily available for day care purposes during all hours and days of operation.
- (6) Such conditional use permit shall be reviewed on an annual basis by the plan commission to ensure compliance with all conditional use requirements (including the plan of operation approved by the plan commission and village board). Such property may be inspected by the police department, fire department, building inspector or other authorized personnel of the village to investigate and determine if any violations exist.
- (7) The conditional use permit may be revoked by the village board upon findings of violations of such conditional use requirements or other applicable village ordinances.

Secs. 46-883—46-895. - Reserved.

DIVISION 4. - WIND ENERGY CONVERSION SYSTEMS

Sec. 46-896. - Procedure for securing conditional use permit.

Except as otherwise provided by this division, the procedure for securing, granting and revoking a conditional use permit for a wind energy conversion system shall be as set forth in section 46-847.

Sec. 46-897. - Application.

Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall

accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.

Sec. 46-898. - Construction.

Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot of area.

Sec. 46-899. - Noise.

The maximum level of noise permitted to be generated by a wind energy conversion system shall be 60 decibels, as measured on the dB(A) scale, measured at the lot line.

Cross reference— Loud and unnecessary noise, § 66-6.

Sec. 46-900. - Electromagnetic interference.

Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. If harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission Regulations.

Sec. 46-901. - Location and height.

Wind energy conversion systems shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this chapter. However, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.

Sec. 46-902. - Security measures required.

All pole-mounted or tower-mounted wind energy conversion systems shall be surrounded by a security fence not less than six feet in height or shall be equipped with a device approved by the plan commission for the prevention of unauthorized access to electrical and mechanical components of the system. A sign shall be posted on the pole, tower or fence warning of high voltage.

Sec. 46-903. - Utility company notification.

The appropriate electric power company shall be notified, in writing, of any proposed interface with the company's power grid prior to installing such interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

DIVISION 5. - TEMPORARY BOARDING FACILITIES FOR DOGS

Sec. 46-904. - Permitted as conditional use.

"Dog boarding facilities", as defined in section 46-1, is permitted as a conditional use, subject to the restrictions set forth or referred to in this division, in the following zoning districts: M-1 limited industrial and wholesale business district.

Sec. 46-905. - Conditional use permit; review and hearing; transfer; issuance requirements.

- (a) A conditional use permit for the establishment of a dog boarding facility may be issued only after review and a public hearing by the plan commission and upon approval by the village board. Transfer of such conditional use permit is not permissible without approval of the village board of trustees. In considering any application for a conditional use permit under this section, the plan commission and village board shall, without limitation, give due consideration to the following issues:
 - (1) The maximum number of dogs giving due consideration to the size of the facility and its geographic location;
 - (2) The need for natural and/or artificial screening to limit the potential for noise or odor to unreasonably affect lawful use of adjacent properties;
 - (3) The availability of adequate parking and exercise areas;
 - (4) The provision of adequate waste disposal methods to prevent the generation of unreasonable odor and unhealthful conditions;
 - (5) Hours of operation;
 - (6) Methods of animal control/restraint to be employed in exterior and interior of facilities to prevent escape of animals onto adjacent properties.
- (b) The plan commission and village board may deny issuance or renewal of such conditional use permit if past experience, comments of the public, village staff recommendations or the judgment of the plan commission or village board indicated that the plan of operation as proposed by the applicant would be in violation of any applicable village ordinance or would be unreasonably disruptive to the existing character and activities in the zoning district or an adjacent neighborhood.
- (c) Such conditional use permit shall be reviewed on an annual basis by the plan commission, or at such other periodic basis as is established by the village board in its discretion, to ensure compliance with all conditional use requirements (including the plan of operation approved by the plan commission and village board). Such property may be inspected from time-to-time by the police department, fire department, building inspector or other authorized personnel or agents of the village to investigate and determine if any violations of any applicable statute, regulation, ordinance, or provision of the conditional use exist.
- (d) The conditional use permit may be revoked by the village board upon findings of violations of such conditional use requirements or other applicable village ordinances or of violation of any state law regarding the humane treatment of animals.

DIVISION 6. - COMMERCIAL CATERING OR FOOD PREPARATION SERVICES

Sec. 46-906. - Definitions.

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

Commercial catering or food preparation services means a combination of some or all of the following activities with the intent that the food prepared will be consumed at a location other than where it is prepared: taking food orders by telephone or by any other means, storing food, preparing and cooking food, and the delivery of such prepared and cooked food to specific households or businesses.

Sec. 46-907. - Permitted as conditional use.

Commercial catering or food preparation services are permitted as a limited conditional use, subject to the restrictions set forth or referred to in this division, in the following zoning districts: I-1 institutional district. It is the intent of this division to permit such operations on a limited basis provided such uses offer

an educational, religious and/or public-related element consistent with the intent of the I-1 institutional district.

Sec. 46-908. - Conditional use permit; review and hearing; transfer; issuance requirements.

- (a) A conditional use permit for the establishment of a commercial catering or food preparation service may be issued only after review and a public hearing by the plan commission and upon approval by the village board. A permit granted under this division shall be limited to a maximum duration of two years. Transfer of such conditional use permit is not permissible without approval of the village board of trustees. In considering any application for a conditional use permit under this section, the plan commission shall, without limitation, give due consideration to the following issues:
 - (1) Proof by the applicant of receipt of all necessary permits from the state department of health and family services and all other state agencies having regulatory jurisdiction over the activity no less than 30 days before the opening of the proposed facility;
 - (2) Whether the proposed use provides an educational, religious, or public-related element consistent with the intent of the I-1 institutional district;
 - (3) Hours of operation;
 - (4) Parking facilities dedicated to visitors and staff;
 - (5) Name and phone number of a contact person available during all hours of operation with sufficient authority to resolve any immediate problems that may arise.
- (b) The plan commission and village board may deny issuance or renewal of such conditional use permit if past experience, comments of the public, village staff recommendations or the judgment of the plan commission or village board indicated that the plan of operation as proposed by the applicant would be in violation of any applicable village ordinance, unreasonably disruptive to the existing character and activities in the zoning district or an adjacent neighborhood, contrary to the public health, welfare, or safety, or inconsistent with the intent of the I-1 institutional district.
- (c) Such conditional use permit shall be reviewed on an annual basis by the plan commission, or at such other periodic basis as is established by the village board in its discretion, to ensure compliance with all conditional use requirements (including the plan of operation approved by the plan commission and village board). Such property may be inspected from time-to-time by the police department, fire department, building inspector or other authorized personnel or agents of the village to investigate and determine if any violations of any applicable statutes, regulation, ordinance, or provision of the conditional use exists.
- (d) The conditional use permit may be revoked by the village board upon findings of violations of such conditional use requirements or other applicable village ordinances or of violation of any state law regarding food preparation.
- (e) Subject to state, county and local law provisions. All commercial catering or food preparation services shall be subject to and comply with all applicable rules and regulations including, but not limited to, the Wisconsin Food Code, Wis. Admin. Code HFS ch. 196, and the Waukesha County Code (Chapter 14, Parks and Land Use, Article X., Health - Related Regulations and Licenses).

Secs. 46-909—46-920. - Reserved.