

Office of the Clerk/Treasurer

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-0770 Fax 691-1798

**COMMON COUNCIL
MEETING NOTICE AND AGENDA
Monday, September 19, 2022
6:30 PM**

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

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1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your District Alderperson prior to the meeting.
 3. Consent Agenda
 - 3.1. Approval of the Accounts Payable Listing Dated September 19, 2022
 - 3.2. Approval of Common Council Meeting Minutes Dated July 18, 2022
 - 3.3. Approval of Common Council Meeting Minutes Dated August 1, 2022
 4. **Public Hearing**, Discussion and Possible Action Regarding the Conditional Use Permit for Bridger Tower Corporation for Property Located at W229 N2467 Redford Boulevard (PWC 0915-994-004) for the Purpose of Constructing a Monopole Cell Tower [Fuchs]
 5. **Public Hearing**, Discussion and Possible Action Regarding the Conditional Use Permit for Hydro-Thermal Corporation for Property Located at N22 W23977 Ridgeview Parkway (PWC 0954-994) for the Purpose of Constructing a Demonstration Brewery [Fuchs]
 6. **Public Hearing**, Discussion and Possible Action Regarding the Conditional Use Permit for Keith Tubin for Property Located at N37 W26745 Kopmeier Drive (PWC 0894-014) for the Purpose of Constructing a Boathouse [Fuchs]
 7. Discussion and Possible Action **Resolution (22-TBD)** and **Ordinance (22-TBD)** Regarding a Recommendation to the Common Council for a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Lake Pewaukee Sanitary District for Property Located at N25 W27675 Prospect Avenue (PWC 0935-981) from Medium Density Residential (6,500 sq. ft. – 1/2 ac./d.u.) to Government/Institutional [Fuchs]
 8. Discussion and Possible Action Regarding **Ordinance (22-TBD)** Rezoning the Property Located at N25 W27675 Prospect Avenue (PWC 0935-981) from Rs-1 Single-Family Residential to I-2 Rural Institutional for the Purpose of Constructing a New Building as Requested by the Lake Pewaukee Sanitary District [Fuchs]
 9. Discussion and Possible Action to Waive Fees in the Amount of \$800 for Rezoning and Comprehensive Plan Amendment Applications at the Request of the Lake Pewaukee Sanitary District [Fuchs]

10. Discussion and Possible Action Regarding **Ordinance 22-21** (*First Reading*) Amending Section 6.02 of the Municipal Code Related to an Exception to Allow for a Geese Management Program [Fuchs]
11. Discussion and Possible Action Regarding Changes Related to Accessory and Temporary Uses and Structures Within the Zoning District Standards, Sections 17.0208, 17.0209, 17.0902, and 17.1400 [Fuchs]
 - 11.1 **Ordinance 22-17** Pertaining to Definitions Related to Accessory Uses and Structures (17.1402)
 - 11.2 **Ordinance 22-18** Pertaining to Site Restrictions (17.0208)
 - 11.3 **Ordinance 22-19** Pertaining to Accessory Uses and Structures (17.0209)
 - 11.4 **Ordinance 22-20** Pertaining to Temporary Uses and Structure Regulations (17.0902)
12. Discussion and Possible Action Regarding **Resolution 22-09-29** to Amend the City's Fee Schedule to Add a Temporary Use Permit Application Fee of \$50.00 [Fuchs]
13. Discussion and Possible Action Regarding Revisions to the City's Needs Assessment Study and Impact Fee Analysis for Parks, Fire Department, and Trails [Wagner / Fuchs]
14. Discussion and Possible Action Regarding Appointments to Various Board, Committees and Commissions [Mayor Bierce]
15. Discussion and Possible Action to Establish the 2023 Garbage and Recycling Fee Rate [Wagner]
16. Discussion and Possible Action to Approve the First Reduction of The Waters of Pewaukee Letter of Credit from \$1,309,209.84 to \$595,672.84 (A reduction of \$713,537.00) [Wagner]
17. Discussion and Possible Action Regarding the Highlands Subdivision Road Reconstruction and Related Improvements [Wagner]
 - 17.1 Preliminary **Resolution 22-09-30** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Highlands Subdivision Reconstruction and Related Facilities Under Section 66.0703 Wisconsin Statutes
 - 17.2 Comfort **Resolution 22-09-31** Declaring Official Intent to Reimburse Expenditures
18. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.
19. Adjournment

Kelly Tarczewski
Clerk/Treasurer

September 17, 2022

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.1.**

DATE: September 19, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of the Accounts Payable Listing Dated September 19, 2022

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

A/P 9/19/2022

Check Date	Check	Vendor Name	Description	Amount
Bank 100 GENERAL FUND CHECKING				
09/02/2022	895(E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	2,031.07
09/07/2022	900(E)	WI DEPT OF REVENUE/SALES TAX	SALES TAX DUE STATE SALES TAX DISCOUNT	498.51 (10.00) 488.51
09/07/2022	901(E)	DELTA DENTAL	DENTAL CLEARING	2,174.80
09/12/2022	902(E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	1,290.56
09/02/2022	135647	ADP SCREENING & SELECTION SERVICES	HR EXAMS	59.93
09/02/2022	135648	AIRGAS USA	FD OXYGEN FD OXYGEN	111.44 225.94 337.38
09/02/2022	135649	AMI HURD	CT MILEAGE REIMBURSEMENT	36.88
09/02/2022	135650	ARAMARK	HWY UNIFORMS HWY UNIFORMS	97.28 97.28 194.56
09/02/2022	135651	AT&T CAROL STREAM IL	P&R INTERNET	58.85
09/02/2022	135652	AT&T MOBILITY	SW PHONES, SCADA	377.68
09/02/2022	135653	BATTERIES PLUS LLC	SW BATTERIES SW BATTERIES	27.53 233.46 260.99
09/02/2022	135654	BOUNDTREE MEDICAL	FD MEDICAL SUPPLIES	281.25
09/02/2022	135655	CINTAS	HWY SAFETY RESTOCK	80.86
09/02/2022	135656	COMET INC.	SW HYDRANT REMOVAL TOOL	57.50
09/02/2022	135657	CONLEY MEDIA	PUBLICATION FEES	424.81
09/02/2022	135658	CONTINENTAL UTILITY SOLUTIONS, INC	SW UMS WEB PORTAL SERVICE	2,000.00
09/02/2022	135659	COREY OIL	HWY CLEAR DIESEL HWY UNLEADED GASOLINE HWY UNLEADED GASOLINE HWY UNLEADED GASOLINE HWY CLEAR DIESEL	1,245.87 1,087.83 1,921.47 248.46 1,827.16 6,330.79
09/02/2022	135660	COUNTY MATERIALS CORP	HWY SEAL ROLLS	156.00
09/02/2022	135661	CRETEX SPECIALTY PRODUCTS	HWY PRO RING FLAT RING HWY PRO-RING FLAT RING	3,378.20 1,712.26 5,090.46
09/02/2022	135662	EAGLE ENGRAVING	FD UNIFORMS	68.95
09/02/2022	135663	ELECTION SYSTEMS & SOFTWARE	ELECTION EQUIP MAINT	1,618.54
09/02/2022	135664	ELEVITY	IT NEW SCALE NODE IT EMAIL, EXCHANGE, IT EXCHANGE, EMAIL IT EXCHANGE, EMAIL	11,377.22 4,549.80 4,479.80 4,479.80 24,886.62

Check Date	Check	Vendor Name	Description	Amount
09/02/2022	135665	ELLIOTT ACE HARDWARE	HWY FASTNERS, WALL SCRAPER HWY FASTENERS	11.78 2.19 <u>13.97</u>
09/02/2022	135666	EMERGENCY LIGHTING & ELECTRONICS	FD VEHICLE REPAIRS	146.25
09/02/2022	135667	FERGUSON WATERWORKS	SW HOOK	40.18
09/02/2022	135668	GRAINGER	SW PIPE THREAD	9.06
09/02/2022	135669	HALEN HOMES	BD Bond Refund REFUND OVERPMT	500.00 <u>2,405.92</u> 2,905.92
09/02/2022	135670	HAWKINS, INC.	SW CHEMICALS SW CHEMICALS	3,245.92 <u>5,229.43</u> 8,475.35
09/02/2022	135671	HAYDEN MATHENY	ASR MILEAGE REIMBURSEMENT	27.32
09/02/2022	135672	HEARTLAND BUSINESS SYSTEMS	IT NON SERVER MONITORING	92.00
09/02/2022	135673	HECKEL DANCE LLC	P&R PROGRAM	432.00
09/02/2022	135674	HUMPHREY SERVICE PARTS, INC	P&R FILTERS HWY OIL FILTER HWY FILTERS HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY FILTER HWY EQUIP MAINT. SUPPLIES HWY EQUIP MAINT. SUPPLIES HWY EQUIP REPAIR MAINT. P&R LED LIGHT CREDIT	4.79 16.74 24.40 48.74 48.74 97.48 48.74 97.48 25.32 21.16 170.34 56.78 20.26 <u>(79.08)</u> 601.89
09/02/2022	135675	J.F. AHERN COMPANY	CH DUCT CLEANING	258.00
09/02/2022	135676	JAMES IMAGING SYSTEMS	IT HP SECURITY MANAGER	65.00
09/02/2022	135677	JAY JOHNSON	P&R SOFTBALL UMP	432.00
09/02/2022	135678	JOHN GAHAN	P&R SOFTBALL UMP	696.00
09/02/2022	135679	JONES & BARTLETT	FD TRAINING	286.99
09/02/2022	135680	KELLY TARCZEWSKI	CT MILEAGE REIMBURSEMENT	39.12
09/02/2022	135681	KORNDORFER HOMES	BD Bond Refund	500.00
09/02/2022	135682	LANGE ENTERPRISES, INC	HWY SIGNS HWY SIGNS	594.00 <u>227.69</u> 821.69
09/02/2022	135683	LEONARD & LAUREN TRIBUANI	BD Bond Refund	2,000.00
09/02/2022	135684	LIFE-ASSIST INC	FD MEDICAL SUPPLIES	74.90
09/02/2022	135685	LINCOLN CONTRACTORS	HWY WHEEL	61.10
09/02/2022	135686	MARION EALES	P&R PROGRAM REFUND	75.00
09/02/2022	135687	MATRIX TRUST COMPANY	CT LOAN REPAYMENT PD 8/12/22 CT LOAN REPAYMENT PD 8/26/22	50.00 <u>50.00</u> 100.00

Check Date	Check	Vendor Name	Description	Amount
09/02/2022	135688	MENARDS	P&R CLEANER AND SUPPLIES	208.71
			FD BIRD FOOD	17.97
			FD FUEL PREMIX	55.84
			FD MULCH AND KILLER CONC	70.29
			SW TOILETBOWL CLEANER, BLEACH	13.48
			SW PIPE WRENCH, HAMMERS, ARMS PEG HOOK	116.99
			HWY PAILS	23.94
			HWY MORTAR MIX	11.76
			HWY BEAM LEVEL, NAILS, TAPE MEASURE	41.73
			HWY MORTAR MIX	47.82
			HWY WOOD CLAMPS	81.92
				<u>690.45</u>
09/02/2022	135689	MID-AMERICAN RESEARCH CHEMICAL	HWY GLASS CLEANER	138.96
09/02/2022	135690	NAPA	SW LOW BEAM LIGHTS	13.28
09/02/2022	135691	NATIONAL FIRE PROTECTION ASSOC	FD VENTILATION FIRE PROTECTION TRAINING	68.45
09/02/2022	135692	ODP BUSINESS SOLUTIONS LLC	CT TISSUE AND PAPER	30.81
			CT TISSUE	32.97
			CRT OFFICE SUPPLIES	232.89
			SW OFFICE SUPPLIES	176.24
				<u>472.91</u>
09/02/2022	135693	OFFICE COPYING EQUIPMENT, LTD	FD SHARP MX 3071 CONTRACT	28.12
			CRT SHARP MX 3571 CONTRACT	8.81
				<u>36.93</u>
09/02/2022	135694	PAYNE & DOLAN	HWY ASPHALT	303.46
09/02/2022	135695	PITNEY BOWES GLOBAL	SW RELAY MACHINE LEASE	991.74
09/02/2022	135696	PREMIUM WATERS, INC	CRT WATER	71.99
			HWY WATER	3.00
				<u>74.99</u>
09/02/2022	135697	REINDERS, INC.	P&R GROUNDMASTER	66,444.16
			P&R HYDRO OIL	132.57
				<u>66,576.73</u>
09/02/2022	135698	RUEKERT & MIELKE, INC.	SW NORTH AVE PUMP STATION	771.00
			SW WELL STATION 5	184.25
			SW BLUEMOUND RD WATER MAIN EXT	5,916.63
			SW BLUEMOUND RD WATER MAIN EXT	4,294.75
			SW SCADA SERVICE	1,022.01
				<u>12,188.64</u>
09/02/2022	135699	SAFETY-KLEEN CORP	HWY OIL SERVICE	217.00
09/02/2022	135700	SHAWNS DEER PICK UP	HWY DEER PICKUP	720.00
09/02/2022	135701	SHORT POUR DELIVERY SERVICES LLC	HWY CONCRETE	522.50
09/02/2022	135702	SITEONE LANDSCAPE SUPPLY LLC	HWY HERBICIDE	161.25
09/02/2022	135703	SOERENS FORD	HWY REPAIRS	3,338.85
09/02/2022	135704	STATE OF WI COURT FINES & ASSMTS	CRT STATES SHARE OF COURT COSTS AND ASSE	4,703.00
09/02/2022	135705	STRAND ASSOCIATES, INC	SW WATER SYSTEM MASTER PLAN	31,250.00
09/02/2022	135706	SYNDIGO	REFUND ON OVERPMT	225.87
09/02/2022	135707	TOTAL MECHANICAL	SW WIRE RUN TO FURNACE	558.79
09/02/2022	135708	ULINE	P&R SOAP, CORELESS LINERS	1,586.68

Check Date	Check	Vendor Name	Description	Amount
09/02/2022	135709	UNIFIRST CORP	FD MATS	92.51
09/02/2022	135710	USA BLUEBOOK	SW CHEMICALS	375.21
09/02/2022	135711	VERIZON	FD MDC AIR	259.42
			FD MDC AIR	142.42
				<u>401.84</u>
09/02/2022	135712	Waldschmidt's Town & Country Mart	HWY BLADES AND BELTS	181.11
09/02/2022	135713	WASTE MANAGEMENT	HWY RECYCLING	3,278.42
			HWY RECYCLING	3,160.15
				<u>6,438.57</u>
09/02/2022	135714	WAUKESHA CO TREASURER	CRT COUNTY JAIL ASSESSMENTS AND DRIVER I	1,360.46
			HWY PAVEMENT MARKINGS	16,045.35
				<u>17,405.81</u>
09/02/2022	135715	WE ENERGIES	DPW BUILDING	15.71
09/02/2022	135716	WISCONSIN LEGAL BLANK	FD BUSINESS CARDS	222.00
09/12/2022	135717	WPRA	P&R WPRA TICKETS	5,301.25
09/13/2022	135718	ABBY LORENZ	P&R PONTOON BOAT TOURS	300.00
09/13/2022	135719	AIRGAS USA	FD OXYGEN	135.43
09/13/2022	135720	ALESCI HOMES	BLD 200007 EROSION BOND REFUND	2,000.00
09/13/2022	135721	ALL-WAYS CONTRACTORS, INC	P&R TOPSOIL	96.00
09/13/2022	135722	ALLMAX SOFTWARE INC	SW OPERATOR 10 ANNUAL SUPPORT	1,195.00
09/13/2022	135723	AMI HURD	CT MILEAGE REIMBURSEMENT	28.13
09/13/2022	135724	ARAMARK	HWY UNIFORMS	88.98
			HWY UNIFORMS	97.28
			HWY UNIFORMS	97.28
				<u>283.54</u>
09/13/2022	135725	AT&T CAROL STREAM IL	P&R INTERNET	68.84
			P&R INTERNET	79.54
			P&R INTERNET	95.59
			P&R INTERNET	69.55
				<u>313.52</u>
09/13/2022	135726	AT&T CAROL STREAM IL	CH TELEPHONE	110.82
09/13/2022	135727	AT&T MOBILITY	FD AIR CARDS	1,530.28
09/13/2022	135728	AVANT GRAPHICS	PLC SHIRTS	1,324.00
09/13/2022	135729	BENJAMIN REMPE	P&R SOFTBALL UMP	288.00
09/13/2022	135730	BS&A SOFTWARE	SW UTILITY SOFTWARE	17,825.00
09/13/2022	135731	BUELOW VETTER BUIKEMA OLSON & VLIET	HR LEGAL FEES	195.00
09/13/2022	135732	BUMPER TO BUMPER HARTLAND	P&R OIL	81.47
			ENG SWAY BAR LINK	25.98
				<u>107.45</u>
09/13/2022	135733	CHARLIE DWYER	BLD MILEAGE REIMBURSEMENT	158.13
09/13/2022	135734	CINTAS	SW SAFETY RESTOCK	145.42
			SW UNIFORMS	78.79
				<u>224.21</u>

Check Date	Check	Vendor Name	Description	Amount
09/13/2022	135735	CONWAY SHIELD	FD TURNOUT JACKET AND PANTS FD CAIRNS BLACK W/ DEFENDER	24,890.30 5,865.00 <u>30,755.30</u>
09/13/2022	135736	COREY OIL	HWY CLEAR DIESEL HWY UNLEADED GASOLINE	2,062.96 1,436.22 <u>3,499.18</u>
09/13/2022	135737	CRETEX SPECIALTY PRODUCTS	HWY FLAT RINGS	2,220.72
09/13/2022	135738	DEPARTMENT OF THE TREASURY	941, 39-6008531, TAX PERIOD 6/30/20	456.47
09/13/2022	135739	DIVERSIFIED BENEFIT SERVICES, INC.	SEPT HRA	346.71
09/13/2022	135740	ELLIOTT ACE HARDWARE	P&R WOODCUTTER OIL, CABLE TIES HWY DUCK TAPE P&R CHAIN LOOP P&R BAR CREDIT P&R CREDIT CHAIN LOOP	34.98 4.99 90.97 (34.99) (55.98) <u>39.97</u>
09/13/2022	135741	EMMONS BUSINESS INTERIORS	DPW BUILDING	25,719.00
09/13/2022	135742	EQUAL RIGHT DIVISION	P&R WORK PERMITS	15.00
09/13/2022	135743	GILES ENGINEERING ASSOCIATES, INC	ENG DPW EXPANSION	4,651.00
09/13/2022	135744	HALEN HOMES	BD Bond Refund	500.00
09/13/2022	135745	HARTLAND OVERHEAD DOOR	FD REPAIR DOOR AT STATION 1	1,577.50
09/13/2022	135746	HOGEN ELECTRIC	SW WELL 1 VFD	250.00
09/13/2022	135747	HUMPHREY SERVICE PARTS, INC	P&R FILTER P&R AIR FILTER HWY EQUIP REPAIR HWY EQUIP REPAIR HWY WORK LAMP HWY FILTER	7.33 21.16 56.78 35.14 107.74 17.69 <u>245.84</u>
09/13/2022	135748	JENNIFER SCHOLTKA	P&R ZUMBA GOLD SESSION 2	432.00
09/13/2022	135749	JOHN'S DISPOSAL SERVICE	ENG CONTRACTED GARBAGE ENG AUG LANDFILL CHGS	53,954.30 14,965.13 <u>68,919.43</u>
09/13/2022	135750	KAEREK HOMES INC	BD Bond Refund BLD 310301 EROSION BOND REFUND	2,000.00 2,000.00 <u>4,000.00</u>
09/13/2022	135751	KATIE VITALBO	P&R EMPLOYEE REIMBURSEMENT	161.40
09/13/2022	135752	KELLY PASTORS	P&R PROGRAM REFUND	44.00
09/13/2022	135753	KWIK TRIP INC.	FD FUEL	6,049.14
09/13/2022	135754	LANGE ENTERPRISES, INC	BLD TILES HWY GALVANIZED SQUARE	209.33 477.50 <u>686.83</u>
09/13/2022	135755	LANGER ROOFING & SHEET METAL INC	ENG INVESTIGATE DPW GARAGE ROOF	486.00
09/13/2022	135756	LIFE-ASSIST INC	FD MEDICAL SUPPLIES FD MEDICAL SUPPLIES	57.00 57.00

Check Date	Check	Vendor Name	Description	Amount
			FD MEDICAL SUPPLIES	719.94
			FD MEDICAL SUPPLY RESTOCK	390.57
			FD STERILE WATER	11.49
			FD MEDICAL SUPPLIES	89.16
				<u>1,325.16</u>
09/13/2022	135757	LINCOLN CONTRACTORS	HWY FORM STAKE	187.80
09/13/2022	135758	LITHO-CRAFT	SW BILLING PAPER	431.00
			SW ENVELOPES	981.00
			ENG BUSINESS CARDS GEIS	44.00
				<u>1,456.00</u>
09/13/2022	135759	MARIANNE HILTUNEN	ENG MILEAGE REIMBURSEMENT	214.44
09/13/2022	135760	MENARDS	P&R FROGTAPE, FOLGERS, DRAIN TUBE	88.53
			P&R FROGTAPE	19.99
			HWY LIGHT DUTY GLOVES	47.10
			HWY GROUT, COUPLING, PIPE	62.43
			HWY SCREWS AND BOLTS	23.34
			HWY CLMAPS AND WOOD	141.38
			FD COUPLER	13.17
			FD BATTERIES, STEEL HANDLE	33.87
			P&R TOP SOIL	73.61
				<u>503.42</u>
09/13/2022	135761	MID-STATE EQUIPMENT	HWY EQUIP REPAIR	503.17
09/13/2022	135762	MONICA KASKEY	P&R EMPLOYEE REIMBURSEMENT	29.96
09/13/2022	135763	MOTION & CONTROL ENTERPRISES LLC	HWY EQUIP REPAIR	728.29
09/13/2022	135764	NAPA	FD BOXED MINIATURES	12.30
			FD CABIN AIR FILTER	14.20
			FD CABIN AIR FILTERS	37.06
				<u>63.56</u>
09/13/2022	135765	NATIONWIDE RETIREMENT SOLUTIONS	RETIREMENT PD 9-9-22	2,109.09
09/13/2022	135766	NICK PHALIN	P&R MILEAGE	73.75
09/13/2022	135767	NORTHERN LAKE SERVICE, INC	SW WATER TESTING	23.00
			SW WATER TESTING	69.00
			SW WATER TESTING	154.88
			SW WATER TESTING	92.00
			SW WATER TESTING	92.00
			SW WATER TESTING	69.00
				<u>499.88</u>
09/13/2022	135768	ODP BUSINESS SOLUTIONS LLC	CH TOWEL AND LINERS	951.98
			CH BATHROOM SUPPLIES	67.18
			CT OFFICE SUPPLIES	99.96
				<u>1,119.12</u>
09/13/2022	135769	OFFICE COPYING EQUIPMENT, LTD	P&R SHARP MX3071 CONTRACT	89.64
			CT SHARP MX 7580N CONTRACT	241.72
			ENG SHARP MX4070N CONTRACT	316.40
				<u>647.76</u>
09/13/2022	135770	PARKITECTURE & PLANNING	P&R ADA PLAYGROUND	1,842.00

Check Date	Check	Vendor Name	Description	Amount
09/13/2022	135771	PHARMACEUTICAL RETURNS	PHARMACEUTICAL RETURNS	295.00
09/13/2022	135772	PRAIRIE GRASS LIVING LLC	REFUND OF DEVELOPER AGREEMENT PRAIRIE GR	5,000.00
09/13/2022	135773	PREMIUM WATERS, INC	HWY WATER	89.25
09/13/2022	135774	PROHEALTH CARE MEDICAL ASSOCIATES	HR EXAMS	50.00
			HR EXAMS	784.00
				834.00
09/13/2022	135775	PROHEALTH PHARMACY WAUKESHA	FD PHARMACY TRANSFERS	742.90
09/13/2022	135776	PUBLIC SERVICE COMMISSION OF WI	SW BLUEMOUND RD MAIN EXT	247.38
09/13/2022	135777	R&R INSURANCE SERVICES	INSTALLMENT	28,464.00
09/13/2022	135778	REINDERS, INC.	P&R MUFFLER, GASKET	32.40
09/13/2022	135779	RUNDLE-SPENCE	P&R WAX RING	2.02
			CH TANK REPAIR	292.70
			P&R MANSFIELD ELONGATED	136.66
				431.38
09/13/2022	135780	SAM CARBIS SERVICES LLC	FD REPAIRS	103.99
09/13/2022	135781	SCHOOL DISTRICT OF MENOMONEE FALLS	P&R FIELD TRIP	735.00
09/13/2022	135782	SHERWIN-WILLIAMS	P&R PAINT	176.33
			P&R PAINT	329.60
				505.93
09/13/2022	135783	SIGNARAMA	HWY DECALS	784.05
09/13/2022	135784	SOFT WATER, INC.	FD SOLAR SALT	34.00
09/13/2022	135785	STACI JOERS	P&R COOKING WITH CLASS	432.00
09/13/2022	135786	VERIZON	FD AIR CARDS	21.06
09/13/2022	135787	VILLAGE OF PEWAUKEE	OCT 2022 JOINT LIBRARY	70,049.25
			LIFEQUEST COLLECTIONS DUE VILLAGE	25,440.35
			AUGUST 2022 P&R MONTHLY INCOME SPLIT	16,389.01
			BLD AUG 2022 VILLAGE PERMITS	3,140.87
				115,019.48
09/13/2022	135788	WASTE MANAGEMENT	HWY RECYCLING	3,244.46
09/13/2022	135789	WATER REMEDIATION TECHNOLOGY	SW BASE TREATMENT CHGS	3,812.88
09/13/2022	135790	WAUKESHA CO TREASURER	CT TAX BILLING	7,037.38
09/13/2022	135791	WAUKESHA WATER UTILITY	SW SEWER SERVICE CHGS	24,132.64
09/13/2022	135792	WILL ENTERPRISES	P&R SHIRTS FLAG FOOTBALL	1,284.40
09/13/2022	135793	WISCONSIN LEGAL BLANK	BLD GREEN APPROVAL STICKERS	99.00
09/13/2022	135794	Z BUILDERS SUPPLY	HWY FIBER EXPANSION JOINT	226.00
09/13/2022	135795	ZIGNEGO READY MIX	HWY WI SLURRY	479.05
			HWY WI 565 CATCH BASIN CLEANING	1,083.60
				1,562.65

100 TOTALS:

Total of 153 Disbursements:

605,379.85

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.2.**

DATE: September 19, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Common Council Meeting Minutes Dated July 18, 2022

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

CC Minutes 7/18/2022

In Attendance:

Mayor Steve Bierce, Aldermen C. Brown, I. Clark, R. Reinbold, and J. Wamser. Absent and Excused: B. Dziwulski and P. Vetterkind.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, City Planner & Community Development Director N. Fuchs, and Clerk/Treasurer K. Tarczewski.

1. **Call to Order and Pledge of Allegiance**

Mayor Bierce called the meeting to order at 6:30 p.m. and asked everyone to stand for the Pledge of Allegiance.

2. **Public Comment - None.**

3. **Consent Agenda**

3.1. Approval of Common Council Meeting Minutes Dated June 6, 2022

3.2. Approve Accounts Payable Listing Dated July 18, 2022

Ms. Brown asked that Item #3.1 be removed for discussion.

A motion was made and seconded (I. Clark, J. Wamser) to approve Item #3.2.

Motion Passed: 4-For, 0-Against.

3.1. Approval of Common Council Meeting Minutes Dated June 6, 2022

Ms. Brown noted that on Page 5 under Item #10 it stated North Road and should be Northview Road.

A motion was made and seconded (C. Brown, J. Wamser) to direct the Clerk to correct the street name under Item #10 and approve the minutes.

Motion Passed: 4-For, 0-Against.

13. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for Ryan Leibfried for Property Located at N29 W27529 Peninsula Drive (PWC 0933-024) for the Purpose of Constructing a New Boat House Structure.

Mr. Fuchs noted the Conditional Use proposal is for a 360 square foot boat house that was on the June 6th, 2022 Common Council agenda. He said several neighbors spoke up regarding their concerns with the view from their homes and the house being used for short-term rentals. Mr. Fuchs spoke with the applicant, and he said it would not be used for short term rentals and he would put on a flat roof to reduce the height from 17 feet to 11 feet. Mayor Bierce asked if the Conditional Use Permit could state “not to be used as a rental property”. Mr. Fuchs stated the house can legally be used as a short-term rental. Attorney Riffle noted you can say there will be no residential use of the boat house, but you cannot say the house will not be used for short term rentals.

A brief discussion took place regarding the lot size.

Mayor Bierce opened the public hearing.

Ryan Leibfried (N29W27529 Peninsula Drive) noted he was the owner of the property. He said from July 2021 to January 2022 he was temporarily relocated for his job and did rent it out on VRBO and Airbnb. He stated he moved back in February and the listing is not active on VRBO or Airbnb and he does not intend to rent it again. Mr. Leibfried shared additional pictures of the property showing the location of the boat house. He noted this is not a party house and the shed is purely to store lake items.

Roger Heinichen (N28W27535 Peninsula Drive) said he objects to the project. He noted it's a 30-foot-wide lot and a 25-foot-wide building. He said a bar would only encourage partying and noise. And if it is a shed, it should be at least 75 feet off the water line.

Mayor Bierce closed the public hearing.

Mayor Bierce asked about the size of boathouses on the lake and what the recommended size was. Mr. Fuchs noted the initial draft shows 800 square feet, and the revision will be a maximum of 600 square feet. Mayor Bierce stated there are beautiful boat houses all around the lake and felt it's unfair to limit people moving forward due to what has been done over the last 50 years.

Ms. Brown feels it is common to approve things unless a neighbor comes in to complain. She noted this went through Plan Commission without a problem. Ms. Brown noted the issue going forward is, what is a boathouse. She said there are boat houses on the lake that do not store boats in them. She felt these were storage sheds, party rooms, places to eat and more of a convenience type house.

Discussion took place regarding wet boat houses and the definition of boat house.

Mr. Reinbold stated there is a bar in the design plans and feels this is not a boathouse, it's a shed or outbuilding. He noted several people have contacted him about their concern.

Mr. Clark noted the state definition of watercraft is any device used or designed for navigation on water. And if he can fit a kayak or canoe which are watercraft, technically it can be a boathouse and he satisfies every other standard.

Ms. Brown asked if it could be moved back and closer to his house. Mr. Leibfried noted it meets the setback. Mayor Bierce stated the farther it is pushed back from the lake the less likely it would be an actual boathouse.

Mr. Reinbold asked what the setback is for a shed. Mr. Fuchs noted there is a 75-foot setback from the ordinary high-water mark and flood plain. Mr. Reinbold stated if the boat house is moved back 25 feet, he would still be within 50 feet of the lake. Then it would be behind the tree line, and clear for the neighbors looking out.

Attorney Riffle stated the Law of Conditional Use says you listen to the information that is considered here and now. And if you have heard anything outside of this hearing or have done your own personal investigation, it is not relevant. He said to apply the law as to how it relates to what is a boat house and to what the allowable set back is.

Mayor Bierce asked if there was a way to remedy it if it doesn't go their way. Attorney Riffle stated it could go to circuit court.

Mr. Clark asked if the council would still have discretion if everything meets statutory requirements. Attorney Riffle stated health, safety and welfare may be considered.

Mr. Wamser stated whether it's a boathouse or shed it is up to each individual.

A motion was made and seconded (I. Clark, C. Brown) to approve the Conditional Use Permit for Mr. Leibfried. Motion Passed: 2-For, 2-Against (R. Reinbold, J. Wamser). Mayor Bierce broke the tie and voted in favor of the Conditional Use Permit.

16. Discussion and Possible Action Regarding Submittal of a Conditional Letter of Map Revision (CLOMR) Application for Properties Located at the Northeast Corner of Lindsay Road and Redford Boulevard and Consideration of Dedicating a 2-acre City Owned Property for Flood Storage Use

Mr. Fuchs noted the owner is requesting the City sign an application that will be sent to FEMA. He said they are also requesting to utilize a two-acre City-owned property to use as flood storage. He noted Common Council should weigh in and approve before it is submitted to FEMA. Mr. Fuchs stated it will allow for a 2:1 mitigation. He said the intent is for an industrial building to go up. He recommended a motion to allow staff to sign the application to submit to FEMA and to allow these two acres to be used as flood storage. He noted there is no ownership change but would be used in part for development on the property.

Ms. Brown asked what the benefit would be. Mr. Fuchs reiterated the City would retain ownership. He said the City would agree to allow for flood storage. He noted it is currently wetland and floodplain and would help mitigate the floodplain to allow the development to move forward.

Further discussion took place regarding the benefit to the City.

A motion was made and seconded (I. Clark, J. Wamser) to approve the Conditional Letter of Map Revision (CLOMR) application and dedicating a two-acre City owned property for flood storage. Motion Passed: 4-For, 0-Against.

4. Presentation of the 2021 Financial Audit by Paul Frantz - Baker Tilly

A motion was made and seconded (I. Clark, C. Brown) to take a brief three-minute recess. Motion Passed: 4-For, 0-Against.

Paul Frantz, a partner with Baker Tilly was present.

Mr. Frantz noted a clean bill of health was issued. He said all necessary disclosures were made and all accounting principles have been adopted consistently year after year. Mr. Frantz noted the general fund had \$17.2 million in revenue and \$16.1 million in expenditures. He said \$1.2 million was added to the fund balance and ended the year just over \$7.1 million in fund balance in the general fund. He noted \$6.9 million of the fund balance is unassigned. Mr. Frantz said the City is at a 41% fund balance to budget ratio and noted the City is in a healthy position

Mr. Franz noted Water and Sewer show positive rates are functioning. He said Water has \$240,000 in cash available and Sewer has \$14 million. He noted Water owes Sewer \$7.4 million from when

utilities were separated in 2015. Mr. Franz stated the City does have the ability to borrow 5 percent of equalized value which equals \$167 million dollars available for borrowing.

Mayor Bierce asked if the borrowing would repay the \$7.4 million owed to sewer, and if not, when would it get repaid. Ms. Wagner stated it would not repay that debt and noted the City is in the process of creating a financial plan with a payment schedule for that debt. Mr. Clark asked if the debt was being serviced. Ms. Wagner stated the City was not aware of the debt until the split. As part of the financial plan for utilities, the City is working on a payment schedule and possible loan forgiveness. She noted it will come before Common Council for discussion.

Mayor Bierce asked who sets the rates. Mr. Franz stated the PSC sets the water rates and the City sets the sewer rates. Mayor Bierce asked if communities try to have higher rates to bank money for future projects. A brief discussion took place regarding PSC regulating the rate of return. Mayor Bierce asked about redoing rates every year. Ms. Wagner stated the City is looking at every other year and a full rate case every five years.

Mr. Wamser asked where the Water Utility is on its fund or if the City assesses when there is a project. Ms. Wagner noted it is its own fund. Mr. Franz stated there is \$1.5 million in fund balance.

Ms. Brown asked how the City of Pewaukee compares to other communities our size. Mr. Franz stated the City of Pewaukee does not have a lot of debt for a community this size.

Mr. Franz noted there are two material weaknesses which are consistent with an entity of the City's size. One is having a CPA specialized in government accounting which is not unusual. The other being lack of segregation of duties, and he noted there is no benefit to hire more people though.

Mr. Franz stated he would continue to work with management on upcoming GASB relating to leases for the next audit cycle. He noted it is a privilege to work with the City.

5. Presentation Related to Proposed Borrowing of \$11,205,000 General Obligation Promissory Notes, Series 2022A and \$27,745,000 General Obligation Corporate Purpose Bonds, Series 2022B

Jonathan Schatz stated the City's current level of debt it listed as credit positive with Moody's. He noted that most Cities take a lot of debt out due to levy limits. Mayor Bierce asked what the City's rating limit is and what would happen after the borrowing. Mr. Schatz stated the current rating is Aa-1 and noted there is a lot to consider with the borrowing. He felt taking on that level of debt this year would move the City at the current value from using 9 percent up to 29 percent. He noted he would be back at the next meeting to present a financial management plan update and he would look more in depth at current and long-term borrowing.

Mr. Schatz stated the City currently has \$2.8 million in principal and interest in debt service each year and it drops off as the debt does.

Mayor Bierce asked about the tax rate. Mr. Schatz stated .77 is the highest rate he is projecting for 2024 just for debt service. He said the projection he is using for value growth is 2 percent and feels the City will far exceed that in the next year, and it would top out at \$.77.

Discussion took place regarding the rate changes.

Mr. Schatz stated there is \$10 million for the DPW building and \$1 million for renovations to this building in notes. He said notes offer a lot of flexibility in terms of how money can be spent if there

are leftover proceeds, whereas bonds you must stick within the buckets you borrowed at. There are \$10.9 million for City roads, \$400,000 for cemetery roads, \$1.2 for City trails and the rest are for utility projects. He said there are two years' worth of projects being borrowed for. He also noted we are in a rising rate environment.

Ms. Brown said she doesn't want to borrow money without knowing what it's for and would like to see things broken down further. She asked what City trails and City roads are being borrowed for.

Ms. Wagner noted the City was supposed to borrow for roads last year.

Discussion took place regarding the different roads and projects included in the borrowing.

Ms. Brown asked if projects may not be done due to bids being too high, but since we borrowed for the projects, the City will still do them. Ms. Wagner stated she doesn't see that continuing and thinks things will stabilize in the bidding environment. She doesn't see an issue spending the dollars and will only be borrowing for what the City will need for those two years.

Mayor Bierce is not ready to approve the projects and wants to wait for the report.

Mr. Schatz stated in terms of the five-year plan, this is a catch-up borrowing. He said there are projects that are already started, projects that have been delayed, and then big projects. He noted it shifts downwards afterwards and said there is a huge value increase coming to the City that will offset a portion of the growth and levy, which will push the tax rate down. Mr. Schatz stated the resolutions are "not to exceed amounts" and could reduce borrowing. He said the City can always take out a project. Mr. Schatz noted municipal rates are back to where they were in July of 2019.

Mayor Bierce asked about refinancing debt if the rate comes down. Mr. Schatz noted bond investors expect a certain period where the City is locked in, which is about nine years and then they are call able. He said if there is money or proceeds at the end it can be used to pay the debt service.

Mr. Schatz stated there is a parameters resolution which includes a two-step process that authorizes to move forward with the sale and then they hold the sale after 30 days. Instead of coming back to a normal meeting, they will get a signature from the Mayor authorizing the sale based on the parameters that are set forth in the resolutions. He said since the City is doing Corporate Purpose Bonds, there is a 30-day petition period after the set sale authorization. This requires the City to wait 30 days. He noted it is also better to hold the sale on a Thursday when you are not competing with other municipalities in the state who hold their meetings on Mondays.

6. Discussion and Possible Action Related to **Resolution 22-07-17** Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$11,205,000 General Obligation Promissory Notes, Series 2022A

A motion was made and seconded (C. Brown, I. Clark) to approve Resolution 22-07-17.

Motion Passed: 4-For, 0-Against.

7. Discussion and Possible Action Related to the Initial **Resolution 22-07-18** Authorizing \$12,800,000 General Obligation Bonds for Street Improvement Projects

A motion was made and seconded (C. Brown, R. Reinbold) to approve Resolution 22-07-18.

Motion Passed: 4-For, 0-Against.

8. Discussion and Possible Action Related to Initial **Resolution 22-07-19** Authorizing \$4,805,000 General Obligation Bonds for Water System Projects

A motion was made and seconded (R. Reinbold, I. Clark) to approve Resolution 22-07-19.
Motion Passed: 4-For, 0-Against.

9. Discussion and Possible Action Related to Initial **Resolution 22-07-20** Authorizing \$3,075,000 General Obligation Bonds for Sanitary Sewer Projects

A motion was made and seconded (C. Brown, J. Wamser) to approve Resolution 22-07-20.
Motion Passed: 4-For, 0-Against.

10. Discussion and Possible Action Related to Initial **Resolution 22-07-21** Authorizing \$7,065,000 General Obligation Bonds for Storm Sewer Projects

A motion was made and seconded (R. Reinbold, J. Wamser) to approve Resolution 22-07-21.
Motion Passed: 4-For, 0-Against.

11. Discussion and Possible Action Related to **Resolution 22-07-22** Directing Publication of Notice to Electors Relating to Bond Issues

A motion was made and seconded (J. Wamser, I. Clark) to approve Resolution 22-07-22.
Motion Passed: 4-For, 0-Against.

12. Discussion and Possible Action Related to **Resolution 22-07-23** Establishing Parameters for the Sale of Not to Exceed \$27,745,000 General Obligation Corporate Purpose Bonds, Series 2022B

Ms. Brown stated she'd like to see a detailed list of projects.

A motion was made and seconded (C. Brown, J. Wamser) to approve Resolution 22-07-23.
Motion Passed: 4-For, 0-Against.

14. Discussion and Possible Action to Release the Final Cash Guarantee for Prairie Grass Living Development

Ms. Wagner noted the City retained a deposit due to restoration issues. She said the issues have been completed and recommended the release of the \$5000 cash deposit.

A motion was made and seconded (J. Wamser, I. Clark) to release the cash deposit. Motion Passed: 4-For, 0-Against.

15. Discussion and Possible Action to Approve the First Reduction of Woodleaf Reserve Phase 5 Letter of Credit from \$2,112,033.46 to \$1,436,472.46 (A reduction of \$675,561.00)

Ms. Wagner stated this is the final phase of Woodleaf Reserve. She noted most of the grading, ponds, utilities and storm sewer and water are all in and are requesting a reduction in their letter-of-credit value. Ms. Wagner felt the amount was sufficient to complete the remainder of the project.

A motion was made and seconded (C. Brown, I. Clark) to approve the reduction in the letter-of-credit for Woodleaf Reserve Phase 5. Motion Passed: 4-For, 0-Against.

17. Discussion and Possible Action Regarding the Expenditure of the American Rescue Plan Act (ARPA) Funds

Mr. Klein noted there are sixteen projects that Department Heads came up with as to what the money should be used for. Mayor Bierce asked what the total funds were and, Mr. Klein stated just under \$1.6 million. Mr. Klein stated the projects that received the most support were a solar energy project at City Hall and the DPW garage. He said this was based on information received from WE Energies and other sources about how solar energy is more of an investment with payback in five to seven years. Mr. Klein noted that because it is seen as an investment, you can borrow separately and have the whole project cost paid back. He said the inclusive playground was another project on the list. He noted there has been fund raising but not at a rate that it would be done in the near future. Mr. Klein stated City Hall remodeling and GIS implementation could come from borrowing or fund balance money.

Ms. Brown stated all suggestions come with price tags. She said she has no idea how expensive solar energy is but, in some ways it could be saving taxpayers money in the future. Ms. Brown noted she would not spend the funds on the all-inclusive playground. She feels there are amazing corporations in the community that could help with that. She would love to entertain the solar panel idea and would like to see how much it would cost and how much the City would have to use of their own funds.

Mr. Clark asked what GIS implementation meant. Ms. Wagner stated GIS is using the City's information and putting it into a format that the public can view. She said it helps with open government and asset management. Mr. Fuchs noted it also allows residents to get property information including transportation, zoning, and land use maps.

Mr. Wamser noted that he would rather use the money towards solar energy and a generator.

Mr. Reinbold asked if the money could be used for the security cameras. Ms. Brown stated security cameras were listed.

Mr. Bierce felt solar panels would benefit everyone.

Ms. Brown mentioned the other option she looked at was the main looping and abandoning well five. She said it would benefit water users.

Mayor Bierce asked if it would be a good idea to direct staff that solar panels were the preferred option per Common Council. Mr. Klein stated if there are other ideas to let him know.

18. Discussion and Possible Action to Approve the Proclamation in Recognition of the Sovereign State of Shrikailasa

Mayor Bierce stated he was asked to do a proclamation; Mr. Klein ran it past Attorney Riffle and he felt there could be concerns with proclaiming a religious figure. Attorney Riffle said if Common Council chooses not to approve the proclamation, he would direct staff to prepare a policy regarding proclamation requests as relates to religious organizations. Mr. Klein stated in the past he would say the City supports the organization but doesn't present proclamations for religious organizations.

Discussion took place regarding proclamations on agendas.

No action was taken on this item.

19. Discussion and Possible Action Regarding Appointments to Various Board, Committees and Commissions

Mayor Bierce stated he had no recommendations at this time.

20. Public Comment - None

21. Adjournment

A motion was made and seconded (I. Clark, R. Reinbold) to adjourn the meeting at 8:57 p.m.

Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.3.**

DATE: September 19, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Common Council Meeting Minutes Dated August 1, 2022

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

CC Minutes 8/1/2022

In Attendance:

Mayor Steve Bierce, Aldermen C. Brown, I. Clark, B. Dziwulski, R. Reinbold, P. Vetterkind, and J. Wamser.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, Park & Recreation Director N. Phalin, City Planner & Community Development Director N. Fuchs and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:30 p.m. and asked everyone to stand for the Pledge of Allegiance.

2. Public Comment - None.

3. Consent Agenda

3.1. Approval of the Accounts Payable Listing Dated August 1, 2022

3.2. Approval of the Special Event Permit for Lake Country Canine Carnival with Recommendation from the Joint Parks and Recreation Board

Ms. Brown asked that Item #3.2 be removed for discussion.

A motion was made and seconded (J. Wamser, I. Clark) to approve the accounts payable listing. Motion Passed: 6-For, 0-Against.

3.2 Approval of the Special Event Permit for the Lake Country Canine Carnival with Recommendation from the Joint Parks and Recreation Board

Ms. Brown asked about having dogs, alcohol, no fencing, no garbage cans, or security in the park. She was concerned with how they would be monitoring who was 21, who is not, and if people would be drinking all over the park. She asked how they are going to handle events when dogs are not allowed in the park, but they are for special events. Ms. Brown asked if there would be an extra fee and who would be responsible for cleaning up after their dogs.

Mr. Phalin stated the parks have a no dog policy, although it is not strongly enforced. He said the City made concessions last year for the Woman's Club special event at Kiwanis Park which included a dog walk. Mr. Phalin stated fencing would not be needed because they were using the baseball side of the complex and people would be inside the ball diamonds. He noted there would be dog competitions, a dog/owner look-a-like contest and different things that would generate revenue. Mr. Phalin said concessions and alcohol sales would be on the extra slab of driveway or potentially in the building, although it had not been finalized. He noted they could put in delineations for alcohol. Mr. Phalin stated it is not a party, it's a four-hour event that will include approved bartenders who will be checking ID's. Ms. Brown asked if the Police Department had been notified and if the Fire

Department has signed off on the event. Mr. Phalin stated the special event has not been sent out yet.

Mr. Reinbold asked if there was a larger deposit for the event due to dogs being destructive. He also noted the responsibility should be on the dog owners to clean up, and not Park and Recreation staff. Mr. Phalin stated the group using the park is The Friends of the Park and any revenue they generate is donated back to the park 100 percent. Mr. Phalin stated the expectation is all dogs are leashed.

Mr. Clark stated 300 is a lot of people and cars. He felt the event may need police involvement due to the amount of traffic. He noted that Taste of Lake Country had a heavy police presence and feels there should be security at the event. Mr. Phalin noted the Sports Complex has over 500 parking spots and there should not be an issue with the flow of traffic. He said 300 people is not a large volume of people for that park on any given weekend and additional security has not been required. Mr. Phalin noted the Sheriff's Department does consistent park checks.

A motion was made and seconded (C. Brown, B. Dziwulski) to approve the special event for the Lake Country Canine Carnival contingent on securing alcohol to a specific area, providing wrist bands, Sheriff's Department approval and waiving fees. Motion Passed: 6-For, 0-Against.

4. Discussion and Possible Action Regarding Funds from Parks and Recreation Sales Tax Amendment

Mr. Phalin stated recreation agencies are not forced to file sales tax on instructional programs. He said prior to him starting here the City of Pewaukee was paying five percent sales tax to the Department of Revenue on every program the City ran. He noted it was corrected in 2020. Mr. Phalin said he came across information that an amendment could be filed back four years. He said he worked with Ms. Sazama in the Clerk's office and submitted the documentation back to 2017. Mr. Phalin said this led to a reimbursement of \$38,929 and he would like to use the funds towards the splash pad and all-inclusive playground.

Mayor Bierce stated he thought the all-inclusive playground and splash pad was using no tax funds and would be funded 100 percent through donations. Mr. Phalin said the City is trying to find funding sources creatively and would like to fund it 100 percent through donations and sponsorships but felt that since this wasn't previously allocated funds it might be a good use for the funds.

Ms. Brown felt since Mr. Phalin found out about it and worked so hard to get it back that it should be put towards something.

Mr. Clark asked about the security cameras at the parks and if the funds could be put towards that. He also asked what the total was for adding security at the parks and if this amount could offset the cost. Mr. Phalin stated with contingencies, the camera installation and key card access was about \$110,000-\$115,000. He said there was already a motion and second to fund the security cameras.

Mr. Vetterkind felt this was taxpayers' money and he was not sure about using the money towards the splash pad.

Mayor Bierce requested to push this to a future meeting.

Mr. Klein stated the City always knew there would be a playground at the Sports Complex. He noted the City has outfitted other parks with playgrounds using taxpayers' money. Mr. Klein thought some of the ARPA money could be used as matching donations for the Sports Complex inclusive playground and felt some of the infrastructure work for the playground would be part of park development. If the City would have built a playground there the City would have been putting in rubber matting, slides, and other things. He felt this was offsetting what the City would have spent.

Ms. Brown felt Mr. Klein's points were valid and she did not have a problem with the money going towards the all-inclusive park and splash pad.

Discussion took place regarding taxpayers funding the park.

A motion was made and seconded (C. Brown, J. Wamser) for Park and Recreation to keep the 70 percent and put it towards what the Park and Recreation Board felt it should go towards. Motion Passed: 5-For, 1-Against (P. Vetterkind).

5. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for William & Beverly Waltz for Property Located at W277 N2531 Rocky Point Road (PWC 0934-035) for the Purpose of Constructing a Boathouse

Mr. Fuchs noted the application was for a new 432 square foot boat house. He stated staff recommended approval and approved a mitigation plan that would allow the proposed lot coverage.

Mayor Bierce opened the public hearing.

Bill Bachman (W278N2619 Rocky Point Road) said he was in favor of this and feels it enhances the lake.

Mayor Bierce closed the public hearing.

Mr. Wamser stated he would like to see consistency with what the City allows and what the DNR allows. He feels there is a lack of that here. Attorney Riffle stated to accomplish that, the ordinance needs to be changed. Mr. Fuchs noted staff is working on an amendment that should be on the August Plan Commission and would move to Common Council in September. He said it is more in line with what the County requires.

Mr. Reinbold asked if there would be a rail structure. Mr. Fuchs noted there was not.

Ms. Brown asked if there were stairs to a top deck and if Plan Commission had anything against stairs going up to a party area or additional space. Mr. Fuchs stated there were no concerns, but it must be within the height requirements.

A motion was made and seconded (I. Clark, P. Vetterkind) to approve the Conditional Use Permit. Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action Regarding a Certified Survey Map for Rodger and Rita Fedel for Property Located N4 W27327 Hilltop Drive (PWC 0984-058 & PWC 0984-060) for the Purpose of Moving the Common Lot Line and Creating Two Lots, and Removing the Outlot Designation of Outlot 2 of the Arrowhead Trails Subdivision Addition No. 2

Mr. Fuchs stated the owner owns two lots within the subdivision. The owner would like to shift the property line so that he has a treed area and would sell the other property. Mr. Fuchs noted it still conforms to the Rs-4 district standards and he recommended approval.

Mr. Wamser asked if there were assessments on the sewer. Ms. Wagner noted municipal sewer was brought in around 2005 or 2006 and assessments have been paid. She said they would have to put in a well.

A motion was made and seconded (I. Clark, R. Reinbold) to approve the Certified Survey Map for the purpose of moving the common lot line and creating two lots and removing the outlet designation of outlet 2 of the Arrowhead Trails Subdivision Addition No. 2. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action Regarding the Final Plat for Woodleaf Reserve Addition No. 4 (PWC 0865-992 & PWC 0865-175)

Mr. Fuchs stated this plat contains 27 lots and 7 outlots and all lots conform to the Rs-6 district minimums. He said staff recommended approval with a few conditions related to the flood plain set back on the final plat.

A motion was made and seconded (C. Brown, I. Clark) to approve the final plat for Woodleaf Reserve. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action to Change the Address Style from Coordinates (W240N3065) to a More Traditional Style (1234)

Mr. Vetterkind stated he was approached by City of Pewaukee business owner Duane Maas who is interested in changing addresses from coordinates to a 123 Main Street type address.

Mr. Maas stated he has talked to business owners over the years about the addresses in the City. He said he doesn't know what exactly needs to be done and knows it isn't a simple solution, but feels it is worth investigating.

Mayor Bierce did not see the pros equal up to the time, effort, and money it would take.

Mr. Dziwulski stated the cost will be substantial to businesses and individual residents.

Mr. Klein stated everyone would have to make so many changes and it would be a tremendous undertaking.

Mr. Maas commented that the addresses affect property values. Mr. Dziwulski stated it does not.

Mr. Reinbold asked if there has been a cost analysis done. Mr. Klein stated no.

Mr. Wamser stated he agrees with Mr. Maas on the business sense.

No action was taken.

9. Discussion and Possible Action to Approve the Second Reduction of Woodleaf Reserve Phase 5 Letter of Credit from \$1,436,472.46 to \$1,290,427.21 (A reduction of \$146,045.25)

Ms. Wagner stated this is a second reduction for Woodleaf Reserve Phase 5. She noted there is adequate letter-of-credit remaining for the remainder of the project and staff recommends approval.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve the second reduction of Woodleaf Reserve Phase 5 letter of credit. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action to Approve the Final Engineer's Report for the Bluemound East Industrial Park Paving Project and **Resolution 22-08-24**, Finalizing the Special Assessments

Ms. Wagner requested the City adopt the final Engineers report and final resolution.

Mr. Wamser asked how the City finalizes it when water is coming over the road and flooding out the property. Ms. Wagner stated that is a different project.

A motion was made and seconded (I. Clark, R. Reinbold) to approve the final Engineers report and Resolution 22-0-24. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding Phase 2 of the Public Works Facility
- 11.1 Award the Construction of a New Salt Shed Building to the Lowest Qualified Bidder, J.H. Hassinger.
- 11.2 Award the Construction of a New Fueling Island to the Lowest Qualified Bidder, Walt's Petroleum Service.

Mr. Klein noted these bids were for Phase II of the DPW project construction after acquiring the Quad Graphics land. He said the salt shed came in under the estimate that was put in the budget by \$35,000. He said the fueling island was never in the original budget because the City was not sure if they would acquire the Quad Graphics land. They did get an estimate that came in \$20,000 lower than estimated. Mr. Klein stated he is asking for approval to proceed.

Mr. Vetterkind stated it was good to hear it came in under budget, but disappointed there was only one bidder. He asked if it was a reputable company. Mr. Klein stated Waltz does most of the projects in the area.

Ms. Brown asked about the alternate for the salt shed. Mr. Klein stated the salt shed in the yard is heavy timber post columns and the horizontal post are thick treated lumber. He said the new one will have a concrete lower level, covered with plywood so salt does not touch the concrete. Further discussion took place regarding the esthetics of the building. Ms. Brown asked about the \$400,000 that was put into capital expense for the current salt shed and where the money is coming from for the fuel island. Ms. Wagner noted the money was reallocated to Public Works. Mr. Klein stated the fuel island was included in the borrowing and it is in line with the budget.

A motion was made and seconded (B. Dziwulski, J. Wamser) to award the construction bids. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Related to the Proposed Projects that could be Potentially Borrowed for

Mr. Klein stated he sat down and went over all the projects Ms. Wagner is proposing and feels they can be accomplished. He noted they are needed projects and if they get put off, the City could have to borrow later at a higher rate. Mr. Klein asked Ehlers what happens if you can't complete the proposed projects. He said Ehlers advised him that the \$27 million borrowing are bonds and must be used for that project or similar projects. Mr. Klein noted it can also be applied to debt service.

Ms. Brown noted she asked for this discussion because she didn't feel comfortable not knowing what projects were being done or borrowed for.

No action was taken.

13. Discussion Related to **Ordinance 22-16** Pertaining to Fair Housing (*First Reading*)

Mr. Riffle noted that in 2021 legislature changed definitions and broadened those who are covered.

A motion was made and seconded (C. Brown, R. Reinbold) to approve and wave the second reading. Motion Passed: 6-For, 0-Against.

14. Discussion and Possible Action Regarding Appointments to Various Board, Committees and Commissions

Mayor Bierce stated he had no recommendations at this time.

15. Discussion and Possible Action to Determine Whether or Not the September 5th, 2022 Common Council will be Cancelled or Rescheduled Due to the Labor Day Holiday

After a brief discussion it was determined the first meeting in September is typically cancelled unless there is something pressing.

16. Discussion and Possible Action to Establish the 2023 Budget Schedule

Mr. Klein went over the budget schedule.

17. Public Comment - None.

18. Adjournment

A motion was made and seconded (I. Clark, P. Vetterkind) to adjourn the meeting at 7:46 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 4.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Public Hearing, Discussion and Possible Action Regarding the Conditional Use Permit for Bridger Tower Corporation for Property Located at W229 N2467 Redford Boulevard (PWC 0915-994-004) for the Purpose of Constructing a Monopole Cell Tower [Fuchs]

BACKGROUND:

At their August 18, 2022 meeting, the Plan Commission recommended approval of the Conditional Use for Bridger Tower to locate a 120-foot wireless communication tower at W229N2467 Redford Boulevard.

The applicant, at the request of the property owner/lease holder, proposed a mono-pine style tower, which is a tower meant to resemble a pine tree. The property owner has indicated that there are 60-foot tall trees in the area and the mono-pine will make the tower less impactful for the neighbors.

The Plan Commission had concerns with the mono-pine and preferred just a regular tower. Staff discussed this with the property owner and applicant. The property owner continues to prefer the mono-pine structure; however, the applicant has stated they are willing to construct whichever is required by the leaseholder.

The Plan Commission approval was also conditioned upon providing the Engineering Department with detailed plans for the underground cables to ensure they are a proper distance from City utilities.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the Conditional Use Permit for Bridger Tower for the construction of a 120-foot wireless communication tower at W229N2467 Redford Boulevard.

ATTACHMENTS:

Description

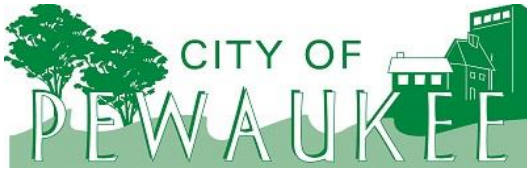
Bridger Tower Corp staff report 8.18.22

Bridger Tower Corp conditional use matter of

Bridger Tower Corp conditional use site plans

WI Law summary related to cell towers

Bridger Tower Corp conditional use permit



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE PLAN COMMISSION

Meeting of August 18, 2022

Date: August 10, 2022

Project Name: Bridger Tower Conditional Use Permit

Project Address/Tax Key No.: W229N2467 Redford Boulevard/PWC 0915994004

Applicant: Bridger Tower Corporation

Property Owner: Jerry's Automotive Holdings, LLC

Current Zoning: M-2 Limited Industrial District

2050 Land Use Map Designation: Manufacturing/Fabrication/Warehousing

Project Description

The applicant filed a Conditional Use Permit Application requesting approval for the construction of a wireless communication facility at W229N2467 Redford Boulevard.

The applicant is proposing a 120-foot-tall tower. The tower is designed to resemble an evergreen tree and will be constructed within a 50' x 50' fenced-in area on the east end of the property.

The tower is designed to accommodate multiple service providers with Dish Network anticipated to be the first provider to locate on the tower. In total, up to four wireless providers may locate on the tower. The plans do not appear to include a backup generator.

The subject property is zoned M-2 Limited Industrial District, which does not reference the use of wireless communication facilities or towers. Note that Section 17.0900 states:

Communication and Power-Generating Structures shall not exceed 30 feet in height or the distance of the base of such structure from the nearest lot line, which is less, unless otherwise authorized by the Plan Commission.

Furthermore, Section 17.0909 states that a Conditional Use Permit may be required as determined by staff or the Plan Commission.

It is important to note that the State of Wisconsin has overriding restrictions on how a municipality may regulate cell towers under a zoning ordinance. Any standard within a zoning code not in conformance with State Statutes is null and void.

The proposed tower and submittal by the applicant is in compliance with Wis. Stat. 66.0404, which regulates wireless siting. A legislative summary of the law is also attached for Plan Commission

review. Below is a further summary of what the City may not restrict and what must be included within an application.

- Prohibit cell towers within any district.
- Projects requiring new construction
 - Application must include:
 - The name and business address of, and the contact individual for, the applicant.
 - The location of the proposed tower.
 - The location of the proposed facilities.
 - A construction plan that describes the proposed new tower and facilities.
 - An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement attesting to one of the following regarding collocation within the area in which the applicant needs to site the new facilities (termed the applicant's "search ring"):
 - ◆ Collocation would not result in the same mobile service functionality, coverage, and capacity.
 - ◆ Collocation is technically infeasible.
 - ◆ Collocation is economically burdensome to the mobile service provider.
- Cannot ask for any additional information than that listed above.
- If application is deemed incomplete, must notify applicant within 10 days of receiving the application. Must specify in detail the information that was lacking. Applicant may file as many times as needed to complete the application.
- Within 90 days of receipt of application, the City must:
 - Review the application
 - Make a final decision to approve or disapprove
 - Notify applicant of decision
 - If denied, provide substantial evidence for denial
- Ask for engineering certificate showing structure collapse zone
- A municipality may not:
 - Impose environmental testing or monitoring requirements
 - Enact a moratorium on cell towers
 - Prohibit towers within certain zoning districts
 - Charge more than \$3,000 for new tower
 - Charge any recurring fees
 - Allow third party consultants to charge the applicant for travel expenses
 - Disapprove an application based on aesthetic concerns
 - Regulate radio frequency signal strength
 - Impose a surety requirement
 - Prohibit placement of emergency power systems (generators)
 - Require placement on City property
 - Disapprove an application based on height or whether the structure requires lighting
 - Require providing services to the City for less than market rate
 - Limit the duration of any permit granted
 - Require collocation
 - Disapprove based on assessment of potential alternative locations
 - Require backup power

- Impose a setback or fall zone requirement that is different than other types of commercial structures (i.e. district setbacks apply)
- Consider a project to be substantial if modification adds 20 feet or more in height of a tower that is not more than 200 feet tall
- Consider a project to be substantial if adds 20 feet to the diameter
- Limit the height of a cell tower to under 200 feet
- Condition the approval to indemnify City
- Condition the application to require allowance for City placement or collocation of services

Recommendation

A motion to recommend approval of the Conditional Use Permit for Bridger Tower to locate a 120-foot-tall wireless communication tower and associated equipment area upon property located at W229N2467 Redford Boulevard.

HUSCH BLACKWELL

Mike Long
Senior Counsel

511 North Broadway, Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5622
Fax: 414.223.5000
Mike.long@huschblackwell.com

June 14, 2022

Mr. Nick Fuchs
City of Pewaukee
Zoning Administrator and City Planner
W240 N3065 Pewaukee Rd.,
Pewaukee, WI 53072

Re: Conditional Use Permit Application to Construct Mobile Communications Tower
Property Address: W229N2467 Redford Blvd., Waukesha, WI 53186-1103
Applicant: Bridger Tower Corporation
Parcel Owner: Jerry's Automotive Holdings, LLC

Dear Mr. Fuchs:

Enclosed for your review and consideration please find the enclosed Conditional Use Permit Application (the "**Application**") from Bridger Tower Corporation ("**Bridger**"), to construct a multi-carrier wireless communications self-support tower (the "**Communications Facility**") in the City of Pewaukee (the "**City**"). Our firm serves as counsel to Bridger.

The proposed Communications Facility has been designed to accommodate multiple communications providers (carriers, wireless internet providers and E911) interested in improving service within the City. Dish Network ("**Dish**"), a nationwide licensed provider of wireless communications services, plans to be the first tenant to co-locate on the Communications Facility. Bridger actively markets its tower sites for co-location to all communications providers and offers competitive business terms, which are attractive to its customers.

The proposed facility meets the guidelines in Wis. Stat. § 66.0404 (the "**Wireless Siting Law**") and the City of Pewaukee Zoning Regulations.¹ It includes a 120-foot monopine tower

¹ The Wireless Siting Law provides that a political subdivision may regulate the siting and construction of a new mobile service support structure and facilities only as provided in Wis. Stat. § 66.0404 and further

June 14, 2022

Page 2

(the “**Tower**”). A monopine is a type of communications support structure that is designed to look like an evergreen tree.

WIRELESS SITING LAW

Wisconsin’s Wireless Siting Law and the City’s ordinances set forth the requirements which must be included in an application to construct a new communications tower.² Those requirements, and Bridger’s responses to those requirements, follow. It is our belief that this information and related enclosures fulfill the requirements of the Wireless Siting Law.

1. The name and business address of, and the contact individual of, the applicant.

Applicant:	Contact Individual:
Bridger Tower Corporation 1951 E. 400 th Road, Lecompton, KS 66050 Phone: (406)600-2327 Email: chad@bridgertowercorp.com	Michael Long Husch Blackwell LLP 511 N. Broadway Milwaukee, Wisconsin 53202 Email: mike.long@huschblackwell.com (414) 978-5622 (262) 470-3193

2. The location of the proposed or affected support structure.

Bridger proposes to construct the Tower on a portion of W229N2467 Redford Blvd., Waukesha, WI 53186-1103 which bears Tax Key Number PWC 0915994004 (the “**Property**”).

The Communications Facility, including the Tower, will be constructed within a 50’ x 50’ leased compound (the “**Leased Premises**”) which will be fenced in as depicted in the enclosed site plan and construction drawings (the “**Construction Drawings**”).

provides that any ordinances in effect that are inconsistent with Wis. Stat. § 66.0404 may not be applied to, or enforced against, the activity. Wis. Stat. § 66.0404(h) & (i).

² The requirements are found at Wis. Stat. § 66.0404(2)(b).

June 14, 2022

Page 3

3. The location of the proposed mobile service facility.

The Wireless Siting Law defines “mobile service facility” as:

the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.³

The Construction Drawings depict where the mobile service facility will be located on the Property (the mobile service facility and the Tower, are collectively, the “**Installation**”). Dish will attach its equipment on the Tower as depicted in enclosed drawing “**Z-5**”. The Installation is designed to accommodate three (3) additional wireless communications carriers.

- 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.**

Bridger proposes installation of a new self-support tower; therefore, the requirements of this section are not applicable.

- 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.**

The Construction Drawings are included with this Application.

- 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the**

³ Wis. Stat. § 66.0404(1)(L).

June 14, 2022
Page 4

same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

Enclosed is a sworn statement from a representative of Dish (the “**Sworn Statement**”). The Sworn Statement refers to the search ring which defines the precise geographic area where an additional Communications Facility is needed to expand network coverage or capacity for Dish. The Sworn Statement attests there are no existing structures of sufficient height available for co-location within the search ring, making co-location technically infeasible.

ADDITIONAL DISCUSSION

Bridger is a national owner and operator of wireless communications infrastructure. However, the proposed Installation results from the needs of Dish, which will install its equipment on the Tower and place ground equipment within the Leased Premises. It is not uncommon for wireless telecommunications service providers such as Dish to partner with companies like Bridger in tower site development projects such as the one proposed in the City.

The Installation will also enhance E-911 services, further protecting public health, safety, and welfare within the City as well as portions of the surrounding Waukesha County communities. Once constructed, the Installation will also negate requests for additional towers in the area. The Installation will conform to all applicable laws and regulations, including those regulations of the Federal Communications Commission and Federal Aviation Administration.

The Installation will be unmanned. No parking or employee facilities are required. Dish’s technicians will visit the site periodically, typically for a few hours once per month, for security monitoring, testing, and maintenance of its communications equipment. Bridger will also visit the site periodically to monitor and perform maintenance on the Tower as needed. The Installation will not generate recognizable traffic.

CONCLUSION

We look forward to working with your office to advance this project. Please contact me at (414) 978-5622 or by e-mail at mike.long@huschblackwell.com if you have questions or require additional information about this Application.

June 14, 2022
Page 5

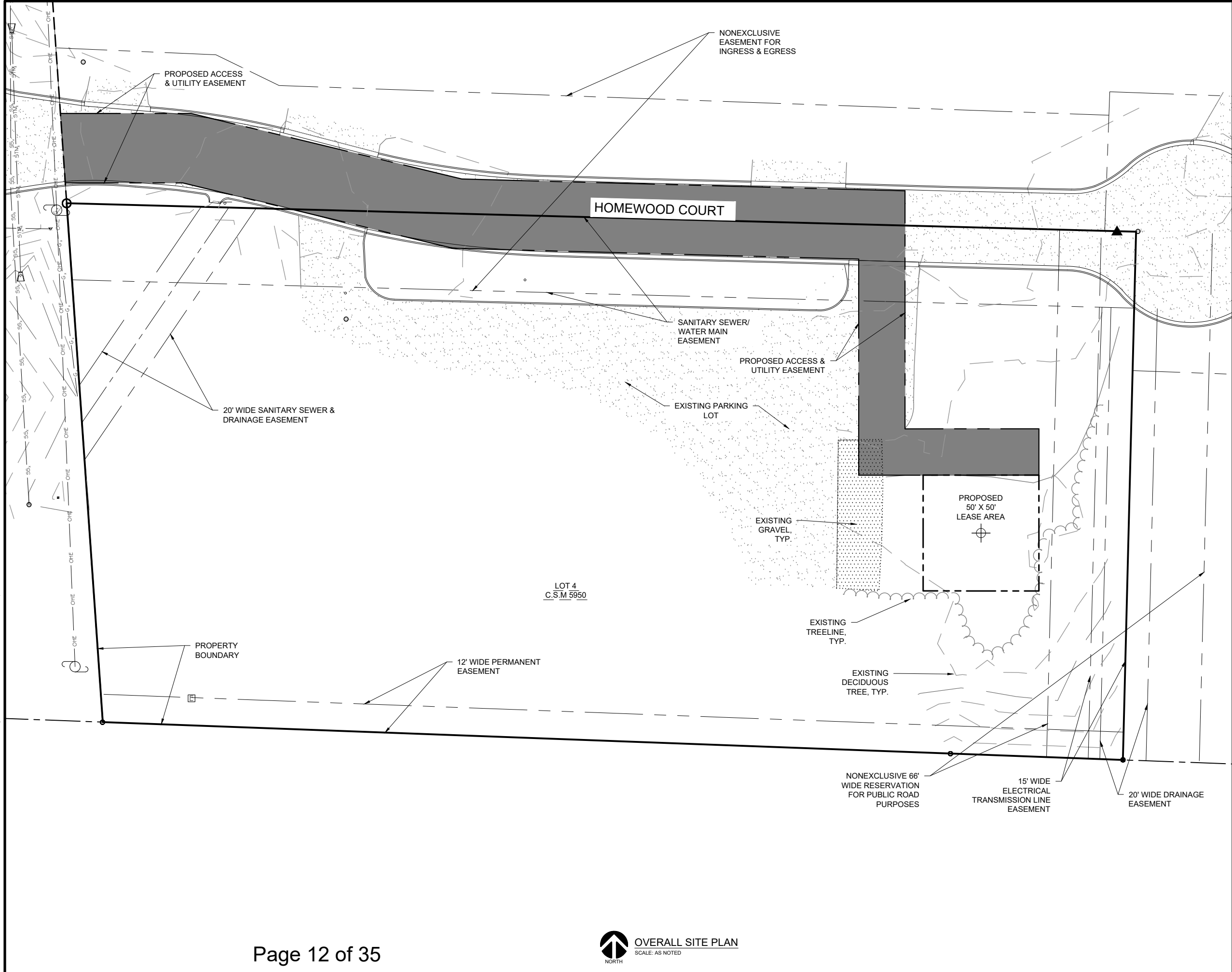
Very truly yours,

HUSCH BLACKWELL LLP

A handwritten signature in blue ink, appearing to read "J. Michael Long", is positioned above the printed name.

J. Michael Long

Enclosure





5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



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Certification & Seal:

I hereby certify that this Survey Document was prepared and the related Survey Work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Wisconsin.

Trent D. Nelson, PLS
License Number: 3132-8

REV	DATE	DESCRIPTION
ISSUE PHASE	FOR CLIENT REVIEW	DATE ISSUED 04/22/2022

PROJECT TITLE:

US-WI-5440

PROJECT ADDRESS:

HOMWOOD COURT
PEWAUKEE, WI 53072
WAUKESHA COUNTY

SHEET TITLE:

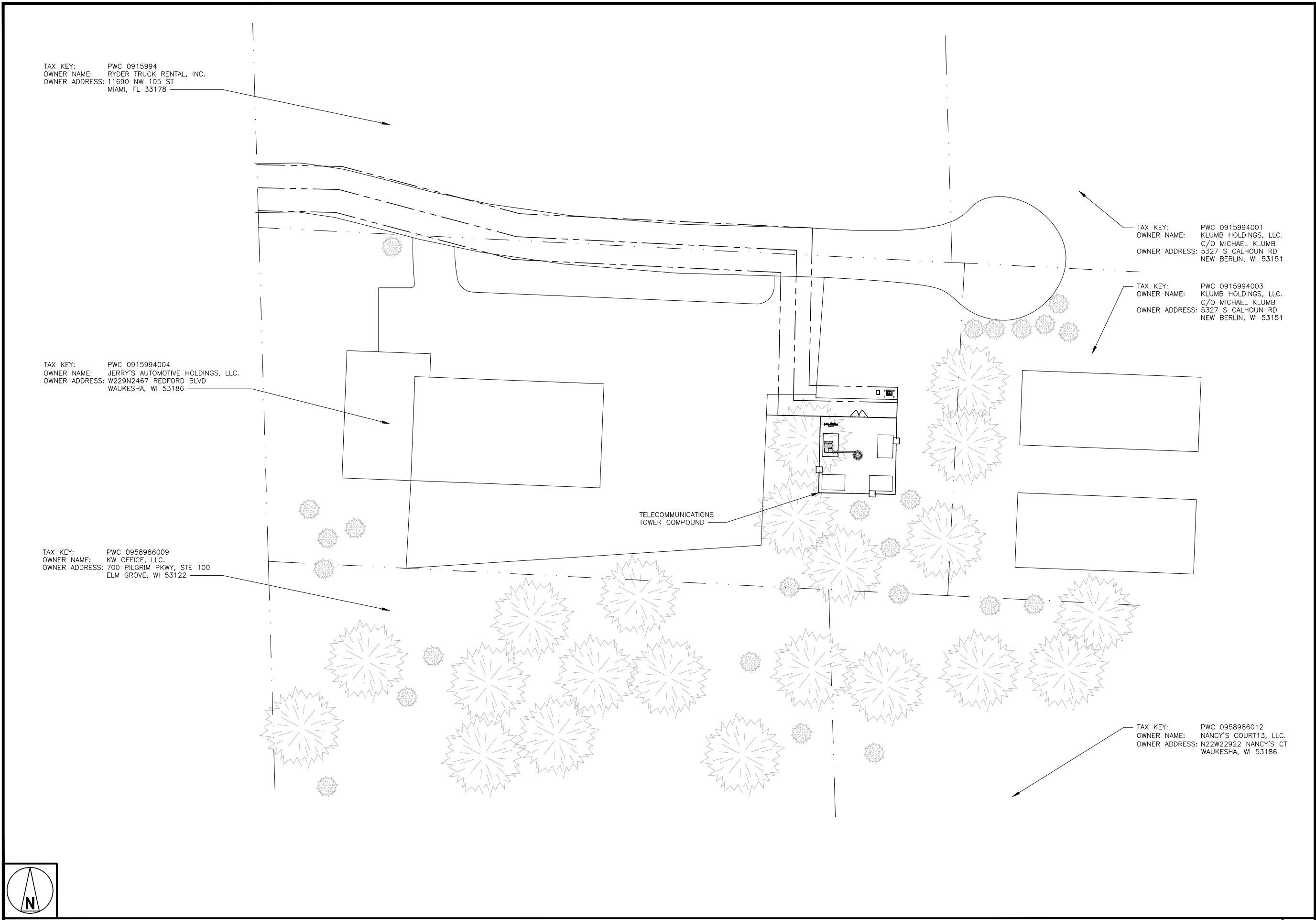
LEASE SURVEY

0 20' 40' 80'

11" x 17" - 1" = 40'
22" x 34" - 1" = 20'

PROJECT NUMBER 53568

SHEET NUMBER SITE APPROVAL OF 1



TAX KEY: PWC 0915994
OWNER NAME: RYDER TRUCK RENTAL, INC.
OWNER ADDRESS: 11690 NW 105 ST
MIAMI, FL 33178

TAX KEY: PWC 0915994001
OWNER NAME: KLUMB HOLDINGS, LLC.
C/O MICHAEL KLUMB
OWNER ADDRESS: 5327 S CALHOUN RD
NEW BERLIN, WI 53151

TAX KEY: PWC 0915994003
OWNER NAME: KLUMB HOLDINGS, LLC.
C/O MICHAEL KLUMB
OWNER ADDRESS: 5327 S CALHOUN RD
NEW BERLIN, WI 53151

TAX KEY: PWC 0915994004
OWNER NAME: JERRY'S AUTOMOTIVE HOLDINGS, LLC.
OWNER ADDRESS: W229N2467 REDFORD BLVD
WAUKESHA, WI 53186

TAX KEY: PWC 0958986009
OWNER NAME: KW OFFICE, LLC.
OWNER ADDRESS: 700 PILGRIM PKWY, STE 100
ELM GROVE, WI 53122

TELECOMMUNICATIONS
TOWER COMPOUND

TAX KEY: PWC 0958986012
OWNER NAME: NANCY'S COURT13, LLC.
OWNER ADDRESS: N22W22922 NANCY'S CT
WAUKESHA, WI 53186



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CAS	AWS	AWS

ZONING
DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
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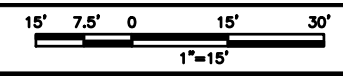
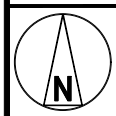
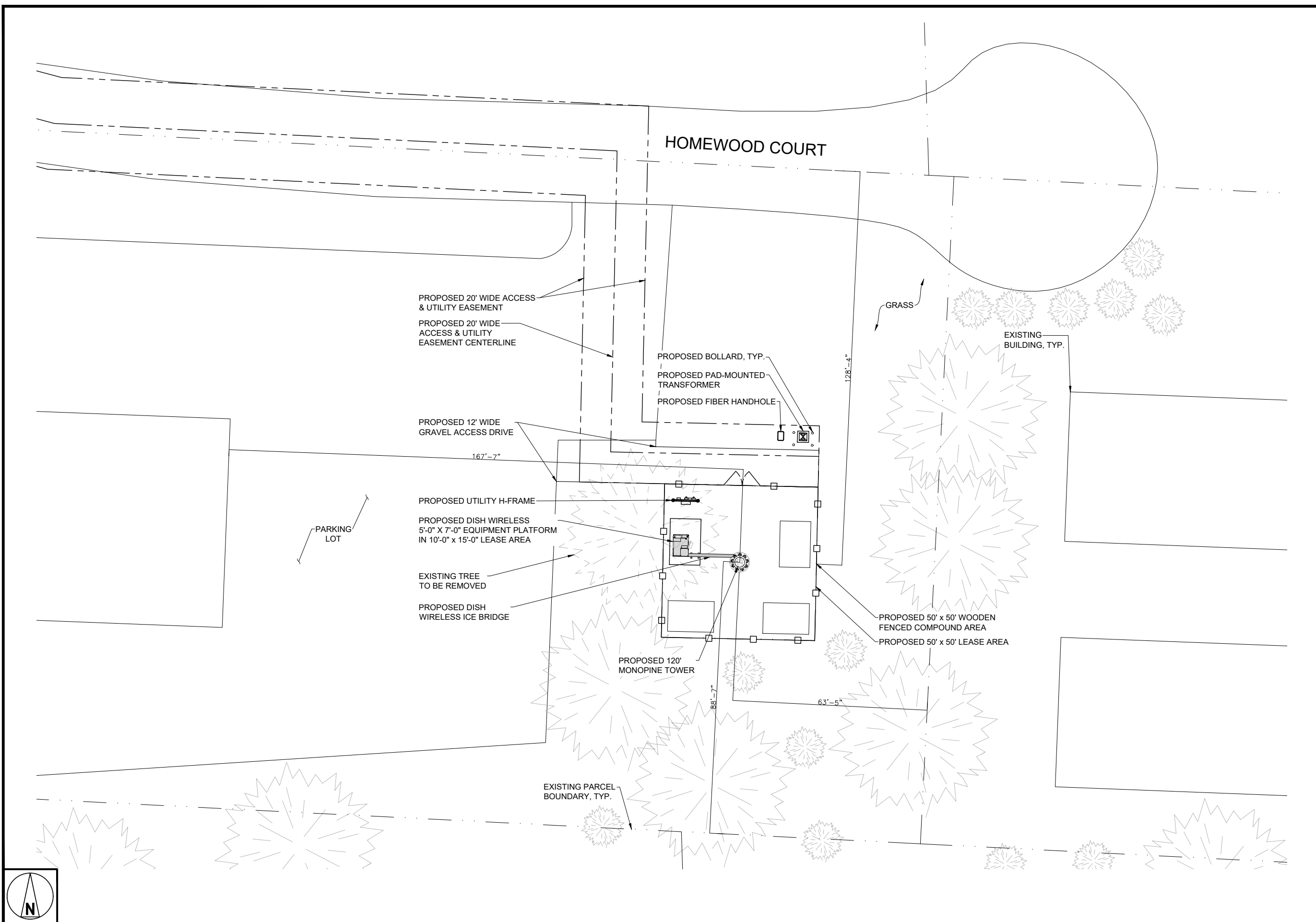
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53568

PROJECT INFORMATION

US-WI-5440
W229N2467 REDFORD BLVD
WAUKESHA, WI 53072

SHEET TITLE
**PROPOSED PARCEL
BOUNDARY PLAN**

SHEET NUMBER
Z-1



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CAS	AWS	AWS

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DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
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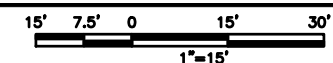
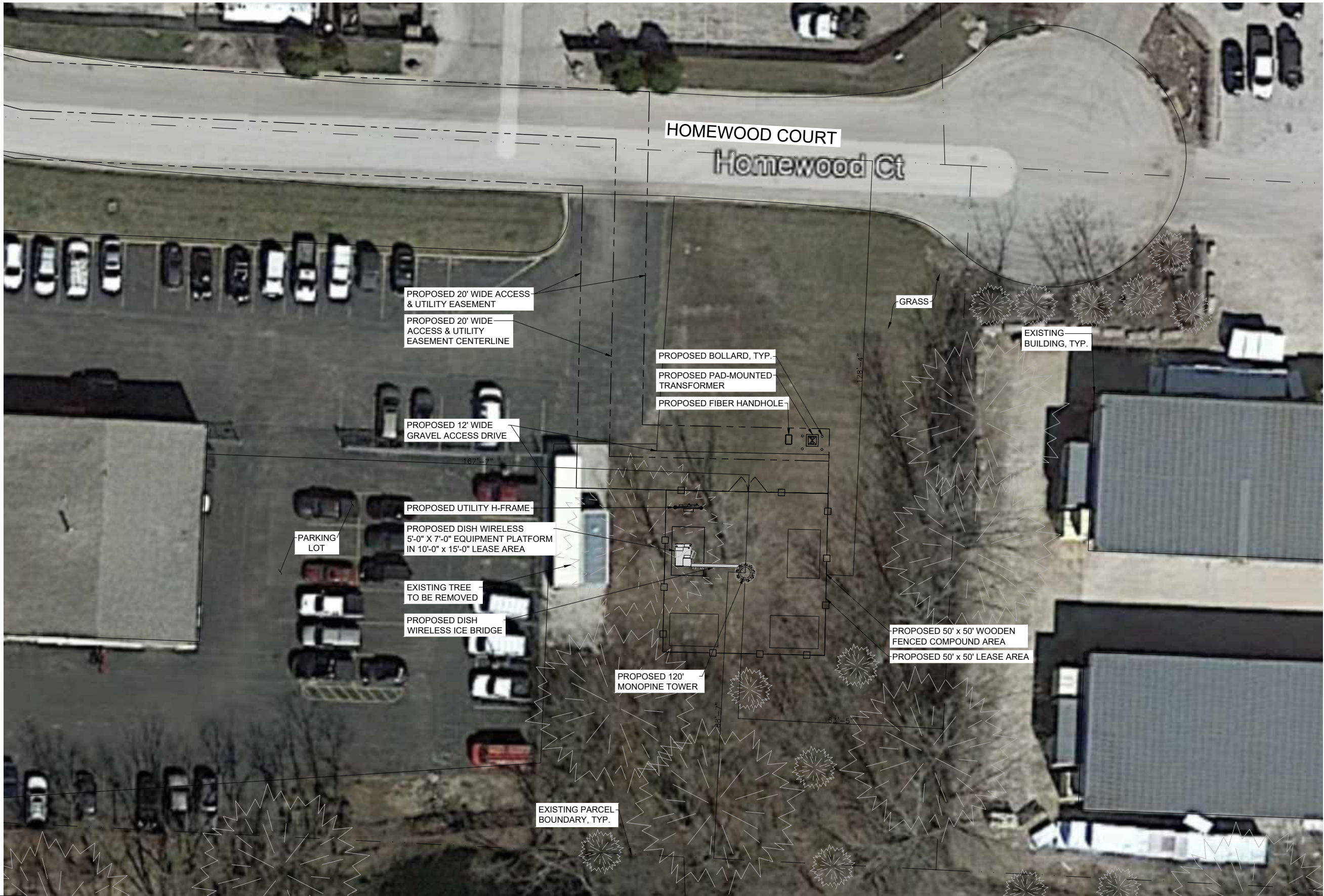
A&E PROJECT NUMBER
53568

PROJECT INFORMATION

US-WI-5440
W229N2467 REDFORD BLVD
WAUKESHA, WI 53072

SHEET TITLE
**PROPOSED
SITE PLAN**

SHEET NUMBER
Z-2



dish
wireless

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ZONING DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	05/24/22	PRELIM ZD# ISSUED

A&E PROJECT NUMBER

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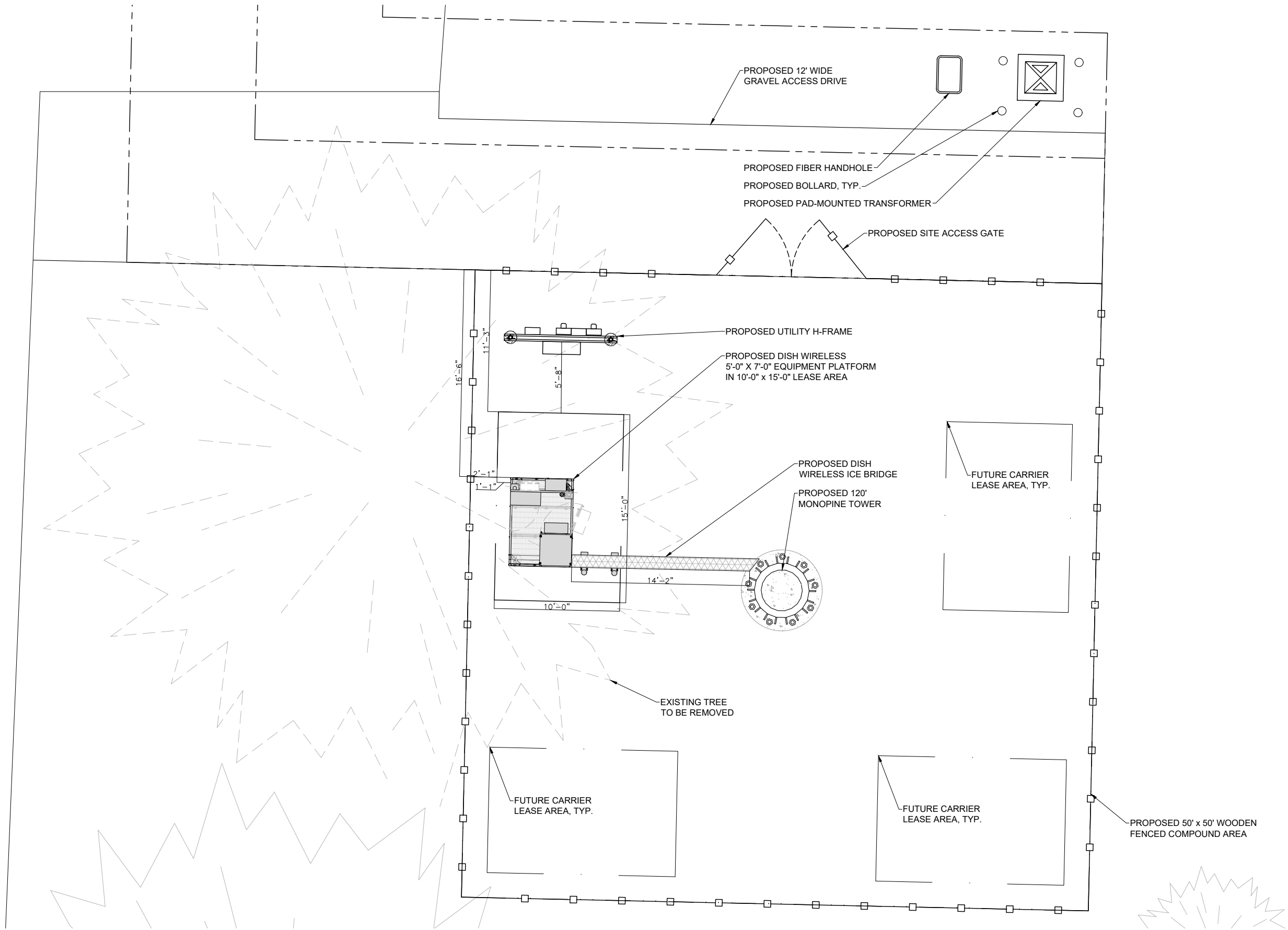
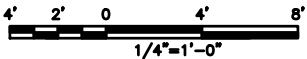
PROJECT INFORMATION

US-WI-5440
W229N2467 REDFORD BLVD
WAUKESHA, WI 53072

SHEET TITLE
**PROPOSED AERIAL
SITE PLAN**

SHEET NUMBER

Z-3



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CAS	AWS	AWS

ZONING DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
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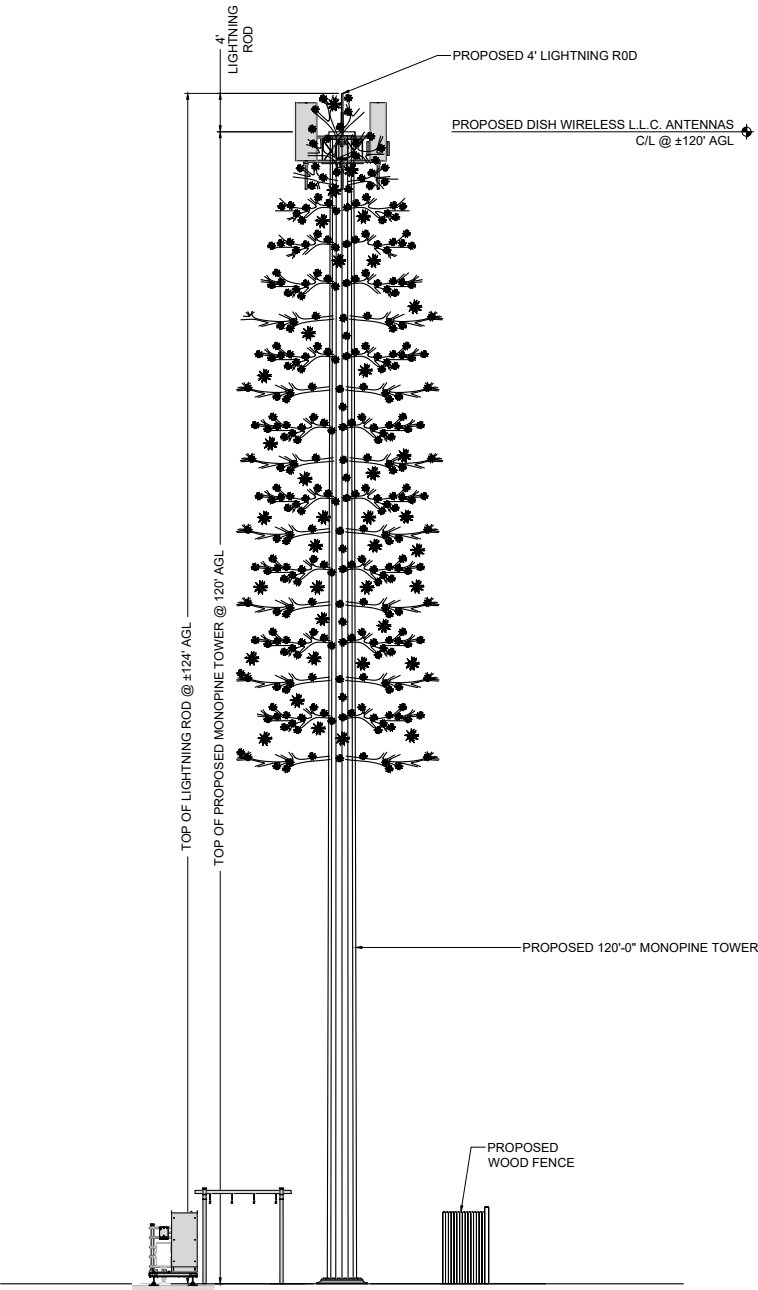
A&E PROJECT NUMBER
53568

PROJECT INFORMATION

US-WI-5440
W229N2467 REDFORD BLVD
WAUKESHA, WI 53072

SHEET TITLE
**ENLARGED
SITE PLAN**

SHEET NUMBER
Z-4



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DRAWN BY:	CHECKED BY:	APPROVED BY:
CAS	AWS	AWS

ZONING DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	05/24/22	PRELIM ZD# ISSUED

A&E PROJECT NUMBER
53568

PROJECT INFORMATION

US-WI-5440
W229N2467 REDFORD BLVD
WAUKESHA, WI 53072

SHEET TITLE
PROPOSED TOWER
ELEVATION

SHEET NUMBER
Z-5



WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

New Law Relating to Local Regulation of Cell Phone Transmission Towers

The 2013 Biennial Budget Act modified the regulatory powers of local governments in regard to cell phone towers. The new law specifies the manner in which a political subdivision can use zoning to regulate cell phone towers and lists specific regulations that a political subdivision may not apply.

OVERVIEW

The primary tool used by political subdivisions of the state to regulate the siting and construction of cell phone transmission towers, and other land uses, is zoning. Zoning serves to separate incompatible land uses by segregating them in zones, such as residential, commercial, and industrial zones. A typical zoning ordinance identifies land uses that are prohibited in a particular zone, those that are permitted, and those that are permitted subject to a conditional use permit. For example, cell phone towers are a land use that, under prior law, might have been prohibited in a residential zone but allowed, subject to a conditional use permit, in other zones. Note that not all political subdivisions have zoning ordinances, and those with zoning ordinances vary considerably in how they regulate various land uses.

Two other tools available to political subdivisions to regulate cell phone towers are building codes and other, non-zoning police-power regulations, such as license requirements. Again, not all political subdivisions require building permits; it is not known how many have enacted other police-power regulations, but it is presumed to be very few.

The new law created in 2013 Act 20 states specifically that a political subdivision may regulate cell phone towers under a zoning ordinance, but places strict limits on how it may do so. It specifies the procedures and standards a political subdivision must use in reviewing applications for permits to construct or modify towers. It also lists specific limitations or regulations that a political subdivision may not impose on the construction or modification of a tower. Significant among these, it specifies that a political subdivision may not prohibit the placement of cell phone towers in particular locations within the political subdivision, meaning essentially that it may not designate cell phone towers as a prohibited use in any zone.

The new law does not disturb existing building code requirements, but it expressly prohibits any regulation of cell phone towers except by zoning ordinances, as specified in the law, and building codes.

APPLICABILITY

The new law applies to local regulation of three types of projects, all for the installation of various types of cell phone transmission facilities:

- Projects requiring construction of a new tower.
- Projects requiring substantial modification of an existing tower and facilities, but not construction of a new tower. Projects of this type are referred to as “class 1 collocations.”
- Projects requiring neither construction of a new tower nor substantial modification of an existing tower and facilities. Projects of this type are referred to as “class 2 collocations.”

The new law defines “substantial modification” as a project that does any of the following:

- For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

The law defines “permit” as “a permit, other than a building permit, or other approval required by a political subdivision” for one of these types of projects. It defines “political subdivision” as a city, village, town, or county.

The new law specifies that a county ordinance to regulate the construction of a new tower or a class 1 collocation applies only in the unincorporated areas of the county, but not in any town that has such an ordinance in effect. It does not include a parallel provision regarding the applicability of county ordinances regulating class 2 collocations.

PERMITTED REGULATIONS AND REQUIRED PROCESSES

The new law specifies the regulations a political subdivision may impose on cell phone transmission towers and facilities, and the process a political subdivision must follow in reviewing an application for a permit.

PROJECTS REQUIRING NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS

The new law treats a project requiring substantial modification of an existing tower and facilities the same as a project requiring construction of a new tower.

Permitted Regulations

The new law specifies that a political subdivision may enact a zoning ordinance to regulate any of the following:

- The construction of cell phone towers.

- The substantial modification of existing towers and facilities (class 1 collocations).

However, it specifies that a political subdivision may only regulate these activities as provided in the law, and that any ordinance in effect on the effective date of the law that is inconsistent with the law does not apply to the activities and may not be enforced against them.¹

Required Processes

The new law requires that an ordinance prescribe the application process for obtaining a permit or approval. The ordinance must require that an application include all of the following:

- The name and business address of, and the contact individual for, the applicant.
- The location of the proposed or affected tower.
- The location of the proposed facilities.
- A construction plan that describes the proposed new tower and facilities or the proposed modifications to the existing tower and facilities.
- If an application is to construct a new tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement attesting to one of the following regarding collocation within the area in which the applicant needs to site the new facilities (termed the applicant's "search ring"):
 - Collocation would not result in the same mobile service functionality, coverage, and capacity.
 - Collocation is technically infeasible.
 - Collocation is economically burdensome to the mobile service provider.

The new law specifies that an application is complete if it contains all the information described above; by implication, a political subdivision may not require any additional information from an applicant. If a political subdivision does not believe that an application is complete, it must notify the applicant of this in writing, within 10 days of receiving the application. The notice must specify in detail the information that was lacking from the application. The applicant may refile the application as many times as is needed to complete it.

Within 90 days of receiving a complete application, a political subdivision must do all of the following:

- Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in the new law, zoning ordinances.
- Make a final decision whether to approve or disapprove the application.

¹ The law appears to contemplate that a political subdivision will require a person engaging in one of these activities to obtain a conditional use permit, since the language does not allow treating them as prohibited uses. However, a political subdivision could elect to treat them as permitted uses.

- Notify the applicant, in writing, of its final decision.
- If the decision is to disapprove the application, include with the written notification substantial evidence that supports the decision.

If the political subdivision fails to comply with these requirements by the 90-day deadline, the application is considered approved, except that the political subdivision and the applicant may agree to extend the deadline.

A political subdivision may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within its “search ring” and to provide the sworn statement required in the application.

A party that is aggrieved by the political subdivision’s final decision may appeal the decision to the circuit court for the county in which the project was proposed. This appears to allow the aggrieved party to appeal to circuit court without first exhausting administrative reviews at the level of the political subdivision.

Limitations

The new law specifies that a zoning ordinance does not apply to a particular structure if the applicant provides the political subdivision with an engineering certification showing that the structure is designed to collapse in a smaller area than the setback or fall zone area required in the ordinance. However, the political subdivision may apply the ordinance to the structure if it provides the applicant with substantial evidence that the engineering certification is flawed.

PROJECTS REQUIRING NEITHER NEW CONSTRUCTION NOR SUBSTANTIAL MODIFICATIONS

As noted earlier, the new law refers to projects that involve neither new construction nor substantial modifications of towers as “class 2 collocations.”

Permitted Regulations

The new law specifies that a class 2 collocation is a permitted use under a zoning ordinance. It also provides that class 2 collocations are subject to the same building permit requirements as other commercial development or land use development.² Again, the law specifies that a political subdivision may only regulate class 2 collocations as provided in the law, and that any ordinance in effect on the effective date of the law that is inconsistent with the law does not apply to class 2 collocations and may not be enforced against them.

Required Processes

The new law specifies a process for the review of “an application for a permit to engage in a class 2 collocation.”³ The process is a simplified version of the process for other projects, described above. It differs from that process in the following ways:

² The provisions of the new law relating to construction of a new tower or a class 1 collocation do not include a similar statement, but the review process does require the political subdivision to determine whether the proposed project complies with its building code.

³ As noted above, a class 2 collocation is a permitted use under a zoning ordinance, so there can be no conditional use permit to apply for. Further, building permits are excluded from the definition of “permit,” so the procedures described here do not apply to a building permit application. Consequently, it appears that the new law contemplates that a political subdivision may require a person engaging in a class 2 collocation to apply for a

- Only the first three items of information (identifying the business and the location of the project) are required for an application.
- The political subdivision must inform the applicant of deficiencies in the application within five days of receiving the application, rather than 10 days.
- The political subdivision must complete its actions within 45 days of receiving a complete application as opposed to 90 days, and the list of actions it must complete is slightly different:
 - Make a final decision whether to approve or disapprove the application.
 - Notify the applicant, in writing, of its final decision.
 - If the decision is to approve the application, issue the applicant the relevant permit.
 - If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- The application is not considered automatically approved if the political subdivision does not take final action within the specified time frame.

LIMITATIONS ON POLITICAL SUBDIVISIONS' ACTIONS

Under the new law, a political subdivision may not do any of the following with regard to the construction of a new cell phone tower or a class 1 or class 2 collocation:

- Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
- Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
- Enact an ordinance prohibiting the placement of a cell phone tower in particular locations within the political subdivision.
- Charge a cell phone service provider a fee in excess of one of the following amounts:
 - For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by the political subdivision for a building permit for any other type of commercial development or land use development.
 - For a permit for construction of a new tower or a class 1 collocation, \$3,000.
- Charge a cell phone service provider any recurring fee for a project covered by the law.
- Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of cell phone service permits or applications.

determination that the activity is, in fact, a class 2 collocation; that is to say, a determination that the political subdivision will not require a conditional use permit for the activity. This Information Memorandum assumes that it is an application for this type of approval to which the process described here applies.

- Disapprove an application based solely on aesthetic concerns.
- Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. The law is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this limitation.
- Prohibit the placement of emergency power systems.
- Require that a cell phone tower be placed on property owned by the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- Condition approval of such activities on the agreement of the owner of the facilities to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
- Limit the duration of any permit that is granted.
- Require an applicant to construct a distributed antenna system instead of either constructing a new tower or using collocation.
- Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
- Require that a mobile cell phone tower or facilities have or be connected to backup battery power.
- Impose a setback or fall zone requirement for a cell phone tower that is different from a requirement that is imposed on other types of commercial structures.
- Consider a project to be a substantial modification if the project adds more than 20 feet to the height of a tower that is not more than 200 feet tall but the greater height is necessary to avoid interference with an existing antenna.
- Consider a project to be a substantial modification if the project adds 20 feet or more to the diameter of the tower but the greater diameter is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- Limit the height of a cell phone tower to under 200 feet.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the

applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by David L. Lovell, Principal Analyst, on December 9, 2013.

WISCONSIN LEGISLATIVE COUNCIL

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<http://www.legis.wisconsin.gov/lc>

TAX KEY NUMBER(S)	CONDITIONAL USE
OR PARCEL(S) INVOLVED:	PERMIT:
	NO. CUP-22-8-1

**TAX KEY NUMBER(S)
OR PARCEL(S) INVOLVED:**

**CONDITIONAL USE
PERMIT:
NO. CUP-22-8-1**

PWC 0915994004

LEGAL DESCRIPTION:

LOT 4 CSM #5950 VOL 48/315 REC AS DOC #1553674 PT SW1/4
SEC 13 T7N R19E :: DOC #4342034

PERSON(S), AGENT(S) OR CORPORATION(S) PETITIONING FOR PERMIT:

Bridger Tower Corporation

Recording area

Name & Return Address

City of Pewaukee
W240N3065 Pewaukee Rd
Pewaukee, WI 53072

WHEREAS, It is understood by all parties to this covenant that Section 62.23 of WIS. Statutes prescribes the legal basis for the granting of a conditional use permit by a City and Chapter 17 of the City Codes and Ordinances provides for the issuance of such permits as well as the standards by which all such uses will be measured; and,

WHEREAS, The City Plan Commission has held a meeting on August 18, 2022; has reviewed the various elements of the petitioner's proposal; and has recommended that a Conditional Use Permit be granted to the above-named petitioner for the property/parcel identified above; and,

WHEREAS, The City Common Council held a public hearing meeting on September 19, 2022.

NOW, THEREFORE, let it be known that the City Common Council, by its action on September 19, 2022 has, hereby, granted a Conditional Use Permit for the following use(s):

Construct an unmanned 120-foot monopole cell tower.

FURTHER, such approved use of the above designated parcel(s) are hereby allowed based on the following conditions being continually met:

No conditions.

The parties hereto, namely the City of Pewaukee and the Equitable Owner of the property for which this conditional use has been sought, set their signatures or the signatures of their representatives below, thereby agreeing to the provisions and conditions set forth in this covenant.

Attest:

Signature of equitable owner

Date

Kelly Tarczewski
City Clerk

Steve Bierce
Mayor, City of Pewaukee

Date

State of Wisconsin
County of Waukesha

Signed or attested before me on _____, 2022 by Steve Bierce, Mayor and Kelly Tarczewski, Clerk.

(Seal)

Ami Hurd
My Commission expires _____

This instrument was drafted by Ami Hurd, Deputy Clerk







History Sidebar

Writings on history and the production of history

That's No Tree, That's A Cell Tower

Posted on [May 9, 2011](#)

People occasionally duck into Song Won's Pro Cleaners to ask her about the large tree in the parking lot behind the dry cleaning store on North Highland Ave. NE. The thing behind her store, however, is no tree. It's a cell tower constructed to look like a tree.

"The tree is kind of interesting," she said. "I tell customers, these are antennas. It's not a tree. They take pictures."



— Dry cleaners and Monopine. Photo by David Rotenstein.

The [cellular phone was invented](#) in 1973. With new technology and changes in federal regulation, cell phone use increased significantly in the last quarter of the twentieth century. To provide coverage for all the new phones, wireless companies had to build more and more towers. In urban areas with historic districts and pricey real estate, telecommunications companies sought ways to make their [towers and antennas](#) blend into the surrounding landscapes.

Disguising infrastructure is nothing new. In the early twentieth century, electric companies and urban trolley operators built architectural shells to [house transformers](#). Power and phone companies still use buildings that look like ordinary houses to conceal equipment.

[Cell towers designed as trees](#) have been around since 1992. Besides trees, antennas also are concealed in fake grain silos, flagpoles, signs, and church steeples.

None of the approaches to concealing antennas has gotten as much attention as the fake trees. They have been featured in art and lampooned by cartoonists. There's even a New York City bluegrass band called [Frankenpine](#).

[Originally conceived](#) as an attempt to make telecommunications towers more compatible with their surrounding environments, these structures have become integrated into popular culture because the tree towers create more of a visual impact than ordinary tower structures.

While they are clever ideas, sometimes the fake trees work well and they go unnoticed by passersby. Other times they attract attention because they look so out of place. The Atlanta area has several monopines that appear to have been well-intentioned but fail to camouflage the wireless infrastructure. One is a tower behind the Mt. Paran Country Store. Another is located behind a CVS on North Druid Hills and it stands starkly juxtaposed against the Buckhead skyline.



— Mt. Paran Road monopine (left) and monopine on North Druid Hills Road. Photos by David S. Rotenstein

The fake tree tower at 1370 N. Highland was built in 2005 by TLC Communications of Lawrenceville. Originally built to house Cingular Wireless (now AT&T Wireless) antennas, the 120-foot fake tree was designed to hold equipment for up to four wireless carriers.



— Closeup of Morningside monopine showing antennas and fake branches. Photo by David Rotenstein.

The engineer in charge of developing the site, Chris Palomba, explained that the tree design was one of several alternatives his company considered. “What we try to do the best we can is to blend in,” he said. “In this case, the surrounding area has a lot of trees and we felt that the best disguised structure there would be a pine tree.”

Palomba said that his company met with community groups and government officials before building the tower. When the Morningside Lenox Park Association considered the application to build the structure at its [July 2005 meeting](#), only two out of 19 people polled opposed the structure.

The president of the Morningside Lenox Park Association, Leslie Bryan, wasn’t in office in 2005 when the structure was built. But she does know about it. “My husband and I were actually laughing at it the other night,” she wrote in an email.

Many people walking by the fake tree one morning earlier this week didn’t even know it was there. Amy Hatfield is a nanny who has regularly walked by the structure since arriving in Atlanta earlier this year. Until I pointed out the structure as we stood on the sidewalk in front of the parking lot where it is located, she had not noticed it.

“It’s quite cool that they disguised it as a tree,” she said. “It stands out. It’s not very attractive.”



— Morningside monopine as seen from North Highland to the south. Photo by David Rotenstein.

But does it look like a real tree? “Well maybe if you glance at it really quickly. It may be a very tall tree,” she answered.

Matt Menefee works at Rosebud restaurant just north of the tower. “You know, I never even noticed it before,” he said. “It’s interesting. It’s the first time I ever – what is it, a telephone pole? I’ve never actually seen one camouflaged like that before. That’s pretty funky.”

So I asked him if it looks like a real tree. He replied, “Not when you look at it head on. But like I said, I’ve worked here going on nine months now and I’ve never noticed it before.”

Scott Rand explained that he and his colleagues in the Coldwell Banker office where he works welcomed the tower when it was built. “Everyone was hoping that it would improve service for cell phones because this is an area that was dropping calls all the time,” he said.

I asked him why he thought it was designed as a tree. “Just a poor effort to make it blend in,” he replied. He then asked me, “Does it look real to you?”

Shortlink for this post: <https://wp.me/p1bnGQ-X1>

This entry was posted in [Atlanta, Telecommunications History](#) by [David Rotenstein](#). Bookmark the [permalink \[https://blog.historian4hire.net/2011/05/09/thats-no-tree/\]](https://blog.historian4hire.net/2011/05/09/thats-no-tree/).

4 THOUGHTS ON “THAT’S NO TREE, THAT’S A CELL TOWER”



larry callander

on **May 10, 2011 at 8:18 am** said:

David: sadly the mt paran rd monster pine is one that sprint built during our network launch in 1997-98. It even has fake bark. It looks silly but that's what the neighborhood and city wanted. Go figure. I hope you are doing well, david.



NancyB

on **June 29, 2011 at 2:23 pm** said:

The monopine on N. Druid Hills used to blend somewhat better, when there were a few real pines clustered near it. Those got removed in the clearing for the development where the CVS went in, leaving the monopine standing out like a sore thumb.

**Bill Cole**on **May 4, 2013 at 12:36 pm** said:

With close to an acre of flat forested and clear areas over three hundred feet into this parcel located between I-85 and Peachtree Road NE; can an expert on both feasibility, lease negotiations offer some advice as to how one may proceed checking the carrier NEEDS in this area of Atlanta's Buckhead neighborhood. Please forgive me if I have written this in an improper place. This is the first POST of mine.

**Tia Williams**on **October 10, 2017 at 4:37 am** said:

Yeah, the increasing cell phone usage requires a huge number of towers, however nobody wants to see them in their stark, skeletal nakedness. Moreover, many residents think that

living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. But there's been no concrete evidence to suggest that either cell phones or cell towers, or any waves emanating therefrom, cause any ill health effects whatsoever, and yet the cell companies have had to react anyway. And this clever idea came, to make it as camouflaged towers, then, aren't just to avoid being eyesores. They're to keep from being noticed in the first place by people who might react poorly to having an enormous radio-spitting antenna nearby. Thanks any for sharing this article David, I have fun reading!

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**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 5.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Public Hearing, Discussion and Possible Action Regarding the Conditional Use Permit for Hydro-Thermal Corporation for Property Located at N22 W23977 Ridgeview Parkway (PWC 0954-994) for the Purpose of Constructing a Demonstration Brewery [Fuchs]

BACKGROUND:

At their August 18, 2022 meeting, the Plan Commission recommended approval of the Conditional Use Permit for Hydro-Thermal to operate a demonstration brewery at N22W23977 Ridgeview Parkway, subject to staff's recommended conditions.

The applicant has indicated that they do not object to these conditions of approval.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the Conditional Use Permit for Hydro-Thermal to operate a demonstration brewery at N22W23977 Ridgeview Parkway, subject to staff's recommended conditions of approval.

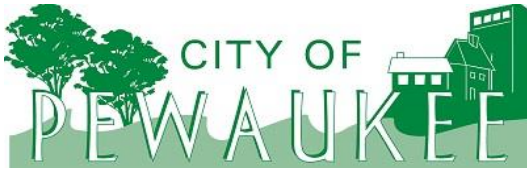
ATTACHMENTS:

Description

Hydro-Thermal staff report 8.18.22

Hydro-Thermal conditional use plans

Hydro-Thermal conditional use permit



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE PLAN COMMISSION

Meeting of August 18, 2022

Date: August 11, 2022

Project Name: Hydro-Thermal Corporation Conditional Use Permit Application

Project Address/Tax Key No.: N22W23977 Ridgeview Parkway/PWC 0954994

Applicant: Hydro-Thermal Corporation

Property Owner: Welsh Pewaukee, LLC

Current Zoning: M-4 Industrial Park District and UC Upland Conservancy

2050 Land Use Map Designation: Manufacturing/Fabrication/Warehousing and Floodplains, Lowland & Upland Conservancy and Other Natural Areas

Use of Surrounding Properties: Single-family residential to the north, conservancy land to the south, manufacturing to the east and commercial and the Pewaukee Fire Station No. 1 to the west

Project Description

The applicant has filed a Conditional Use Permit requesting approval of a demonstration brewery use within the building located at N22W23977 Ridgeview Parkway.

The demonstration brewery space is 14,317 square feet. According to the applicant there will be no beer sales or public access at this site. The beer will be packaged onsite in bulk and shipped to customers.

The brewery space will include a generator, milling room, venting equipment, coolers, mixing vessels and processing equipment, and storage.

The property is zoned M-4, which permits B-4 and M-2 uses. M-2 uses include manufacturing as long as smoke, noise, dust, flash, liquid, or odor are all confined within the building. As brewing will likely produce an odor, the applicant is requesting the use be allowed via Conditional Use Permit.

The applicant has noted that odor will be less than a typical brewery due to its technology. Further details on the brewing process are included in the applicant's project narrative.

The proposed use also includes a food laboratory; however, that use will not emit any odors and is permitted.

Exterior modifications include rooftop ventilation equipment, a fifteen-foot-tall carbon dioxide vessel mounted on the south elevation, and a 5,000 gallon septic tank. Staff would like to see additional details of the carbon dioxide vessel; however, there will likely not be an aesthetic concern as it is being located on the south side of the building screened from public view.

Staff is primarily concerned with this use and its proximity to the Hawk's Meadow Subdivision. The subject building is about 200 feet south of the Hawk's Meadows Subdivision. With that said, as a demonstration brewery, any odors produced will be less than a larger, traditional brewery.

Recommendation

Staff recommends approval of the Conditional Use Permit for Hydro-Thermal Corporation to operate a demonstration brewery at N22W237977 Ridgeview Parkway, subject to the following recommendations:

- *This Conditional Use Permit is personal to Hydro-Thermal Corporation, does not run with the land, and is not transferrable.*
- *Conditional Use approval is subject to annual review by the Plan Commission and Common Council as may be initiated by the City Planner or Alderperson in case of frequent odor complaints.*
- *Brewing operations that may produce odors emanating outside of the building shall be limited to between 8:00 a.m. and 6:00 p.m. Monday through Friday. Brewing shall not occur Saturday and Sunday.*
- *Rooftop equipment shall be fully screened from public view.*
- *Applicant shall obtain the State Fermented Malt Beverages Permit as may be required, or any other applicable permits and licenses.*

**Hydro-Thermal request for
City of Pewaukee
“Petition for Conditional Use”**

**Location:
N22 W23977 Ridgeview Parkway
Pewaukee Wisconsin 53072**

**June 17, 2022
Jim Zaiser, President and CEO
Hydro-Thermal Corporation**

Summary:

Hydro-Thermal is requesting Conditional Use at a property it intends to lease and then construct within the building a demonstration brewery. Conditional Use is necessary because the property is zoned M-4 which does not allow the emission of odor. The brewery will emit far less odors typical of a brewery, due to its technology, when it operates the laboratory.

Operation is expected for short batches on periodic basis, within the normal working hours 7:30-4:30. Typically, and based on its initial capacity, the brew-house will make two batches of wort (sugar water) once a week, taking approximately 15-minutes twice. The odor would be a sweet smell typical of converting malted grains like barley into sugar.

Hydro-Thermal will immediately discharge wastewater to the Pewaukee Sewer System.

The odors of a brewery are typically described as: aroma in homebrew, but it's usually a pleasant, brief aroma. The aroma of boiling wort is generally pleasant on brew day, with **notes of sweetness, spice, and fruit**. An aroma of yeast and fruit is common during active fermentation.

The brewery will not have public access.

The brewery will package its beer in bulk containers and transport offsite in semi-trailers for sale to its customers.

Technically... why an odor

(1) In the Brewhouse:

The wort must be boiled, or it will remain unstable. Boiling is a vital step because it sterilizes the liquid and halts the starch to sugar conversion. Contrary to a typical process, hops are NOT added to the liquid wort during boiling. Hops are added after boiling.

In the process, wort will be heated to boiling temperature until vapor occurs. The boiled wort evaporates volatiles that are present naturally in starch and thereafter the conversion process to sugar.

Boiling wort changes the molecular arrangement of the α -acids (give the bitterness) to "iso-alpha acids". These now, iso-alpha acids are much more soluble so, more easily impart bitterness to the wort. The process of boiling wort is to evaporate some unwanted volatile compounds.

(2) In Fermentation:

Fermentation is when yeast produce all the alcohol and aroma and flavor compounds found in beer. Manipulation of temperature, oxygen levels, and pitch rate as well as yeast strain selection will all dramatically affect the production of aroma and flavor compounds produced during fermentation.

Fermentation will emit: "CO₂ is a colorless, odorless gas produced during beer fermentation and also used in dispensing systems."

Fermentation will also create Hydrogen sulfide (H₂S) and mercaptans; they form when brewing byproducts ferment in anaerobic conditions, but this amount is negligible.

Project Narrative

A major technological breakthrough – one that could alter an entire industry – is a rare occurrence. But Hydro-Thermal in Waukesha, Wisconsin, is on the verge of something that could dramatically elevate Waukesha's standing as a hub for bold innovation.

Hydro-Thermal has been an integral part of the Waukesha manufacturing community and has been innovating in direct steam injection technologies for 88 years. We've served industries across more than 100 countries worldwide.

And now we've set our sights on the brewing industry, with a groundbreaking demo brewery that uses direct steam injection technology. This brewing equipment – with its innovative, more efficient process and smaller footprint -- could significantly impact the brewing industry as we know it.

But while the brewing industry certainly has plenty to gain from this technology, Waukesha will be the first to feel the benefits. This demo brewery will create new jobs and help to continue Waukesha's long-standing tradition in food and beverage processing equipment manufacturing.

"Hydro-Thermal has always been innovation focused and manufacturing best-in-class products for its customers. With the intention of thought leadership, we have this special opportunity to develop recently patented technology and demonstrate a new way of brewing to the world. We will engage employees and partner within the community to complete the development, begin producing 'Futuristic Brewhouses', and brew great beer !"

Jim Zaiser President and CEO

This unprecedented technology will position Waukesha as the center of thought leadership and have a positive impact on the community. But make no mistake – this demo brewery is a technology center, not a brewpub. It is not a venue that will serve or sell beer to the public, and it will not be open to the public. It will be completely dedicated to discovery, innovation, and demonstration.

This state-of-the-art demo brewery further advances our commitment to the Waukesha community and blazing new trails in direct steam injection technologies. We're the two-time manufacturer of the year in Wisconsin and are a family-owned company since 1934.

This is a bold step into the future for us, and for Waukesha County.

Business / Use Operational Information

The laboratory will operate as a food lab (that won't emit smell) and a demonstration brewery to convert grains, like malted barley, into finished packaged beer. The purpose of the operation is to complete the development process of an innovative and completely new process that has recently been patented. The brewery will demonstrate beer production to prospect customers, engineering companies, academia, marketing forums, and partners in the community. After contracting customers, the brewery will be used to train operators on all aspects of its technology while it develops their final recipes and produces its initial beer production.

The Brewery will include the following equipment:

1. Steam generator
2. Compressed Air: (currently installed)
3. Milling room: to pulverize grain into flour
4. Brewhouse
5. Fermentation vessels
6. Bulk packaging equipment
7. Venting equipment, through roof penetration.
8. Carbon Dioxide vessel
9. Cold storage
10. Glycol cooler
11. Dried distiller grains removal
12. Increased floor drainage, septic tank, and sewer connections

The food processing laboratory will include:

1. Bulk mixing vessel
2. Pump
3. Variety of Direct Steam Injection skids
4. Hold tube or processing equipment like heat exchangers
5. Bulk finish storage tank
6. Disposal totes

Future Development Plans

The brewery is intended to be used as demonstration location and produce initial batches of beer for its customers. In the future, we hope to build at another location a contract brewery, nearby, that is designed for larger and longer production runs. Stay tuned, but this is our dream.

At this location, the only expected expansion is to increase of the number of fermenters installed from two and a bright tank to possibly add up to six additional small batch fermenters to allow for the hold times necessary to age and varieties of beer.

Technology sampling of new components using a variety of other equipment like pumps or sensors are of course possible, but yet to be identified or planned.

External modification

There is no modification to the building or the property except for the following

1. Signage: per code we expect to modify existing signs to identify our company per code and lease agreement.
2. Roof top ventilation will be added adjacent to existing HVAC equipment which is mounted on the roof.
3. A Carbon Dioxide vessel will be installed on south facing wall of the building, immediately adjacent to the delivery docks. This will be a five-foot diameter vessel, fifteen feet tall and painted white. It will be mounted on a new concrete pad.
4. There is a possibility, based on the needs of (Brookfield) wastewater treatment that for future needs, that we add a septic system to reduce solids discharge to their system. In that case, we would add an approximate 5000gal septic tank, to allow time for solid water separation. (Not on drawing – as this detail is yet to be even considered)

Business Impact:

It is the intention of Hydro-Thermal to expand its business three-fold. Currently we employ about 100 employees, but we know that we will be hiring at least a dozen employees on the Brewing Team in the next year.

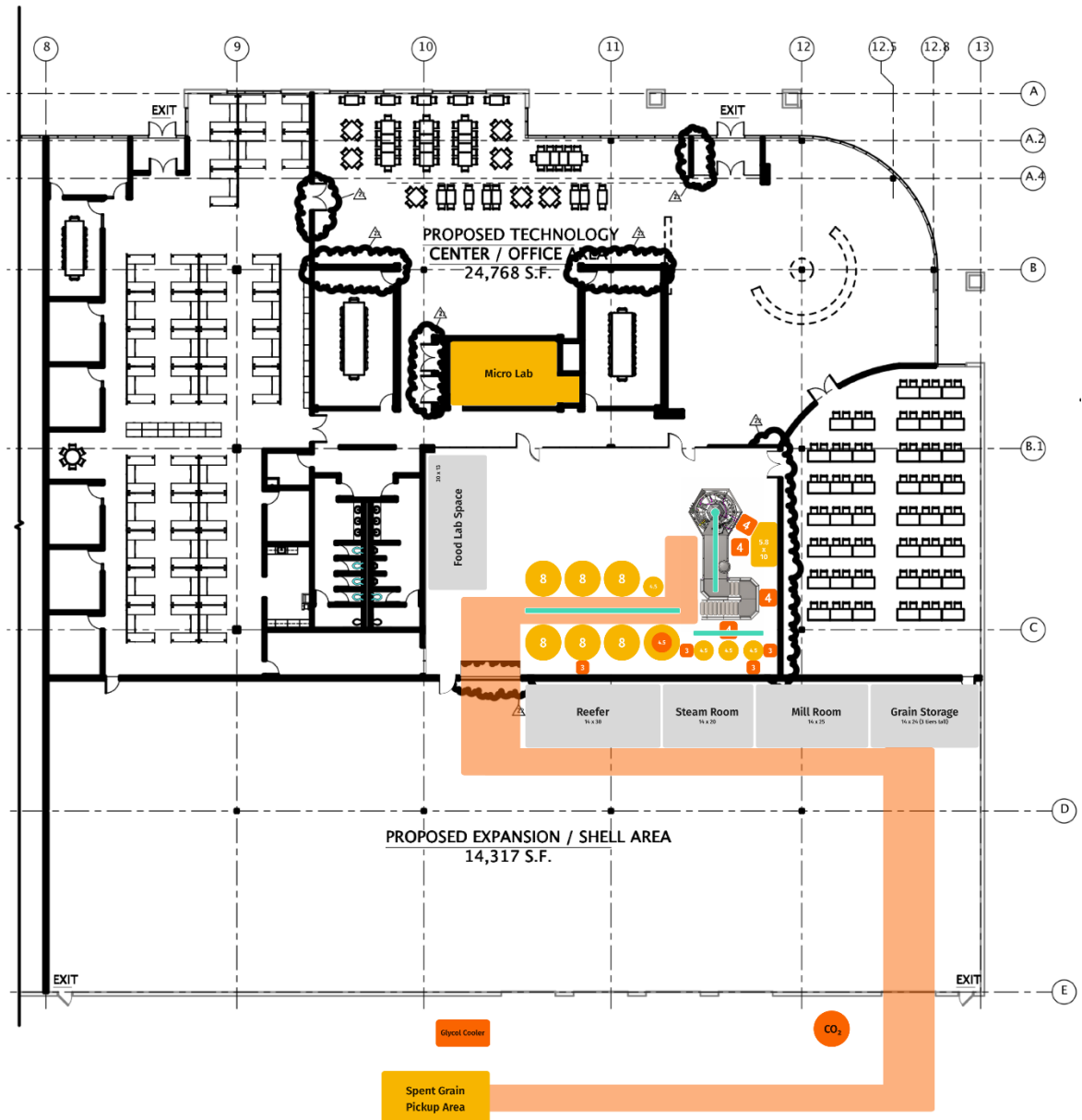
Once the technology is proven, we know we will hire a dozen service techs, electrical and controls engineers, chemical engineers, and brewing experts. The business aspects will require a couple more. In total, we hope the team is 30 strong in the next 5-years. The business should increase revenues upwards of \$20 to 40million.

In the area, we will be hosting academia and customers to experience the brewery and its technology. We expect multiple training days where participants will use local hotels and restaurants. Our intent is that a thriving economy will “lift all ships in the harbor”.

Drawings:

Laboratory

- layout
- Utility supply
-



Current Laboratory picture... CNC lab, to become brewery



**A COVENANT
REGARDING THE ISSUANCE OF A
CONDITIONAL USE PERMIT
BY THE
CITY OF PEWAUKEE**

**TAX KEY NUMBER(S)
OR PARCEL(S) INVOLVED:** **CONDITIONAL USE
PERMIT:
NO. CUP-22-8-2**

PWC 0954994

LEGAL DESCRIPTION:

PARCEL 2 CERT SURV 8185 VOL 71/174 PT NW1/4 SEC 23 &
SW1/4 SEC 14 T7N R19E (AKA PT RIDGEVIEW CORPORATE
PARK WEST) DOC# 3099210 & DOC# 4008766 & DOC# 4008767

**PERSON(S), AGENT(S) OR CORPORATION(S) PETITIONING
FOR PERMIT:**

Hydro-Thermal Corporation

Recording area

Name & Return Address

City of Pewaukee
W240N3065 Pewaukee Rd
Pewaukee, WI 53072

WHEREAS, It is understood by all parties to this covenant that Section 62.23 of WIS. Statutes prescribes the legal basis for the granting of a conditional use permit by a City and Chapter 17 of the City Codes and Ordinances provides for the issuance of such permits as well as the standards by which all such uses will be measured; and,

WHEREAS, The City Plan Commission has held a meeting on August 18, 2022; has reviewed the various elements of the petitioner's proposal; and has recommended that a Conditional Use Permit be granted to the above-named petitioner for the property/parcel identified above; and,

WHEREAS, The City Common Council held a public hearing meeting on September 19, 2022.

NOW, THEREFORE, let it be known that the City Common Council, by its action on September 19, 2022 has, hereby, granted a Conditional Use Permit for the following use(s):

Constructing a demonstration brewery.

FURTHER, such approved use of the above designated parcel(s) are hereby allowed based on the following conditions being continually met:

1. This Conditional Use Permit is personal to Hydro-Thermal Corporation, does not run with the land, and is not transferrable.
2. Conditional Use approval is subject to annual review by the Plan Commission and Common Council as may be initiated by the City Planner or Alderperson in case of frequent odor complaints.
3. Brewing operations that may produce odors emanating outside of the building shall be limited to between 8:00 a.m. and 6:00 p.m. Monday through Friday. Brewing shall not occur Saturday and Sunday.
4. Rooftop equipment shall be fully screened from public view.
5. Applicant shall obtain the State Fermented Malt Beverages Permit as may be required, or any other applicable permits and licenses.

The parties hereto, namely the City of Pewaukee and the Equitable Owner of the property for which this conditional use has been sought, set their signatures or the signatures of their representatives below, thereby agreeing to the provisions and conditions set forth in this covenant.

Attest:

Signature of equitable owner

Date

Kelly Tarczewski
City Clerk

Steve Bierce
Mayor, City of Pewaukee

Date

State of Wisconsin
County of Waukesha

Signed or attested before me on _____, 2022 by Steve Bierce, Mayor and Kelly Tarczewski, Clerk.

(Seal)

Ami Hurd
My Commission expires _____

This instrument was drafted by Ami Hurd, Deputy Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 6.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Public Hearing, Discussion and Possible Action Regarding the Conditional Use Permit for Keith Tubin for Property Located at N37 W26745 Kopmeier Drive (PWC 0894-014) for the Purpose of Constructing a Boathouse [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

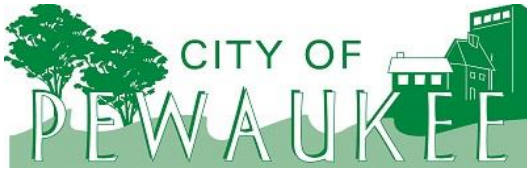
ATTACHMENTS:

Description

Tubin staff report 9.15.22

Tubin boathouse plans

Tubin draft conditional use permit



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE PLAN COMMISSION

Meeting of September 15, 2022

Date: September 7, 2022

Project Name: Tubin Conditional Use

Project Address/Tax Key No.: N37W26745 Kopmeier Drive/PWC 0894014

Applicant: Keith Tubin

Property Owner: Keith Tubin

Current Zoning: Rs-7 Single Family Residential & Shoreland Overlay District

2050 Land Use Map Designation: Medium Density Residential (6,500 SQ. FT. – ½ AC. / D.U.)

Use of Surrounding Properties: Single-family residential to the east and west, CP Rail System to the north, and Pewaukee Lake to the south

Project Description

The applicant has filed a Conditional Use application and submitted plans for Plan Commission review for the construction of a new boathouse upon property located at N37W26745 Kopmeier Drive. Note the City defines a boathouse as “A structure designed to protect or store boats, which may be built no closer than five (5) feet from the ordinary high water mark of a lake or stream.”

Boat is defined as “A vessel that is designed to carry at least one individual on the surface of a body of water, and is propelled by oars, paddles, wind or motor power. Motor power includes, but is not limited to, power generated by steam engine, electric motor or combustion engine of any kind.”

It can further be noted that the State of Wisconsin defines a boathouse as “a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.”

The subject property is approximately 30,418 square feet and consists of a single-family dwelling, small accessory structure (187 square feet), deck, and detached garage (1,100 square feet). The boathouse is proposed to be located at the southeast corner of the property and has an area of 84 square feet. The boathouse will include two three-foot doors and will be built with metal siding. The boathouse will be located 5-feet from the side property line and more than 20-feet from the ordinary high water mark.

Upon review of the attached plans, staff notes that the Shoreland Overlay District and previously approved lot coverage standard is met. A mitigation plan for the subject property was approved at the July 16, 2020 Plan Commission meeting which allowed for a maximum coverage of 35%. The subject property is 30,418 square feet, so the maximum total impervious surface allowed is 10,646.3 square feet.

The applicant provided staff with a survey that showed impervious surface would be removed in order for the standard to be met. The applicant indicated that 8" of concrete along the 68' width of existing concrete would be removed and infilled with grass and dirt. Staff recommends that 9" of concrete along the 68' width be removed to reach 51 Sq.Ft. of concrete removal, which would then comply with the maximum total impervious surface allowed.

Recommendation

Staff recommends a motion to approve the Conditional Use application and plans for the construction of a new boathouse located at the subject property with the condition that the applicant removes 51 Sq.Ft of concrete to assure that the maximum lot coverage standard is in fact met.

August 2, 2022

City of Pewaukee Plan Commission

W240 N3065 Pewaukee Road

Pewaukee, WI 53072

Attn: Plan Commission Board

Project Description for Proposed Accessory Boathouse Structure:

Keith Tubin, the owner of the property located at W37N26745 Kopmeier Dr., is planning to install a new pre-built boat house. This new boat house will be located at the south side of the property and 5' from the east property line adjacent to the existing neighbor's boat house. This boat house will be more than 5' away from the high-water mark. The boat house has 2 3' doors for access and in order to store boating equipment and to keep the lakefront shore area clean. The boat house is 14' x 6' and approximately 84 square feet.

The boat house will be mounted on top of gravel with a minimum of 2 anchors to prevent lifting in the event of flooding.

The boat house is built of wood with siding to match the colors of the exiting home. It will also have 2 vented openings as required in case of a special storm event.

The cost of the boat house with installation is estimated at \$7,500.00.

We would like permission to get this work done prior to October of 2022.

Should you have any other questions or concerns, please contact Keith Tubin.

Sincerely,



Keith Tubin

Owner

702-429-3408

Email: keith@dedicatedcm.com



104" high

118" high

14' wide by 6' deep

PLAT OF SURVEY

LOCATION: N37 W26745 Kopmeier Drive, Pewaukee, Wisconsin

LEGAL DESCRIPTION:

Lot 3 in PAWLINGS ADDITION, being a Subdivision in the Northwest 1/4 of Section 8, Town 7 North, Range 19 East, in the City of Pewaukee, County of Waukesha, Wisconsin.

April 30, 2020

Survey No. 111464

Lot Area to Waters Edge
30,418 sq.ft.

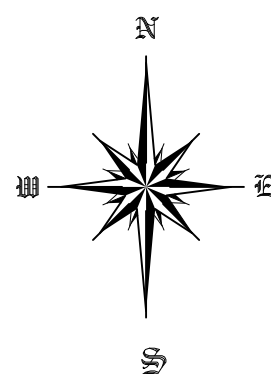
Area Calculations

- (A) Existing House=1,953 sq.ft. (6.4% of Lot Area)
- (B) New Garage = 1,100sf (3.6% of Lot Area)
- (C) Existing Deck=282 sq.ft. (0.9% of Lot Area)
- (D) Existing Concrete=1,804 sq.ft. (5.9% of Lot Area)
- (E) Existing Asphalt Pavement=5,474 sq.ft.. (18.0% of Lot Area)

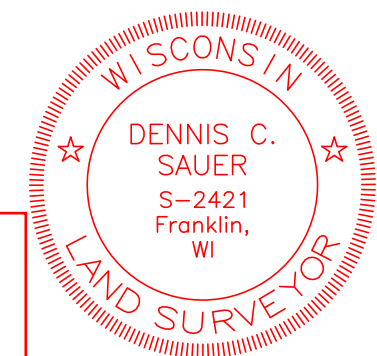
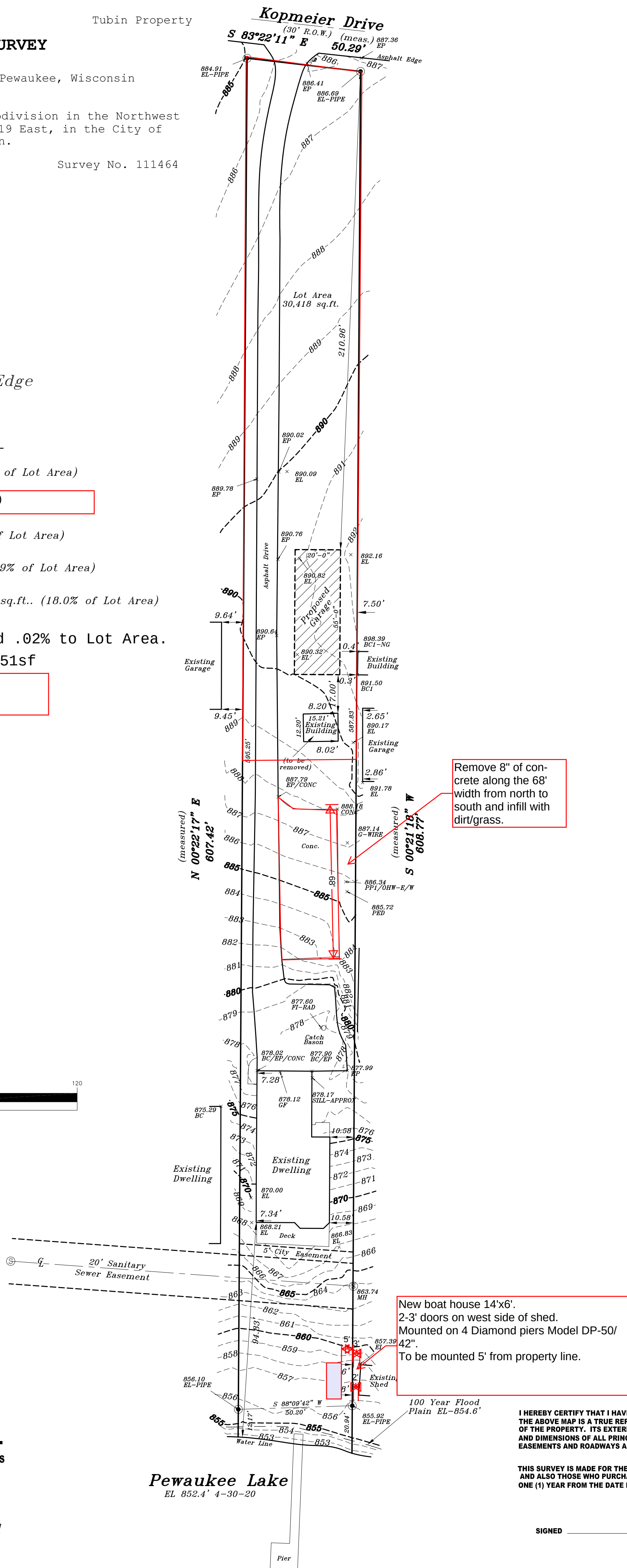
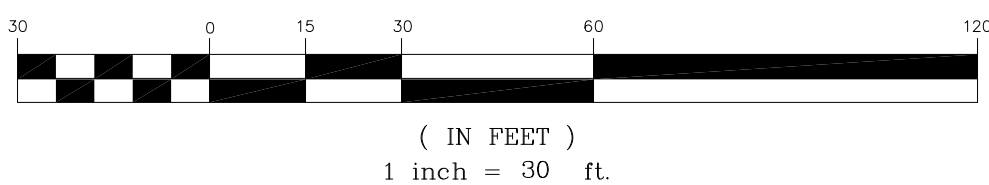
F - New 84sf shed will add .02% to Lot Area.

G - Removal of concrete -51sf

Total SF Proposed	10,646
Total SF Allowed	10,646



GRAPHIC SCALE



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED

Dennis C. Sauer
Dennis C. Sauer
Professional Land Surveyor S-2421

METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com
● — Denotes Iron Pipe Found
○ — Denotes Iron Pipe Set

Pewaukee Lake
EL 852.4' 4-30-20

TAX KEY NUMBER(S)	CONDITIONAL USE
OR PARCEL(S) INVOLVED:	PERMIT:
	NO. CUP-22-9-1

LEGAL DESCRIPTION:

PERSON(S), AGENT(S) OR CORPORATION(S) PETITIONING FOR PERMIT:

Keith Tubin

Recording area

Name & Return Address

City of Pewaukee
W240N3065 Pewaukee Rd
Pewaukee, WI 53072

WHEREAS, The City Plan Commission has held a meeting on September 15, 2022; has reviewed the various elements of the petitioner's proposal; and has recommended that a Conditional Use Permit be granted to the above-named petitioner for the property/parcel identified above; and,

NOW, THEREFORE, let it be known that the City Common Council, by its action on September 19, 2022 has, hereby, granted a Conditional Use Permit for the following use(s):

FURTHER, such approved use of the above designated parcel(s) are hereby allowed based on the following conditions being continually met:

1. Nine inches of concrete along the 68 foot width must be removed in order to reach 51 square feet of concrete removal in order to comply with the maximum total impervious surface allowed.

The parties hereto, namely the City of Pewaukee and the Equitable Owner of the property for which this conditional use has been sought, set their signatures or the signatures of their representatives below, thereby agreeing to the provisions and conditions set forth in this covenant.

Attest:

Signature of equitable owner

Date

Kelly Tarczewski
City Clerk

Steve Bierce
Mayor, City of Pewaukee

Date

State of Wisconsin
County of Waukesha

Signed or attested before me on _____, 2022 by Steve Bierce, Mayor and Kelly Tarczewski, Clerk.

(Seal)

Ami Hurd

My Commission expires _____

This instrument was drafted by Ami Hurd, Deputy Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 7.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Discussion and Possible Action **Resolution (22-TBD)** and **Ordinance (22-TBD)** Regarding a Recommendation to the Common Council for a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Lake Pewaukee Sanitary District for Property Located at N25 W27675 Prospect Avenue (PWC 0935-981) from Medium Density Residential (6,500 sq. ft. – 1/2 ac./d.u.) to Government/Institutional [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

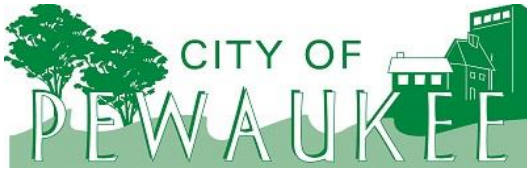
LPSD staff report 9.15.22

LPSD narrative

LPSD staff comments

LPSD staff comment responses

LPSD Comp Plan map



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE PLAN COMMISSION

Meeting of September 15, 2022

Date: September 7, 2022

Project Name: Rezoning and Comprehensive Master Plan Amendment

Project Address/Tax Key No.: N25W27675 Prospect Ave./PWC 0935981

Applicant: LAKE PEWAUKEE SANITARY DISTRICT (LPSD)

Property Owner: LAKE PEWAUKEE SANITARY DISTRICT (LPSD)

Current Zoning: F-1 Floodplain, UC Upland Conservancy, Rs-1 Single-Family Residential, & B-3 General Business District

2050 Land Use Map Designation: Medium density residential (6,500 Sq.Ft. – ½ Ac./D.U.)

Use of Surrounding Properties: Residential to the east, residential and business to the west, the Lake Country Trail to the south, and Prospect Ave. to the north.

Project Description

The applicant submitted a Rezoning and Comprehensive Master Plan Amendment for the subject property located at N25W27675 Prospect Avenue. The parcel is about 32.8 acres in size with the northern portion bordering Prospect Avenue and the southern portion bordering the Lake Country Recreation Trail.

Currently, the northern portion of the parcel is zoned Rs-1 Single-Family Residential District. The northwest portion of the parcel is zoned Rs-1, B-3, and UC districts. The southern portion and majority of the parcel is zoned F-1 Floodplain District.

The applicant seeks to re-zone the Rs-1 District portion of the parcel to I-2 Urban Institutional District. The applicant also seeks to change the Comprehensive Master Plan Year 2050 Land Use/Transportation Plan map from Medium Density Residential (6,500 Sq.Ft. – ½ Ac./D.U.) to Governmental/Institutional. This is required to provide consistency between the requested zoning district and future land use designation.

The applicant is requesting approval of the Rezoning and Comprehensive Master Plan Amendment before submitting Site & Building Plans for construction of a garage and storage building. Related to the conceptual/sketch site plan provided, staff sent the applicant the attached comments for consideration prior to submitting detailed plans. Specifically Comment #2 contains questions and comments regarding the future development of the site.

Recommendation

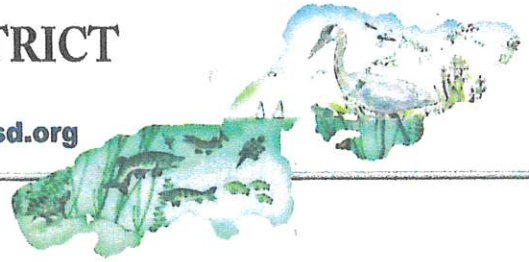
Staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment for the subject property located at N25W27675 Prospect Ave.

Staff finds that regardless of how LPSD may be able to develop this parcel in the future, it is appropriate for it to be zoned to match the existing institutional use on the subject property as it is already owned and utilized by LPSD.

LAKE PEWAUKEE SANITARY DISTRICT

N25 W27534 Oak Street • P. O. Box 111 • Pewaukee, WI 53072

(262) 691-4485 • Fax (262) 691-8096 www.lakepewaukeesd.org



July, 18th, 2022

Nick Fuchs

City of Pewaukee Planner & Community Development Director

W240 N3065 Pewaukee Road

Pewaukee, WI 53072

Re: Lake Pewaukee Sanitary District (LPSD) - Rezoning of N25 W27675 Prospect Avenue

Dear Mr. Fuchs,

On June 22nd, 2022 We met with Scott Klein, Yourself, Maggie Wagner and Jane Mueller and briefly discussed the Lake Pewaukee Sanitary District properties, our building needs, LPSD's current site, flood plains, set-backs and zoning items. It appeared the best solution was to rezone the RS-1 area on the Prospect Avenue property to Government/Institutional to accommodate our space needs, although it was suggested about buying the neighbor's property. I did meet with our existing neighbor Dale Opat last week and he had absolutely no interest in selling his property or even a small piece. Siepman has been trying to buy it for years and when that gets developed the District will be surrounded 100% by residential which makes our existing site even more problematic.

Enclosed is a concept building layout and an exhibit showing the property and zoning change. Please put us on the agenda for the City's Zoning Board to review.

Please let me know if there is anything else you need to move forward with the zoning change. We are currently working with Strand on a Building Plan proposal and can provide building drawings and landscaping for the following building approval meetings.

Thanks again for your time.

Respectfully,

Tom Koepp

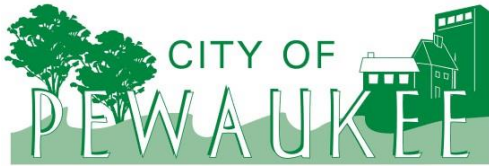
Thomas H. Koepp, P.E., LEED AP

Lake Pewaukee Sanitary District Manager

P.O. Box 111

Pewaukee, WI 53072

CC:



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770
fuchs@pewaukee.wi.us

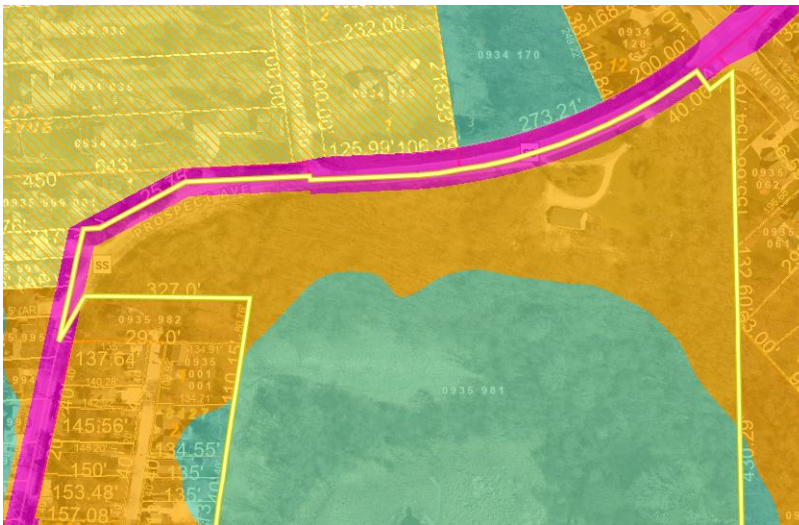
Fax (262) 691-1798

Date: August 16, 2022
To: LAKE PEWAUKEE SANITARY DISTRICT
From: Nick Fuchs, Planner & Community Development Director
RE: Staff Comments – Rezoning & Comprehensive Master Plan Amendment

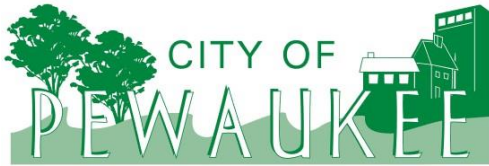
Comments and Recommendations:

Below are comments and recommendations for the proposed development application for property located at N25W27675 PROSPECT AVE/Tax Key No. PWC 0935981.

1. A Comprehensive Master Plan exhibit must be provided. This is similar to the exhibit that shows the location and change in zoning, but would request a change in future land use designation from Medium Density Residential to Government/Institutional. This would include the area in orange below.



2. Staff does not anticipate objecting to the rezoning and Comprehensive Master Plan Amendment; however, please consider the following comments for the future submittal of detailed site and building plans.
 - a. The subject property is surrounded by single-family residential uses. The existing tree line should be reviewed, and landscape added where necessary to fill in any gaps that may exist. Additional landscaping in general should be considered to ensure appropriate buffering is provided for the adjacent less intense uses.
 - b. Will repair work be done within the building? If so, limited hours of operations and keeping the overhead door closed during work should be considered to limit noise.
 - c. The initial proposed uses and structures are permitted in the I-2 Rural Zoning District. Note that the height of a principal building shall not exceed 35ft and an accessory building shall not be taller than 18 feet.



Office of the Planner & Community Development Director

W240 N3065 Pewaukee Road

Pewaukee, Wisconsin 53072

Phone (262) 691-0770

fuchs@pewaukee.wi.us

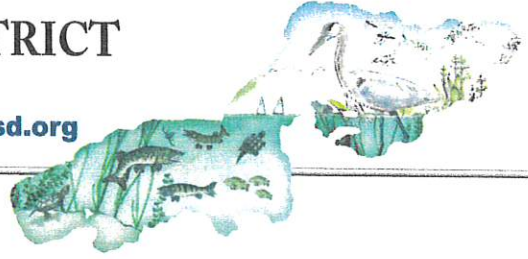
Fax (262) 691-1798

- d. Please dimension and label all setbacks when submitting detailed site and building plans. Be mindful that both Floodplain and Wetland lay just south of the existing building and that setbacks need to be met.
 - e. Note that the I-2 District requires the following Building Setbacks:
 - i. f. Setback and Yards
 - (1) There shall be a minimum building (or street) setback of 75 feet from the street, road, or highway right-of-way.
 - (2) There shall be a side yard on each side of all structures not less than 25 feet in width.
 - (3) There shall be a rear yard of not less than 25 feet.
 - (4) All structures shall be set back a minimum 75 feet from the designated 100 year recurrence interval (base flood) floodplain of all navigable streams and bodies of water and 25 feet from any designated wetland. (Also see subsection 17.0435)
 - f. Furthermore, the I-2 zoning district states that no parking or loading shall be within 30 feet of a street right-of-way.
 - g. Building materials and aesthetic will be important to consider and included when submitting the Site & Building Plan Review Application. Please be aware that metal buildings are typically not permitted. Below are design guidelines related to the use of metal as a building material.
 - (b) Painted, unpainted or anodized metal panels used as a facade material shall not be extended or have the appearance of extending to within four (4) feet of the ground elevation and shall comprise no more than ten (10) percent of the facade of any side of a building.
 - (4) Many types of totally or partially metal-clad buildings do not give the visual impression of permanence and, in addition, such buildings are often vulnerable to both physical and visual decay within a relatively short period. There are those cases, however, where buildings have been or may be designed using special metallic panels which are at once both durable and visually attractive and not merely an inexpensive method of building construction. In such cases, when it can be demonstrated to the satisfaction of the Plan Commission that a building having more than ten (10) percent of the building facade covered with such metal panels is both attractive and provides a visual permanence within the community, the Plan Commission may reduce or waive those standards which relate to such cases.
 - h. Staff is wondering if any significant or mature trees will be removed? If so, please indicate include details of the tree types and sizes on the Landscape Plan.
3. Staff understands that the site plan submitted is preliminary; however, it is still recommended that the it conform to zoning district development standards. Currently it does not appear that setbacks are met.

LAKE PEWAUKEE SANITARY DISTRICT

N25 W27534 Oak Street • P. O. Box 111 • Pewaukee, WI 53072

(262) 691-4485 • Fax (262) 691-8096 www.lakepewaukeesd.org



August 30th, 2022

Nick Fuchs

City of Pewaukee Planner & Community Development Director

W240 N3065 Pewaukee Road

Pewaukee, WI 53072

Re: Lake Pewaukee Sanitary District (LPSD) – Rezoning of N25 W27675 Prospect Avenue additional Information

Dear Mr. Fuchs,

We are in receipt of your letter dated August 16, 2022, with staff comments and would like to provide the requested additional information. It is as follows:

1. Enclosed is a Comprehensive Master Plan Exhibit "A" which indicates the requested current Medium Density Residential to be changed to Government/Institutional. The area is outlined in black ink and hatched with red ink. To be clear and simple – the area that is orange, change to blue (everything outside the floodplain) per the Cities maps.
2. We will adhere to all the setbacks and consider all the comments regarding the site plan items a-f. Building materials will be discussed with the city (item g). There is 1 large pine tree and 1 large oak tree that the district would like to save and design around. The tree line should be preserved to screen from the neighbors and additional landscaping shall be added to enhance overall site appearance and screening.
3. All setbacks shall be met. A detailed site plan will be forthcoming with actual surveyed ROW and setbacks shown.

Please share this information with all staff for the next meeting on September 15th, 2022. I anticipate our commissioners will be attending with me.

Sincerely,

Thomas H. Koepp, P.E., LEED AP
Manager
Lake Pewaukee Sanitary District

Enc: Comprehensive Master Plan Exhibit "A"

CC: John Ruff – LPSD Commissioner

Joby Boland – LPSD Commissioner

Jennifer Barker – LPSD Commissioner

Steve Bierce – City of Pewaukee Mayor

Scott Klein – City of Pewaukee Administrator

Maggie Wagner – City of Pewaukee Engineer/DPW Director

City of Pewaukee Plan Commission

LEGEND	
1	WATER (> 2 AC.)
2	AGRICULTURE
3	PUBLIC OR PRIVATE PARK AND RECREATION
4	FLOOD PLAINS, LOWLAND & UPLAND CONSERVANCY, AND OTHER NATURAL AREAS
5	LOW DENSITY RESIDENTIAL (> 2 AC. / DWELLING UNIT (D.U.))
6	LOW - MEDIUM DENSITY RESIDENTIAL (1/2 AC. - 2 AC. / D.U.)
7	MEDIUM DENSITY RESIDENTIAL (6,500 SQ. FT. - 1/2 AC. / D.U.)
8	HIGH DENSITY RESIDENTIAL (< 6,500 SQ. FT. / D.U.)
9	OFFICE COMMERCIAL
10	MIXED OFFICE / RETAIL COMMERCIAL
11	RETAIL / SERVICE COMMERCIAL
12	TRANSPORTATION / UTILITIES
13	GOVERNMENTAL / INSTITUTIONAL
14	MANUFACTURING / FABRICATION / WAREHOUSING
15	MINING
	TRANSITION



Comprehensive Master Plan Exhibit "A"

Request to change the current Medium Density Residential to Government/Institutional. The area requested is hatched in red.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 8.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding **Ordinance (22-TBD)** Rezoning the Property Located at N25 W27675 Prospect Avenue (PWC 0935-981) from Rs-1 Single-Family Residential to I-2 Rural Institutional for the Purpose of Constructing a New Building as Requested by the Lake Pewaukee Sanitary District [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

LPSP rezoning

Map

ZONING MAP NO. 4
CITY OF PEWAUKEE
SECTIONS 17, 18, 19 & 20

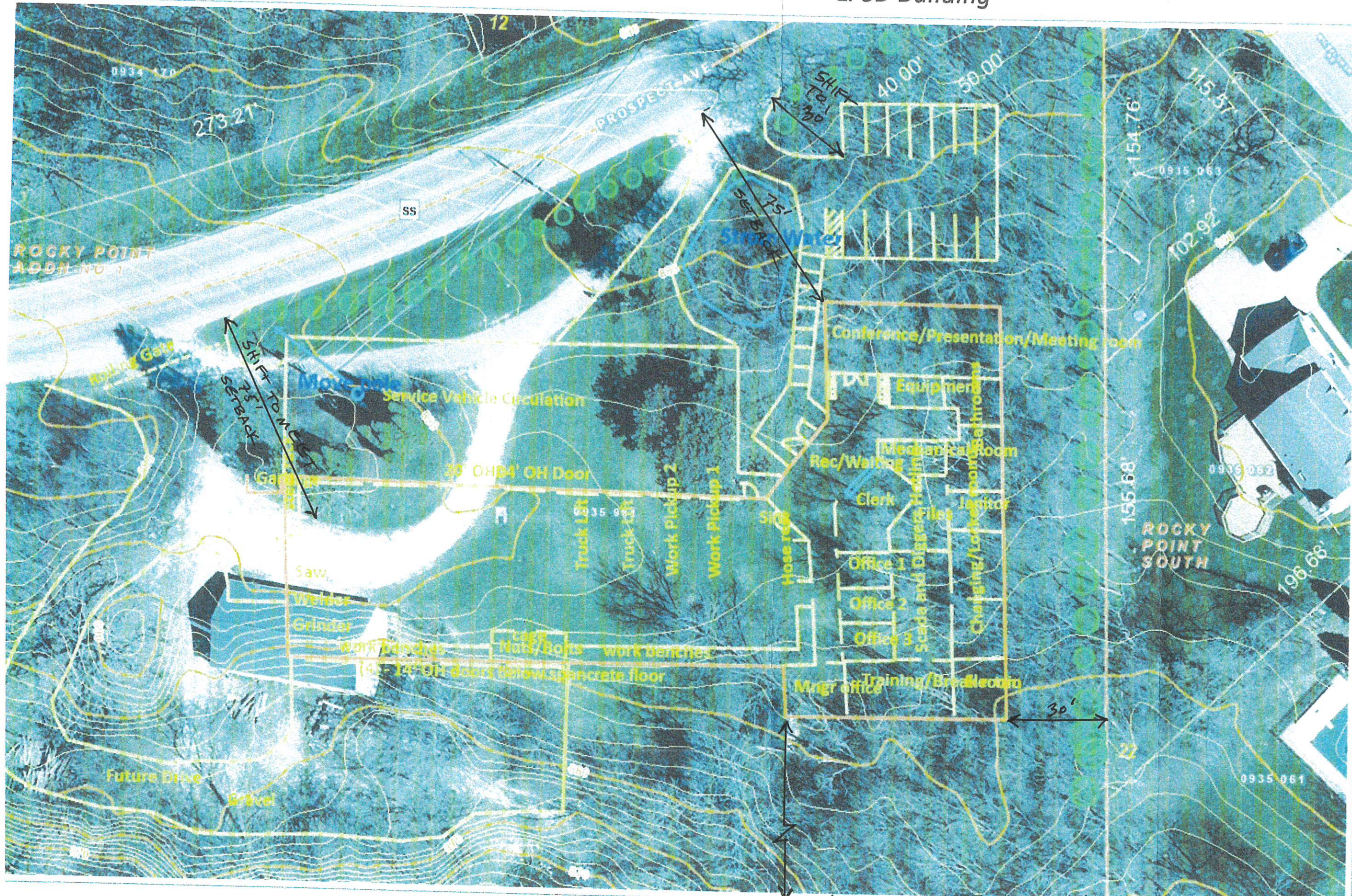
[illegible]



LPSD Building

Legend

- Intermediate Contours
 - Intermediate Contour
 - Intermediate Depression
- Index Contours
 - Index Contour
 - Index Depression
- Municipal Boundary_2K
- Parcel_Dimension_2K
- Note_Text_2K
- Lots_2K
 - Lot
 - Unit
 - General Common Element
 - Outlet
- SimultaneousConveyance_2K
 - Assessor's Plat
 - CEM
 - Condominium
 - Subdivision
- Cartoline_2K
 - EA-Exemption_Line
 - FL-DA
 - FL-Extended_Tenure
 - FL-Manager_Line
 - FL-Note
 - FL-Title
 - FL-Title_Line
 - FL-Other values
- Railroad_2K



TOWN OF DELAFIELD

CITY OF PEWAUKEE

PEWAUKEE LAKE

ROCKY POINT
ROAD

WILD-
FLOWER
ROAD

WILD-
FLOWER
ROAD

PROSPECT
AVENUE
CTH "SS"

EDGEWOOD AVENUE

REZONE
FROM
Rs-1 TO I-2

↑
N
1" = 250'

PROSPECT
AVENUE
CTH "SS"

WATER
LAKEVIEW
DRIVE

SPRING
CREEK
DRIVE

LAKE COUNTRY TRAIL

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 9.**

DATE: September 19, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Waive Fees in the Amount of \$800 for Rezoning and Comprehensive Plan Amendment Applications at the Request of the Lake Pewaukee Sanitary District [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

LPSD Request

Tarczewski, Kelly

From: Thomas Koepp <TKoepp@lakepewaukee.org>
Sent: Wednesday, August 3, 2022 2:49 PM
To: Tarczewski, Kelly
Cc: Hurd, Ami
Subject: RE: Fee waiver for Rezoning/Comp Plan Amendment

Thank you - Kelly and Amy!!
I'll pass on to our commissioners.
Tom

From: Tarczewski, Kelly <tarczewski@pewaukee.wi.us>
Sent: Wednesday, August 3, 2022 2:39 PM
To: Thomas Koepp <TKoepp@lakepewaukee.org>
Cc: Hurd, Ami <hurd@pewaukee.wi.us>
Subject: RE: Fee waiver for Rezoning/Comp Plan Amendment

Hi Tom!

It appears that your items are going before the Council on 9/19/2022 so I'll put your request for no fees on that date.

From: Thomas Koepp <TKoepp@lakepewaukee.org>
Sent: Wednesday, August 3, 2022 2:19 PM
To: Tarczewski, Kelly <tarczewski@pewaukee.wi.us>
Cc: Hurd, Ami <hurd@pewaukee.wi.us>
Subject: RE: Fee waiver for Rezoning/Comp Plan Amendment

Kelly,
This email is a request to the City to waive the fees for the rezoning. I was waiting for John Ruf our President to feel better and then have him write the letter to the City but perhaps due to timing please allow this email to be the request on behalf of John and the Lake Pewaukee Sanitary District. I believe John or Joby will be in attendance of the meeting in September.
Thanks,
Tom

From: Hurd, Ami <hurd@pewaukee.wi.us>
Sent: Wednesday, August 3, 2022 11:54 AM
To: Thomas Koepp <TKoepp@lakepewaukee.org>
Subject: Fee waiver for Rezoning/Comp Plan Amendment

Hi Tom,
Just a heads up that our City Clerk Kelly mentioned that she has not received anything from you yet regarding a request to waive the \$400 fees for LPSP's Rezoning and Comp Plan Amendment applications. If you are still interested in requesting that those fees be waived, please send Kelly an email to tarczewski@pewaukee.wi.us ASAP so that she can add your request to a future Council agenda.

Please be aware that the request will not include publication fees and/or any other fees incurred. We will be billing you shortly for the public hearing notices.

Thanks!

Ami Hurd, WCMC

Deputy Clerk/Community Development Coordinator

City of Pewaukee

W240 N3065 Pewaukee Rd.

Pewaukee, WI 53072

(262) 691-0770

hurd@pewaukee.wi.us

www.cityofpewaukee.us



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**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 10.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding **Ordinance 22-21** (*First Reading*) Amending Section 6.02 of the Municipal Code Related to an Exception to Allow for a Geese Management Program [Fuchs]

BACKGROUND:

A representative of the Pewaukee Golf Club notified the City of Pewaukee with their ongoing problem of an excessive and aggressive goose population on the golf course for several years. The subject property is zoned P-1 Park and Open Space District, F-1 Floodplain District, and LC Lowland Conservancy. Per ordinance 6.02 hunting is permitted in the portions of the course that are zoned floodplain and lowland conservancy, but not areas zoned P-1.

The request specifically seeks to amend City Ordinance 6.02 to allow for the usage of firearms for hunting purposes on private lands that are zoned P-1 District. Although the Pewaukee Golf Club is the only privately owned property zoned P-1 in the City, staff does not recommend approval of such an amendment. The P-1 District may be utilized in the future for private land, and it may not be fully considered whether hunting would be appropriate or safe.

Alternatively, staff would suggest that, if the Common Council wishes to allow hunting within the P-1 District of the golf course, Section 6.02(3) be amended to allow an exception for a Geese Management program. This would be similar to the allowance of deer management programs.

It can also be noted that staff has concerns and recommends consideration of specific setbacks to avoid any nuisance or potential issues with the multi-family residential zoned properties surrounding the north and west side of the Golf Club. Currently the draft ordinance is recommending a setback of 100 yards for shotguns and 35 yards for bows, crossbows, and other like weapons.

Additionally, staff recommends that alternative measures be considered. The Department of Natural Resources lists several alternative nuisance management techniques for geese, including the use of scare tactics such as trained dogs, chemical repellents, or a round-up conducted by the USDA Wildlife Services.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Geese hunting request

DNR email

Geese Management Program Amendment

Ordinance 22-21 Goose

**GREGORY HEYRMAN
W297N931 KINGS WAY
DELAFIELD, WI 53188
(414) 315-2357**

To: Nick Fuchs,

Dear Nick:

Consistent with our previous discussions, I respectfully request that the City of Pewaukee, Common Council consider amending City ordinance 6.02 to include firearms usage for hunting purposes on private lands that are zoned as Park and Recreation. As you know, the Pewaukee Golf Club has had an ongoing problem with an excessive and aggressive goose population on the golf course for several years. Hunting of the goose population would help control the nuisance they have become. I have been working with the course manager to come up with a safe plan to conduct controlled hunts when the course closed or restricted to play.

This modification would also allow areas to be open to hunting that have been closed in the past and unfortunately allowed the deer herd to flourish unchecked. We have been in contact with Lieutenant Drew Starch, area supervisor for the Wisconsin Department of Natural Resources who has no problem with hunting on the course if it is in accordance with State Hunting Regulations. We discussed the plan with him, and he was in support of it, but his only concern is that this ordinance would prohibit hunting in that section of the course that is zoned park and recreation, that being the northern portion of the course. The southern portion of the course is zoned as lowlands and hunting is permitted by this ordinance.

This modification to the ordinance would allow hunters to control nuisance animal populations, and hopefully help control the deer herd without the city needing to hire expensive sharp shooters again, in the future.

Thank you for your consideration in this matter of mutual concern. I can be reached by phone at 414-315-2357 or by email at gregheyрман@hotmail.com.

Respectfully submitted,

Gregory Heyrman

From: [Norton, Kelsey A - DNR](#)
To: [Christopherson, Anna](#)
Cc: [Fuchs, Nick](#)
Subject: RE: Geese/waterfowl management
Date: Thursday, September 15, 2022 12:55:41 PM

Hi Anna,

Geese are treated a little differently since they are a migratory bird and as such are protected by federal laws. There are a few different options for removal, all would need to be assessed by USDA and their wildlife services county agents. There is a shooting permit similar to the urban deer but its based off of crop damage so I don't know if city would qualify. Otherwise there are permits for egg or nest depredation which usually means oiling eggs so they are no longer viable or there is something called a goose round up. This is where they city would contract USDA wildlife services to cull large groups of geese in the summer.

Goose removal tends to be even more controversial then the urban deer permits so it's not something I typically recommend to municipalities however if your interested in pursuing it (608)-837-2727 is the number for USDA's state office. They can put you in touch with the local contact that would be able to provide more information.

Thanks,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kelsey Norton

Wildlife Biologist – Waukesha County

Cell Phone: (262) 424-9902

Kelsey.Norton@wisconsin.gov

From: Christopherson, Anna <christopherson@pewaukee.wi.us>
Sent: Thursday, September 15, 2022 8:01 AM
To: Norton, Kelsey A - DNR <Kelsey.Norton@wisconsin.gov>
Cc: Fuchs, Nick <fuchs@pewaukee.wi.us>
Subject: Geese/waterfowl management

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Kelsey,

The City of Pewaukee was wondering if there was a similar permit for geese/waterfowl? Or a way for

the city to have tags to give volunteer hunters for waterfowl?

Thank you,

Anna Christopherson

City of Pewaukee

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6.02 WEAPONS DISCHARGE/SAFETY

(1) DISCHARGE WITHIN THE BOUNDARIES OF THE CITY. No rifle, pistol, machine gun, cannon, or like weapon or instrument (except a shotgun or muzzle loader) designed and used to propel an individual bullet, ball, or shell more than 50 yards, may be discharged within the boundaries of the City of Pewaukee, except that such weapons or instruments may be discharged within the confines of a gun club or target range that has been authorized and properly zoned by the City and is properly supervised by the owners or operators of such facility.

(2) CONDITIONS OF DISCHARGE WITHIN THE BOUNDARIES OF THE CITY. A shotgun, muzzle loader, bow or crossbow or other like weapon or instrument may be discharged within the boundaries of the City of Pewaukee, but only under the following conditions and regulations:

(a) Shotguns, muzzle loaders or like weapons or instruments designed and used to propel a single slug, multiple pellets or "shot" may only be discharged in the City on lands zoned "Agriculture", "Lowland Conservancy", "Upland Conservancy" or "Floodplain". No such weapons or instruments shall be discharged on or onto lands less than 200 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.

(b) Bows, crossbows or other like weapon or instruments designed and used to propel an arrow, dart or other similar missile may only be discharged in the City on lands zoned "Agriculture", "Lowland Conservancy", "Upland Conservancy" or "Floodplain". No such weapons or instruments shall be discharged on or onto lands less than 100 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.

(c) Air rifles, pellet guns, or like instruments or toys designed and used to propel a projectile by use of a spring mechanism, compressed air or chemical propellant may only be discharged in direction away from habitable buildings, streets/highway, parks and other areas or uses where persons may congregate. In no case shall such instruments be discharged less than 25 yards from the boundary of any adjacent property unless the owner of such adjacent property has given written permission to be closer than 25 yards.

(3) EXCEPTIONS. The following exceptions apply to these regulations:

(a) Law enforcement officers of the City, county, state and federal governments may carry and discharge firearms as a part of their law enforcement responsibilities.

(b) Guns, bows, crossbows and other weapons or instruments as described herein may be discharged with the confines of a gun or bow club or target range that has been authorized and properly zoned by the City and is properly supervised by the owners or operators of such facility.

(c) When used pursuant to the terms of a city sponsored Volunteer Urban Deer Management program approved by the Common Council, except as follows:

1. The program shall be according to DNR GENERAL PERMIT REQUIREMENTS, and Standard Nuisance Deer Permit Conditions FOR DEER HARVESTED BY NON-CONTRACTED HUNTERS
2. The Program is specific to the Rocky Point Peninsula residential area, and adjoining Lake Pewaukee Sanitary District (LPSD) lands to the north and south.
3. The Program is limited to volunteer hunters vetted and receiving written consent by individual property owners, or in case of LPSD properties, the LPSD.
4. For hunting within Rocky Point conservancy areas under the jurisdiction of the Rocky Point Homeowners Association, the Program is limited to volunteer hunters vetted and receiving written consent by the Rocky Point Homeowners Association.
5. The Program is limited to Bows, Crossbows, and other like weapons or instruments only, from tree stands elevated a minimum of 10 feet off of the ground. No such weapons shall be discharged within 35 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property of habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.
6. Under the Program, Hunters shall have permission to collect culled deer and deliver them for Chronic Wasting Disease (CWD) testing and processing of the meat for donation to food pantries or to private individuals. Property owners refusing to give volunteer hunters permission to collect culled deer from their property shall be responsible for tagging the deer, delivering the deer head to a DNR CWD testing site, and for donating culled deer either to private individuals or a food pantry, or otherwise disposing of culled deer.
7. The time period for the Program hunt shall be from January 22, 20__ through February 28, 20__, or until such time that the City designates the use of CONTRACTED SHARPSHOOTERS, or otherwise extends or ends the volunteer program.

(d) When used pursuant to the terms of a city sponsored Volunteer Urban Geese Management program approved by the Common Council, except as follows:

1. The program shall be approved by the Wisconsin Department of Natural Resources and United States Department Agriculture.
2. The Program is specific to the Pewaukee Golf Club, a privately owned P-1 Park District property.
3. The Program is limited to volunteer hunters vetted and receiving written consent by the Pewaukee Golf Club.
4. The Program is limited shotgun, bows, crossbows, and other like weapons or instruments only. No shotguns shall be discharged within 100 yards and no bows, crossbows, or other such weapons shall be discharged within 35 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property of habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.
5. The time period for the Program hunt shall be in accordance with the annual hunting season for geese as established by the Wisconsin Department of Natural Resources.

(4) STATE HUNTING AND FIREARMS REGULATIONS. State hunting and firearms regulations shall apply where they are more restrictive than the foregoing regulations.

ORDINANCE 22-21

**REVISION TO CHAPTER 6.02(3) OF THE CITY OF PEWAUKEE CODE
PERTAINING TO EXEMPTIONS UNDER WEAPONS AND DISCHARGE/SAFETY**

WHEREAS; a representative of the Pewaukee Golf Club has notified the City of Pewaukee of their ongoing problem of an excessive and aggressive goose population on the golf course for several years; and

WHEREAS; the City of Pewaukee has an Ordinance related to weapons discharge and safety; and

WHEREAS; the City of Pewaukee has allowed for culling the herd of nuisance deer through their urban deer management program; and

NOW THEREFORE, The Common Council of the City of Pewaukee, Waukesha County, Wisconsin do ordain that the following exemption be added to **Section 6.02(3)**:

(d) When used pursuant to the terms of a Geese Management program contract entered into by the Common Council.

SECTION 2 –SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance.

SECTION 3 - ACTION

This Ordinance shall take effect upon passage and posting.

Dated this 19th day of September, 2022.

COMMON COUNCIL OF THE CITY OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Attest:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 11.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding Changes Related to Accessory and Temporary Uses and Structures Within the Zoning District Standards, Sections 17.0208, 17.0209, 17.0902, and 17.1400 [Fuchs]

BACKGROUND:

The Plan Commission recommended approval of the proposed amendment, subject to changing the allowance for temporary parking of recreational vehicles and mobile homes from 60-days to 45-days.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the proposed amendments, subject to the Plan Commission's recommendation.

ATTACHMENTS:

Description

Accessory Uses and Structures staff report 8.18.22

Accessory Uses and Structures summary

17.0208 - all markup

Accessory Uses and Structures - clean

Accessory Uses and Structures - all markup

Accessory Uses and Structures definitions - final draft

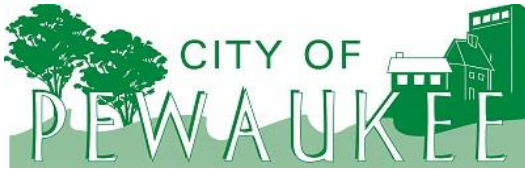
Waukesha County boathouse regulations

Ordinance 22-17 Official

Ordinance 22-18 Official

Ordinance 22-19 Official

Ordinance 22-20 Official



Office of the Planner & Community Development

W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770

Fax (262) 691-1798

REPORT TO THE PLAN COMMISSION

Meeting of August 18, 2022

Date: August 11, 2022

Project Name: Zoning Code Re-Write Project: Section 17.0209, Accessory Uses and Temporary Uses or Structures

Project Address/Tax Key No.: City-wide

Applicant: City of Pewaukee

Project Description

Based upon feedback given at the May 19, 2022 Plan Commission meeting and at the June 6, 2022 Common Council meeting, the revised Accessory Uses and Structures Section amendments attached and described below are being brought forward for adoption as part of the Zoning Code Re-Write Project that the Planning & Community Development Department has undertaken.

The attached includes the following:

- A summary of the proposed amendments
- A tracked change version of changes related to 17.0208
- A clean and tracked change version of changes related to 17.0209 and 17.0902
- A tracked change version of changes to definitions

Through this re-write, staff aimed to generally keep the same standards as the existing code, with a few exceptions, while better identifying and detailing standards for specific uses and structures. The intent is not to create nonconforming structures or situations, but to better clarify standards and uses and correct any discrepancies that currently exist within these sections.

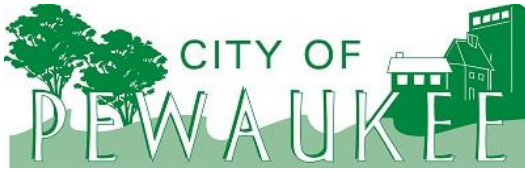
The following are changes staff made given the feedback previously provided:

- Re: Section b.(2)(a), (e) and (f)

The Plan Commission discussed requiring pools, decks, patios, and any like impervious surface being a minimum of 15-feet from the side and rear property lines.

Following Plan Commission and Common Council review, staff found that the Rs-6 and Rs-7 District side yard setback for principal structures conflict with this 15-foot standard. These districts allow principal structures to be closer than 15-feet, so it would seem reasonable to allow other structures closer as well.

As such, staff added “or as otherwise required within the underlying zoning district, whichever is least restrictive” where applicable for pools, decks, and patios.



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W240 N3065 Pewaukee Road
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Phone (262) 691-0770

Fax (262) 691-1798

As a reminder, the current standard is 15-foot from rear yard and the district setback for side yard.

- The current code does not specify a maximum size for boathouses. Boathouses are either held at a certain size based upon lot coverage and setback requirements or limited to 1,200 square feet as a “detached garage.” The initial proposed amendment limited boathouses to a maximum size of 800 square feet. Staff revised this amendment, so it now limits boathouses to a maximum size of 600 square feet.

For comparison, Waukesha County limits boathouses to a minimum of 200 square feet and maximum area of 450 square feet. The County further restricts size by stating that a boathouse shall not exceed 15-feet in width, measured parallel to the shore.

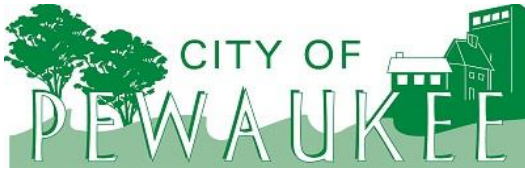
The County also limits the height of a boathouse to a maximum between 11-feet and 15-feet depending on the slope of the roof. The City’s maximum height for accessory structures is 18-feet.

Regarding location, the County setback is 5-feet from the ordinary high water mark, but their code also states that a boathouse shall not be located further than 35-feet from the ordinary high water mark. A boathouse is also not allowed within the floodplain.

The Waukesha County boathouse regulations are attached for review.

Note the current draft amendment includes the following restrictions for boathouses. If the Plan Commission would like to include any other standards, those should be specifically included in any motion recommending approval.

- i. Shall be setback a minimum of five (5) feet from the ordinary high water mark of a lake or stream.
- ii. Shall be setback a minimum of ten (10) feet from the side property line. For properties zoned Rs-7 District, the minimum side yard setback shall conform to the same required setback as the principal structure based upon lot width and setback requirements of Section 17.0411.
- iii. Shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a)
- iv. Shall not exceed six hundred (600) square feet in area.
- v. Shall not exceed fifteen (15) feet in height.
- vi. Decks located upon flat roofs are permitted and shall have railing between thirty (30) and thirty-eight (38) inches. Railings shall be exempt from the maximum height allowed under sub v. above.
- vii. Shall have a maximum width of twenty (20) feet along the shore lot line.
- viii. Shall have a maximum distance from the shore lot line to the rear of the



Office of the Planner & Community Development

W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770

Fax (262) 691-1798

boathouse structure shall be thirty-five (35) feet.

- Parking of trailers and recreational vehicles

Currently the zoning code only allows temporary parking of trailers and recreational vehicles for a maximum of 45 days on a property. The initial proposed amendment continued to allow temporary parking of trailers and RVs for a maximum of 30 days; however, it also provided parameters to allow for parking or storing them on a property permanently.

Staff revised the temporary uses amendment back to the current maximum of 45 days on a property per calendar year. Staff also completely removed the recreational vehicle and mobile homes detailed standards from the accessory uses and structures section.

After further consideration of comments at Plan Commission and Common Council, staff changed the draft to 60 days as that seemed to best fit with the intent discussed, which was to allow some storage of these types of vehicles during the summer.

Staff will look for direction from the Plan Commission whether to keep the allowance at 60 days or revise the ordinance back to 45 days.

Staff is also proposing additional text to Section 17.0208 to clarify specific exceptions to setback requirements, such as allowing chimneys and eaves to encroach into setback areas by no more than three feet.

Recommendation

Staff recommends approval of the proposed text amendments to Section 17.0208, 17.0209, 17.0902, and 17.1400 related to accessory and temporary uses and structures.

New Accessory Uses & Structures Ordinance Summary

Major Changes

Quantity. Each residential lot shall be allowed no more than:

- One accessory structure 200 square feet or less in area
- One accessory structure up to a maximum of 1, 200 square feet on a lot less than 2.5 acres. A residential lot 2.5 acres or greater shall be allowed two accessory structures up to 1,200 square feet or one accessory structure no more than 2,400 square feet
- The total area of all permitted accessory structures as listed within the ordinance shall not occupy more than 40% of the rear yard
- In ground swimming pools, boat houses, and children play structures and tree houses will not count toward the maximum quantity of structures allowed

Detail standards exist for: swimming pools, pool houses and cabanas, fences, home use residential gardens, decks, patios and other paved or graveled areas, porches, boathouses, children play structures and tree houses, solar panels, and home occupation

Minor Changes

Call out that accessory structures attached to a principal structure by breezeway or other like structures are not considered attached

Lean-tos and other roofed projections, exceeding 3ft shall be included in area calculations

Setbacks.

- Accessory structures 120 square feet or less shall be located a minimum of five (5) feet from the side and rear property lines.
- Accessory structures between 121 and 200 square feet shall be located a minimum of ten (10) feet from the side and rear property lines.
- Accessory structures exceeding 200 square feet shall meet the same minimum setbacks as principal buildings of the zoning district.
- In no case shall an accessory structure be required to meet a greater setback than required for the principal structure

Design. Accessory structures shall be constructed of the same or complementary exterior materials as the principal structure on the parcel. In no case shall metal be utilized as a primary building material.

Detailed Standards.

- Concrete, decking and any other impervious surface surrounding the pool shall

be a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.

- All structures, including but not limited to fences and pool houses, shall be a minimum of four (4) feet from the edge of the pool.
- Fences shall be setback a minimum of 2 ft from property line to allow for maintenance of the fence
- Boathouses shall be setback a minimum of ten (10) feet from the side property line. For properties zoned Rs-7 District, the minimum side yard setback shall conform to the same required setback as the principal structure based upon the lot width and setback requirements of Section 17.0411.
- Boathouses shall not exceed six hundred (600) square feet in area
- Roof mounted solar panels shall not extend more than 3ft greater than the maximum height allowed for the structure in accordance with the zoning district

No Changes

Lot Coverage. All principal accessory structures shall not occupy more than the maximum permitted lot coverage allowed within the applicable zoning district.

Location.

- No detached accessory structure shall be located within the street yard, front yard, or a corner side yard
- Accessory structures are allowed within the arterial street side of double frontage lots
- Lots abutting Pewaukee Lake or its tributaries shall be considered double frontage lots and accessory structures shall be allowed on the street and water side of said lots
- Accessory structures shall be oriented so as not to block all view of water bodies and/or other common private or public open space from existing principal residences located on adjacent parcels.

Setbacks.

- Accessory structures, regardless of size, shall be located a minimum of:
 - Five (5) feet from any public easement
 - Ten (10) feet from any other structures (principal or accessory)
 - Twenty-five (25) feet from a wetland
 - Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway, unless otherwise allowed in this ordinance.

Height. An accessory structure shall have a maximum height of 18 ft

Use. Residential accessory uses shall be subordinate to the residential use and shall not include a separate residential dwelling unit or involve the conduct of any business, trade, or industry except approved home occupations and home offices as defined in this ordinance.

Accessory structures 35 sq. ft. or less and mechanical equipment are allowed without issuance of a permit

17.0208

SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the City and its inhabitants. The City Engineer, or any other official acting on behalf of the City, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for a certain use and/or structure. The applicant shall have an opportunity to present evidence to the Plan Commission contesting such determination of unsuitability. Thereafter the Plan Commission may affirm, modify or withdraw the determination of unsuitability. In any event, the following requirements must be met:

- a. All lots or parcels shall abut upon a public street, road, or highway for a minimum frontage width of 33 feet or as otherwise required in the City Land Division Ordinance (Chapter 18), if more restrictive. In hardship circumstances related to parcels of land existing prior to August 1982, the Plan Commission may, at their discretion, allow one (1) or two (2) residential principal uses on separate parcels to have access to a public street via a common easement as long as such easement is at least 33 feet in width and is wholly contained within one parcel.
- b. All Principal Structures shall be located on a lot or building space; and only one (1) principal structure shall be located, erected, or moved onto a lot or building space in a single-family residential district, with the exception of a condominium arrangement in which two or more single-family houses are located on a parcel of land held in common by all the owners of the individual single-family houses as a conditional use and the net density (dwelling unit to land ratio) of the condominium development is no greater than allowed under the zoning classification of the parcel. Construction of accessory structures on a lot with no principal use will not be permitted. The Plan Commission may permit more than one principal structure per lot in districts where more than one structure is either needed or suitable for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, open space or landscaping requirements, or parking requirements, or require a larger minimum separation distance between principal structures.

c. Permitted Projections in Required Yards.

- (1) Landscaping and Vegetation are exempt from the yard requirements of this ordinance except that such vegetation shall not block traffic vision.
- (2) Structures and Vegetation used for landscaping and decorating may be placed in all yards, including the required street yard and side yards. Permitted structures and vegetation include flagpoles, ornamental light

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- standards, lawn furniture, sundials, birdbaths, decorative fences not exceeding three (3) feet in height, and trees, shrubs, and flowers.
- (3) Architectural Projections such as chimneys, flues, sills, eaves, belt courses, bay windows, canopies, awnings, roofs and architectural ornamentation may project into any required yard, but not more than three (3) feet.
- (4) Essential Services such as utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
- (5) Off-street Parking is not permitted in front yards in residential districts except on established paved driveway and such parking shall not protrude beyond the street curb or over an established sidewalk.
- (6) Uncovered stairs, landings, and fire escapes may project not more than five (5) feet into any yard and may not be closer than five (5) feet from any property line. ▲

~~e-d.~~ No Building or Zoning Permit shall be issued for a lot or parcel which abuts a public street dedicated to only a portion of its proposed right-of-way width and is located on that side of the proposed street from which the required dedicated right-of-way has not been secured.

~~e-e.~~ Lots Abutting More Restrictive zoning districts shall provide side and rear yard setbacks not less than those required in the more restrictive abutting district. If the boundary of the more restrictive district is encompassed within railroad or street right-of-way, the more restrictive yard requirements may be waived by the City Planner.

~~e-f.~~ No River or Stream shall be Altered or Relocated until such alteration has been applied for and granted in accordance with the requirements of Section 17.1100 of this ordinance, federal agencies, Wisconsin statutes and codes and regulations or other codes and ordinances of the City. **(Also see sub-sections 17.0435 and 17.0436 of this ordinance)**

~~f-g.~~ Structures or plantings proposed to be located within the defined "Horizontal Area of Solar Detriment" of an existing use having an operational active solar system may not be placed so as to intrude into the defined "Vertical Area of Solar Detriment" of the existing use. **(Please see sub-section 17.0909).**

~~g-h.~~ Soil Limitations: Certain soil types within the City as shown on the operational soil survey maps prepared by the U.S.D.A., Soil Conservation Service (SCS) in cooperation with the Southeastern Wisconsin Regional Planning Commission, have severe or very severe limitations for onsite soil absorption sanitary sewage disposal facilities due to one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. Such soil data will be considered by the Plan Commission when development requiring onsite soil absorption sanitary sewage disposal

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facilities are proposed on those soil types which have the above characteristics.

h.i. No Topsoil or Subsoil shall be removed from any land development site or from individual agricultural, commercial, industrial, institutional, or recreation sites or from land within the designated 100 year base flood floodplain without the proper review and approval of an application for such removal by the Plan Commission. If topsoil removal is permitted by the Plan Commission, enough topsoil must be retained on the site to provide a minimum of six (6) inches of topsoil to be spread over all future grassed or landscaped areas on the site. Screening, sifting or other processing of topsoil will not be allowed without permission of the Plan Commission. Likewise, no land, water or wetland area of the City shall be filled, ditched, drained or inundated without the approval of the Plan Commission and/or Common Council pursuant to this or other City Ordinances. No lands within the designated 100 year base flood floodplain may be filled, ditched, drained or inundated with the exception of the construction of required public utility and transportation facilities which would require adherence to regulations as set forth in this sub-section and by FEMA and NR116. **(Also see sub-sections 17.0435 and 17.0436).**

i.i. No trees or shrubs shall be removed from any land development site encompassing two or more dwelling unit parcels or encompassing more than four acres unless and until a plan is prepared by the owner or developer and approved by the Plan Commission or City Planner showing the location, type and size of all such wood growth and indicating which such growth will be removed and where and how it will be replaced or substituted for on the final development plan. Such plan must be submitted to the City Planner for review and recommendation to the Plan Commission. Any site or building plan approval is contingent upon such a 'wood growth' plan being submitted and approved. If wood growth is removed without such approved plan, the owner or developer will be required to replace such wood growth on the basis of three specimens for each one removed.

j.k. Any area of a development or construction site on which bare earth has been exposed to the elements and which will not be included within the building or structure envelope shall be seeded or sodded at the direction of the City Planner, City Engineer or Zoning Administrator so as to reduce erosion of soil on and off the site. All permanent stormwater facilities or improvements will be accomplished in accordance with the City stormwater management plan and plan implementation measures. **(See Chapter 19 of the Municipal Code).**

- b. Accessory Uses and Structures are permitted in any district, but not until their principal use and/or structure is present or under construction and a building or zoning permit is obtained. No accessory structures shall contain or constitute a separate dwelling or residential unit. Accessory structures attached to a principal structure by a breezeway or other like structure are not considered attached for the purpose of this section. Lean-tos and other roofed projections, exceeding (3) feet shall be included in area calculations.

Accessory uses and structures include, but are not limited to: storage structures, parking structures and areas, gardening use and structures, private swimming pools, pool houses, cabanas, private emergency shelters, children play structures, greenhouses, sheds, decks, patios, gazebos, porches, boathouses, solar panels, fences, compost bins, sport courts, and animal shelters.

(1) All accessory structures in Single-Family and Two-Family Residential Districts shall comply with the following standards, unless otherwise specified under Section 17.0209(2) detailed standards for specific uses and structures.

- (a) Quantity. Each residential lot shall be allowed no more than:
- i. One accessory structure 200 square feet or less in area
 - ii. One accessory structure up to a maximum of 1,200 square feet on a lot less than 2.5 acres. A residential lot 2.5 acres or greater shall be allowed two accessory structures up to 1,200 square feet or one accessory structure no more than 2,400 square feet
 - iii. The total area of all permitted accessory buildings and structures as listed within this ordinance shall not occupy more than 40% of the side and rear yards.
- (b) Lot Coverage. All principal and accessory buildings shall not occupy more than the maximum permitted lot coverage allowed within the applicable zoning district.
- (c) Location. No detached accessory structure shall be located within the street yard, front yard or a corner side yard. Accessory structures are allowed within the arterial street side of double frontage lots. Lots abutting Pewaukee Lake or its tributaries shall be considered double frontage lots and accessory structures shall be allowed on the street and water side of said lots. Accessory structures shall be oriented so as not to block all view of water bodies and/or other common private or public open space from existing principal residences located on adjacent parcels.
- (d) Setbacks.
- i. Accessory structures 120 square feet or less shall be located a minimum of five (5) feet from the side and rear property lines.

- ii. Accessory structures between 121 and 200 square feet shall be located a minimum of ten (10) feet from the side and rear property lines.
- iii. Accessory structures exceeding 200 square feet shall meet the same minimum setbacks as principal buildings of the zoning district.
- iv. Accessory structures, regardless of size, shall be located a minimum of:
 - 1. Five (5) feet from any public easement
 - 2. Ten (10) feet from any other structures (principal or accessory)
 - 3. Twenty-five (25) feet from a wetland
 - 4. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway, unless otherwise allowed in this ordinance.
- v. In no case shall an accessory structure be required to meet a greater setback than required for the principal structure.
- (e) Height. An accessory structure shall have a maximum height of eighteen (18) feet.
- (f) Use. Residential accessory uses shall be subordinate to the residential use and shall not include a separate residential dwelling unit or involve the conduct of any business, trade, or industry except approved home occupations and home offices as defined in this ordinance.
- (g) Design. Accessory structures shall be constructed of the same or complementary exterior materials as the principal structure on the parcel. In no case shall metal be utilized as a primary building material.

(2) Detailed Standards for certain residential accessory structures and uses.

- (a) Swimming Pools (Also see Section 14.30 of the City's Municipal Code)
 - i. All swimming pools (in-ground or above ground) shall be a minimum of eighteen (18) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
 - ii. All swimming pools (in-ground or above ground) shall be a minimum of eight (8) feet from any public easement, as measured from the edge of the pool.
 - iii. Concrete, decking and any other impervious surface surrounding the pool shall be a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.

- iv. All structures, including but not limited to fences and pool houses, shall be a minimum of four (4) feet from the edge of the pool.
 - v. In-ground swimming pools shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a).
- (b) Pool houses and cabanas
- i. Shall be setback in accordance with Subsection (1)(d) above.
 - ii. Shall count towards the maximum quantity of structures allowed under 17.0209(1)(a).
 - iii. Shall not be used, rented, or leased as a dwelling or residential unit or for overnight habitation.
- (c) Fences
- i. Shall not exceed a height of six (6) feet as measured from grade
 - ii. Shall be ornamental and not exceed a height of three (3) feet when placed on the street side of a residence within the front yard.
 - iii. Shall not be located within a vision clearance triangle or within five (5) feet from a street property line when abutting a street.
 - iv. Shall be setback a minimum of five (5) feet from the right-of-way line on a corner lot or two (2) feet on a double frontage lot.
 - v. Shall be setback a minimum of two (2) feet from the property line to allow for maintenance of the fence.
 - vi. No barbed wire, chicken wire, or electrically charged fences shall be allowed as permanent fencing in residential zoning districts.
- (d) Home Use Residential Gardens
- i. Temporary style fencing, four (4) feet or less in height, immediately surrounding a home use residential garden shall be allowed.
- (e) Decks
- i. Attached and detached decks shall be setback a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- (f) Patios and other paved or graveled areas (See Section 17.0604 for driveway, access and parking standards)
- i. Shall be setback a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- (g) Porches
- i. Shall be attached and considered part of the

principal structure. As such, all porches shall comply with the minimum setbacks of the applicable zoning district.

(h) Boathouses (See Section 17.0436)

- i. Shall be setback a minimum of five (5) feet from the ordinary high water mark of a lake or stream.
- ii. Shall be setback a minimum of ten (10) feet from the side property line. For properties zoned Rs-7 District, the minimum side yard setback shall conform to the same required setback as the principal structure based upon lot width and setback requirements of Section 17.0411.
- iii. Shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a)
- iv. Shall not exceed six hundred (600) square feet in area.
- v. Shall not exceed fifteen (15) feet in height.
- vi. Decks located upon flat roofs are permitted and shall have railing between thirty (30) and thirty-eight (38) inches. Railings shall be exempt from the maximum height allowed under sub v. above.
- vii. Shall have a maximum width of twenty (20) feet along the shore lot line.
- viii. Shall have a maximum distance from the shore lot line to the rear of the boathouse structure shall be thirty-five (35) feet.

(i) Children play structures and tree houses

- i. Must be located a minimum of five (5) feet from the side and rear property lines.
- ii. Shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a).

(j) Solar panels (Also see Section 17.0909a.2.)

- i. Roof Mounted Systems
 1. Shall be permissible on principal and accessory structures
 2. Shall be flush mounted whenever possible
 3. Shall not extend above the highest peak of a pitched roof
 4. Shall not extend more than three (3) feet greater than the maximum height allowed for the structure in accordance with the zoning district
- ii. Ground Mounted Systems
 1. Shall be considered impervious and adhere to the general accessory structure requirements of Section 17.0209b.(1) above.
 2. The minimum clearance between the lowest point of the system and the surface on

which the system is mounted shall be twelve (12) inches

3. All parts of the free-standing system shall be located a minimum of fifteen (15) feet from the side and rear property lines.

(k) Home Occupation

- i. Home occupations may be conducted within single-family and multi-family dwellings.
- ii. The home occupation shall be conducted entirely within the dwelling and the total floor space required or used for such home occupation shall not be greater than twenty (20) percent of the total floor area of any floor within the residence and shall not be conducted within any accessory building
- iii. The home occupation shall not create noise, odor or electrical disturbance which can be detected outside the residence.
- iv. There can be no more than one (1) employee that does not live in the home.
- v. There shall be no customer traffic, no parking or servicing of vehicles not licensed to the homeowner, no parking outside a garage of more than one vehicle used in the business and no non-residential solid waste shall be stored outside.
- vi. There shall be no visible evidence from outside the residence that the residence is being used for home occupation purposes, and there shall be no signage displayed.

(3) The following accessory structures are allowed without the issuance of a building or zoning permit, subject to compliance with all standards of Section 17.0209b.(1).

(a) Any accessory structure thirty-five (35) square feet or less.

(b) Mechanical equipment

- i. Mechanical equipment, such as air conditioning units, shall be setback a minimum of five (5) feet from the side and rear property lines.
- ii. Mechanical equipment located within the street, front or corner side yard shall be setback a minimum of five (5) feet from the right-of-way line and fully screened from public by a Planting Screen.

(4) Accessory structures and uses in Agricultural Districts are allowed as stated under Sections 17.0403 and 17.0404. All accessory structures shall be subject to Plan Commission approval of a Site and Building Plan Review Application, except for the following structures, which may be approved by the Zoning Administrator under review of applicable building permits.

(a) Fences, not exceeding eight (8) feet in height shall be allowed

with approval of a Building Permit. Fences greater than eight (8) feet shall be subject to Plan Commission review of a Site and Building Plan Review Application.

- (b) Roadside stands for the sale of agricultural products shall be allowed with Zoning Administrator approval of a Business Plan of Operation Application in addition to applicable building permits. Roadside stands shall have sufficient off-street parking and loading areas to accommodate the use.
- (c) Animal shelters and up to two (2) storage buildings not exceeding 2,400 square feet.

(5) All accessory structures and uses in Multi-Family Residential and Nonresidential Districts are permitted as may be allowed within each individual zoning district and with Plan Commission approval of a Site and Building Plan Review Application for any building or site improvements. Also see Section 17.0210.

- c. Temporary Uses or Structures are allowed within any zoning district as required below. Temporary uses not listed shall require Plan Commission approval of a Temporary Use Permit.
 - a. All Temporary Uses shall comply with the following standards, unless otherwise approved by the Plan Commission:
 - i. Location. No temporary structure shall encroach upon City property, City rights-of-way, neighboring property, sidewalks, or be placed in the street.
 - ii. Setbacks. Temporary structures, regardless of size, shall be located a minimum of:
 - 1. Five (5) feet from any public easement
 - 2. Ten (10) feet from any other structures (principal or accessory)
 - 3. Twenty-five (25) feet from a wetland
 - 4. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway.
 - iii. Height. A temporary structure shall have a maximum height of eighteen (18) feet.
 - iv. Use. Temporary Uses are not accessory uses and may not be used as permanent or temporary storage units or as signs or sign supporting structures.
 - v. Expiration. All Temporary Uses are limited to 30 days per calendar year unless otherwise specified below or as may be approved by the Plan Commission.

- b. Temporary Uses allowed without the issuance of a Temporary Use Permit.
 - i. Construction related shelters for materials and equipment, construction office trailers and other construction related uses.
 - 1. Any structure or outdoor storage area designed for the onsite storage of construction equipment and/or materials of active construction projects
 - 2. Construction related temporary structures shall be removed upon completion of the active construction phase of the project.
 - ii. Dumpsters required for construction sites
 - 1. Shall be placed on a paved or graveled surface
 - 2. Shall be removed following completion of work or as required by the Building Inspector or Zoning Administrator.
 - iii. Pre-construction sales offices
 - 1. Shall be allowed in single-family, two-family and multi-family residential zoning districts only
 - 2. The structure shall be removed upon the completion of the permanent dwelling structure(s) located onsite.
 - iv. Recreational Vehicles and Mobile Homes
 - 1. Shall be limited to one such vehicle owned by the owner of the premises and less than 30 feet in length, including draw bar or 'tounge'.
 - 2. Shall not be located within the front yard of a lot.
 - 3. Shall be allowed no more than sixty (60) consecutive days per calendar year.
 - v. Garage and Yard Sales
 - 1. Shall be allowed in single-family, two-family and multi-family residential zoning districts only.
 - 2. Shall be limited to three (3) such sales within a calendar year, each for a duration not to exceed three (3) consecutive days.
 - vi. Public Interest and Special Events
 - 1. Such events shall be allowed in all zoning districts.
 - 2. Such events shall include but not limited to outdoor food sales, outdoor

- car wash, or other gatherings for the benefit of the community, a particular service or a non-profit organization.
 - 3. Limited to no more than 6 times per year.
 - 4. Each event shall be no longer than 14 days.
- c. Temporary Uses allowed with Zoning Administrator review and approval of a Temporary Use Permit.
 - i. Movable or portable storage units
 - 1. No such storage units shall be greater than twenty (20) feet in length, ten (10) feet in width, and ten (10) feet in height.
 - 2. Storage units shall be placed on a paved or graveled surface.
 - ii. Carport or similar temporary structure
 - 1. Shall be placed on a paved or graveled surface.
 - 2. Shall not be located within the front yard of a lot.
 - iii. Outdoor seasonal sales and farmers markets
 - 1. Allowed in agricultural and nonresidential districts only.
 - 2. Limited to 90 days per calendar year.

b. Accessory Uses and structures are permitted in any district but not until their principal use and/or structure is present or under construction and a building or zoning permit is obtained. Residential accessory uses shall not involve the conduct of any business, trade, or industry except approved home occupations and home offices as defined in this ordinance, and accessory buildings shall not be used for residential purposes, except as noted below. Accessory uses also include incidental repairs to the principal structure; storage structures; parking structures and areas; home use gardening; private swimming pools; and private emergency shelters. Mobile homes and recreation vehicles designed or configured to be driven or towed are not principal or accessory structures and may not be used for habitation or storage except in approved mobile home parks and RV campgrounds or in the case of officially recognized emergencies. One such vehicle owned by the owner of the premises and less than 30 feet in length, including draw bar or 'tongue', may be temporarily stored outside within the buildable area of a residential property for no more than 45 days in a calendar year if property deed restrictions/covenants allow, but may not be used as a living unit or extra bedroom. Storage units such as dumpsters and portable on-demand (pod) storage units are not accessory structures. Watchmen quarters in industrial or commercial districts and quarters of itinerant agricultural laborers in an agricultural district may be accessory structures upon granting of a conditional use permit for such specific use by the Plan Commission. Small accessory structures or 'garden' buildings intended for the storage of yard maintenance equipment having not more than 120 square feet in floor space may be located within rear or side yard areas but not closer than ten (10) feet to a property line or other building and not within designated easements. All accessory structures larger than 120 square feet shall be constructed using the same type and color of exterior materials, including roofing, as the principal structure on the property.

- b. Accessory Uses and Structures are permitted in any district, but not until their principal use and/or structure is present or under construction and a building or zoning permit is obtained. No accessory structures shall contain or constitute a separate dwelling or residential unit. Accessory structures attached to a principal structure by a breezeway or other like structure are not considered attached for the purpose of this section. Lean-tos and other roofed projections, exceeding (3) feet shall be included in area calculations.

Accessory uses and structures include, but are not limited to: storage structures, parking structures and areas, gardening use and structures, private swimming pools, pool houses, cabanas, private emergency shelters, children play structures, greenhouses, sheds, decks, patios, gazebos, porches, boathouses, solar panels, fences, compost bins, sport courts, and animal shelters.

(1) All accessory structures in Single-Family and Two-Family Residential Districts shall comply with the following standards, unless otherwise specified under Section 17.0209(2) detailed standards for specific uses and structures.

- (a) Quantity. Each residential lot shall be allowed no more than:
i. One accessory structure 200 square feet or less in area

- ii. One accessory structure up to a maximum of 1,200 square feet on a lot less than 2.5 acres. A residential lot 2.5 acres or greater shall be allowed two accessory structures up to 1,200 square feet or one accessory structure no more than 2,400 square feet
 - iii. The total area of all permitted accessory buildings and structures as listed within this ordinance shall not occupy more than 40% of the side and rear yards.
- (b) Lot Coverage. All principal and accessory buildings shall not occupy more than the maximum permitted lot coverage allowed within the applicable zoning district.
- (c) Location. No detached accessory structure shall be located within the street yard, front yard or a corner side yard. Accessory structures are allowed within the arterial street side of double frontage lots. Lots abutting Pewaukee Lake or its tributaries shall be considered double frontage lots and accessory structures shall be allowed on the street and water side of said lots. Accessory structures shall be oriented so as not to block all view of water bodies and/or other common private or public open space from existing principal residences located on adjacent parcels.
- (d) Setbacks.
 - i. Accessory structures 120 square feet or less shall be located a minimum of five (5) feet from the side and rear property lines.
 - ii. Accessory structures between 121 and 200 square feet shall be located a minimum of ten (10) feet from the side and rear property lines.
 - iii. Accessory structures exceeding 200 square feet shall meet the same minimum setbacks as principal buildings of the zoning district.
 - iv. Accessory structures, regardless of size, shall be located a minimum of:
 - 1. Five (5) feet from any public easement
 - 2. Ten (10) feet from any other structures (principal or accessory)
 - 3. Twenty-five (25) feet from a wetland
 - 4. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway, unless otherwise allowed in this ordinance.
 - v. In no case shall an accessory structure be required to meet a greater setback than required for the principal structure.
- (e) Height. An accessory structure shall have a maximum height of eighteen (18) feet.
- (f) Use. Residential accessory uses shall be subordinate to the residential use and shall not include a separate residential

dwelling unit or involve the conduct of any business, trade, or industry except approved home occupations and home offices as defined in this ordinance.

- (g) Design. Accessory structures shall be constructed of the same or complementary exterior materials as the principal structure on the parcel. In no case shall metal be utilized as a primary building material.

(2) Detailed Standards for certain residential accessory structures and uses.

(a) Swimming Pools (Also see Section 14.30 of the City's Municipal Code)

- i. All swimming pools (in-ground or above ground) shall be a minimum of eighteen (18) feet from the side and rear and side property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- ii. ~~and~~ All swimming pools (in-ground or above ground) shall be a minimum of eight~~five~~ (58) feet from any public easement, as measured from the edge of the pool.
- iii. Concrete, decking and any other impervious surface surrounding the pool shall be a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- iv. All structures, including but not limited to fences and pool houses, shall be a minimum of four (4) feet from the edge of the pool.
- v. In-ground swimming pools shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a).

(b) Pool houses and cabanas

- i. Shall be setback in accordance with Subsection (1)(d) above a minimum of fifteen (15) feet from the side and rear property lines.
- ii. Shall count towards the maximum quantity of structures allowed under 17.0209(1)(a).
- iii. Shall not be used, rented, or leased as a dwelling or residential unit or for overnight habitation.

(c) Fences

- i. Shall not exceed a height of six (6) feet as measured from grade
- ii. Shall be ornamental and not exceed a height of three (3) feet when placed on the street side of a residence within the front yard.
- iii. Shall not be located within a vision clearance triangle or within five (5) feet from a street property

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- line when abutting a street.
- iv. Shall be setback a minimum of five (5) feet from the right-of-way line on a corner lot or two (2) feet on a double frontage lot.
 - v. Shall be setback a minimum of two (2) feet from the property line to allow for maintenance of the fence.
 - vi. No barbed wire, chicken wire, or electrically charged fences shall be allowed as permanent fencing in residential zoning districts.
- (d) Home Use Residential Gardens
- i. Temporary style fencing, four (4) feet or less in height, immediately surrounding a home use residential garden shall be allowed.
- (e) Decks
- i. Attached and detached decks shall be setback a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- (f) Patios and other paved or graveled areas (See Section 17.0604 for driveway, access and parking standards)
- i. Shall be setback a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- (g) Porches
- i. Shall be attached and considered part of the principal structure. As such, all porches shall comply with the minimum setbacks of the applicable zoning district.
- (h) Boathouses (See Section 17.0436)
- i. Shall be setback a minimum of five (5) feet from the ordinary high water mark of a lake or stream.
 - ii. Shall be setback a minimum of ten (10) feet from the side property line. For properties zoned Rs-7 District, the minimum side yard setback shall conform to the same required setback as the principal structure based upon lot width and setback requirements of Section 17.0411.
 - iii. Shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a)
 - iv. Shall not exceed six hundred (600) square feet in area.
 - v. Shall not exceed fifteen (15) feet in height.
 - vi. Decks located upon flat roofs are permitted and shall have railing between thirty (30) and thirty-eight (38) inches. Railings shall be exempt from the maximum height allowed under sub v. above.

servicing of vehicles not licensed to the homeowner, no parking outside a garage of more than one vehicle used in the business and no non-residential solid waste shall be stored outside.

- vi. There shall be no visible evidence from outside the residence that the residence is being used for home occupation purposes, and there shall be no signage displayed.

(3) The following accessory structures are allowed without the issuance of a building or zoning permit, subject to compliance with all standards of Section 17.0209b.(1).

(a) Any accessory structure thirty-five (35) square feet or less.

(b) Mechanical equipment

- i. Mechanical equipment, such as air conditioning units, shall be setback a minimum of five (5) feet from the side and rear property lines.
- ii. Mechanical equipment located within the street, front or corner side yard shall be setback a minimum of five (5) feet from the right-of-way line and fully screened from public by a Planting Screen.

(4) Accessory structures and uses in Agricultural Districts are allowed as stated under Sections 17.0403 and 17.0404. All accessory structures shall be subject to Plan Commission approval of a Site and Building Plan Review Application, except for the following structures, which may be approved by the Zoning Administrator under review of applicable building permits.

- (a) Fences, not exceeding eight (8) feet in height shall be allowed with approval of a Building Permit. Fences greater than eight (8) feet shall be subject to Plan Commission review of a Site and Building Plan Review Application.
- (b) Roadside stands for the sale of agricultural products shall be allowed with Zoning Administrator approval of a Business Plan of Operation Application in addition to applicable building permits. Roadside stands shall have sufficient off-street parking and loading areas to accommodate the use.
- (c) Animal shelters and up to two (2) storage buildings not exceeding 2,400 square feet.

(5) All accessory structures and uses in Multi-Family Residential and Nonresidential Districts are permitted as may be allowed within each individual zoning district and with Plan Commission approval of a Site and Building Plan Review Application for any building or site improvements. Also see Section 17.0210.

f. Temporary Uses or Structures, such as shelters for materials and equipment or construction office trailers being used in the construction of a permanent structure, may be permitted for a period not to exceed 12 months while construction is in progress and such uses or structures must be screened from public view when physically possible to do so. Movable or portable on-demand storage (pods) units and 'dumpsters' may not be used as permanent outdoor storage facilities unless enclosed from view within a City Plan Commission approved permanent enclosure and may only be used as temporary storage in the event of an emergency or as a material and equipment shelter during moving of personal home or business items or construction of a building. All temporary structures/units shall be removed when directed by the Building Inspector or Zoning Administrator. Commercial or business trucks, truck trailers, vans, trailers, recreation vehicles or mobile homes are not accessory uses and may not be used as permanent or temporary storage units or as signs or sign supporting structures and shall not be parked in the open in residential districts. (Also see 'b', above and subsection 17.0601 and Chapter 5.00).

c. Temporary Uses or Structures are allowed within any zoning district as required below. Temporary uses not listed shall require Plan Commission approval of a Temporary Use Permit.

(1) All Temporary Uses shall comply with the following standards, unless otherwise approved by the Plan Commission:

- (a) Location. No temporary structure shall encroach upon City property, City rights-of-way, neighboring property, sidewalks, or be placed in the street.
- (b) Setbacks. Temporary structures, regardless of size, shall be located a minimum of:
 - i. Five (5) feet from any public easement
 - ii. Ten (10) feet from any other structures (principal or accessory)
 - iii. Twenty-five (25) feet from a wetland
 - iv. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway.
- (c) Height. A temporary structure shall have a maximum height of eighteen (18) feet.
- (d) Use. Temporary Uses are not accessory uses and may not be used as permanent or temporary storage units or as signs or sign supporting structures.
- (e) Expiration. All Temporary Uses are limited

to 30 days per calendar year unless otherwise specified below or as may be approved by the Plan Commission.

(2) Temporary Uses allowed without the issuance of a Temporary Use Permit.

(a) Construction related shelters for materials and equipment, construction office trailers and other construction related uses.

- i. Any structure or outdoor storage area designed for the onsite storage of construction equipment and/or materials of active construction projects
- ii. Construction related temporary structures shall be removed upon completion of the active construction phase of the project.

(b) Dumpsters required for construction sites

- i. Shall be placed on a paved or graveled surface
- ii. Shall be removed following completion of work or as required by the Building Inspector or Zoning Administrator.

(c) Pre-construction sales offices

- i. Shall be allowed in single-family, two-family and multi-family residential zoning districts only
- ii. The structure shall be removed upon the completion of the permanent dwelling structure(s) located onsite.

(d) Recreational Vehicles and Mobile Homes

- i. Shall be limited to one such vehicle owned by the owner of the premises and less than 30 feet in length, including draw bar or 'tounge'.
- ii. Shall not be located within the front yard of a lot.
- iii. Shall be allowed no more than ~~forty-five~~60 (4560) consecutive days per calendar year.

(e) Garage and Yard Sales

- i. Shall be allowed in single-family, two-family and multi-family residential zoning districts only.
- ii. Shall be limited to three (3) such

sales within a calendar year,
each for a duration not to exceed
three (3) consecutive days.

(f) Public Interest and Special Events

- i. Such events shall be allowed in
all zoning districts.
- ~~ii.~~ Such events shall include but not
limited to outdoor food sales,
outdoor car wash, or other
gatherings for the benefit of the
community, a particular service
or a non-profit organization.
- ~~iii.~~ Limited to no more than 6 times
per year.
- ~~iv.~~ Each event shall be no longer
than 14 days.

(3) Temporary Uses allowed with Zoning Administrator
review and approval of a Temporary Use Permit.

(a) Movable or portable storage units

- i. No such storage units shall be
greater than twenty (20) feet in
length, ten (10) feet in width, and
ten (10) feet in height.
- ii. Storage units shall be placed on
a paved or graveled surface.

(b) Carport or similar temporary structure

- i. Shall be placed on a paved or
graveled surface.
- ii. Shall not be located within the
front yard of a lot.

(c) Outdoor seasonal sales and farmers
markets

- i. Allowed in agricultural and
nonresidential districts only.
- ii. Limited to 90 days per calendar
year.

Accessory Uses & Structures Definitions

5 - Accessory Use or Structure

A ~~Use or detached S~~structure that is secondary and incidental to, subordinate in area, extent or purpose to the principal building or use served or required for the principal building or use of the premises of a structure, land, or water and is located on the same zoning lot as the principal building or principal use. or parcel serving a purpose customarily incidental to the permitted principal use or the structure in which the principal use is housed. Such uses/structures include but are not limited to: a detached garage or carport; maintenance equipment or material storage shed; gazebo; cabana; child's play house or tree house; and similar walled structures not meant to be used as a living unit. (See sub-section 17.0209b).

33 - Boathouse

A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts. designed to protect or store boats, which may be built no closer than five (5) feet from the ordinary high water mark of a lake or stream.

61 - Deck

A structure, other than a stoop or walkway, characterized by a flat open horizontal surface or platform, at least six inches above the grade of the land it covers and which may or may not be supported by posts, beams, cantilevers or by any other methods, including a roof structure, usually attached to the rear or sides of a dwelling unit and intended to be used for leisure or recreational purposes. Such structures attached to the street side of a dwelling are usually called porches and are intended to shelter the front entry of the dwelling and for leisure activity.

77 - Easement

A right given by an owner of land to another party for a specific limited use of that land or portion thereof.

89 - Farm Roadside Stand

A farm building or structure used or intended to be used for the sale of unprocessed farm products raised on said farm solely by the owner or tenant of the farm on which such building is located.

92 - Fence

Any wooden, masonry, concrete, plastic structure or a densely planted hedge or other living plant material intended to enclose an open space for purposes of security or confinement, or intended as a visual or audible screening device, or intended for aesthetic ornamentation which is at least six (6) feet in length, no more than two (2) feet in height measured at grade, the nearest street curb, and no more than six (6) feet in height in residential and agricultural districts; nor more than ten (10) feet in height in other districts unless required by the Plan Commission as a condition of approval. Retaining walls for the purpose and as part of a grading plan shall not be considered a fence.

93 - Fence, Ornamental

A fence structure, not a common or privacy fence, constructed and placed so as not to obstruct vision and intended for aesthetic purposes only. Ornamental fences ~~may not be more than five (5) feet in height and may not be placed within a vision clearance triangle or within five (5) feet from a street property line.~~ shall have a minimum opacity of fifty percent (50%) and fifty percent 50% visual obstruction provided by the fence.

110 - Front Yard (see Street Yard)

~~A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the zoning district in which such lot is located.~~

111 - Garage

Garages are enclosed accessory structures designed for the heated or cold storage of vehicles, equipment, and personal belongings. Such structures shall meet the building setback, lot coverage and design restrictions of the applicable zoning district of the City and, if residential, may not be constructed on a lot or parcel that does not already contain a permitted principal use structure. In addition, no residential garage shall be used for the conduct of a business, storage of commercial and industrial use trucks/vehicles of over 1- 1/2 ton rated load capacity, or for habitation. ~~No more than one (1) detached garage may be constructed on a single-family zoned residential parcel of less than two and one-half (2.5) acres in size, and no more than two (2) detached garages may be constructed on a single-family residential zoned parcel of two and one-half (2.5) acres or more in size. Detached garages may only be constructed on agriculture or single-family zoned parcels unless otherwise approved by the Plan Commission.~~

121 - Hobby Kennel (Rep. & Recr. 13-09)

Any premises with four (4) or more dogs five (5) or more months of age, 6 or more other animals, or a combination of 6 or more dogs and animals, as household pets or for non-commercial purposes such as raising, breeding, boarding, training, grooming, foster care and the occasional raising and selling of not more than two (2) litters of animals per year.

122 - Home Occupations

Any occupation conducted for monetary or "in-kind" gain within a ~~single or two family residence or residential unit~~ by an occupant thereof. ~~The home occupation must be conducted entirely within the dwelling and the total floor space required or used for such home occupation shall not be greater than twenty (20) percent of the total floor area of any floor within the residence and shall not be conducted within any accessory building. The home occupation shall not create noise, odor or electrical disturbance which can be detected outside the residence. There can be no more than one (1) employee that does not live in the home. There shall be no customer traffic, no parking or servicing of vehicles not licensed to the home owner, no parking outside a garage of more than one vehicle used in the business and no non-residential solid waste shall be stored outside. There shall be no visible evidence from outside the residence that the residence is being used for home occupation purposes, and there shall be no signage displayed. Home occupations may not be conducted in a multi-family residence. See Section 17.0209(I).~~

125 - Impervious Surface

Any surface on which at least 50 percent of precipitation falling thereon is not absorbed but is released from the surface to flow elsewhere as stormwater runoff, such as roofs, concrete or asphalt driveways and patios, decks, and paved or graveled parking lots and outside storage areas and stored materials and equipment.

131 - Kennel

An outdoor or indoor enclosure for the keeping of household pets as a commercial or hobby venture. (See sub-section 11.05 of City ordinances regarding dog kennels)

136 - Lot (or parcel)

For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces; ~~provided that no such parcel be bisected by a public street or other public or private right-of-way~~ and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Ordinance.

138 - Lot, Corner

~~A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. A lot situated at the junction of and abutting on two (2) or more intersection streets, or a lot at the point of deflection in alignment of a continuous street.~~

139 - Lot, Double Frontage

A parcel of land, other than a corner lot, with frontage on more than one (1) street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this Ordinance, shall be deemed to have two (2) front yards and no rear yard, even though access is permitted on only one street.

146 – Mobile Recreational Vehicle or RV

A single chassis vehicle designed to be self-propelled, or carried or towed by a licensed light-duty vehicle; is licensed for highway use if required by local or state law; is designed for temporary or seasonal recreation use and not for permanent habitation; and, is normally less than 300 square feet but can be no more than 400 square feet in wall-to-wall area.

168 - Porch

~~A structure attached to the street side of a dwelling intended to shelter the front entry of the dwelling and for leisure activity.~~

171 - Principal Building or Structure

A building or structure used or intended to be used for the principal use as permitted on such lot by the regulations of the zoning district in which it is located.

172 - Principal Use

~~The main or primary use of land, premises, buildings or structures as permitted by the regulations of the zoning district in which such use is located. Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).~~

187 - Rear Lot Line

The lot line opposite to and most distant from the front or street lot line.

189 - Recreational Vehicle or Equipment

A vehicle or piece of equipment which can be towed, hauled, carried or driven and designed as a temporary living accommodation for recreational camping and/or travel use and including but

not limited to travel trailers, truck campers, tent trailers, camping trailers, self propelled motor homes, and boats.

205 - Setback

~~The narrowest distance permitted from a street, side, or rear property line to the required setback of the zoning district.~~

208 - Side Setback

~~The area prescribed to as the minimum side yard setback distance between the principal or access our structure and the side property boundary as set forth in the distant regulations.~~

209 - Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. ~~Also, the area prescribed as the minimum side yard setback distance between the principal or accessory structure and the side property boundary as set forth in the district regulations.~~

213-- Solar Detriment Areas, Horizontal

~~The area adjacent to a structure upon which has been constructed or placed an operational active solar system and which is described by drawing a line 200 feet long from the easternmost corner (or side) of the structure at an angle of 15 degrees east of south measured at the point of beginning; then drawing a second line from the northernmost corner (or side) of the structure 200 feet due west, thence 200 feet due south, and thence east to an intersection with the end of the first line drawn. Such described area shall include that part or portion of the roof surface(s) that slope to the southeast, south, southwest or west. Structures built above a certain height within this area may block sunlight, during critical times of the day, from radiating on the solar energy collectors. (See Solar Detriment Area, Vertical)~~

214-- Solar Detriment Areas, Vertical

~~The area above a plane which extends outward from a structure over the entire horizontal area of solar detriment of such structure from a horizontal line on the structure measured ten (10) feet from the ground level at the southernmost corner (or side) of the structure and extended outward to the limits of the horizontal area of solar detriment and at an angle of twenty (20°) degrees above the horizontal measured from a point on or at the structure. Structures or plantings protruding above this plane may detrimentally block sunlight from the solar energy collectors or an operational active solar system.~~

222 - Street Yard or Front Yard

The area between the principal structure and the abutting street extending the full width of the lot. ~~Also, the distance between the abutting street right-of-way and the street or front building setback line as set forth in district regulations.~~

230 - Swimming Pool

Any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent which is either above or below the ground in which water of more than twenty-four (24") inches in depth is contained and which is used primarily for the purpose of bathing and swimming. This definition includes self-contained spa, spas or hot tubs. (Also see Chapter 14.30 of City codes).

246 - Wetland

An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils and/or plant material indicative of a wet condition.

Temporary Uses & Structures Definitions

169 - Portable storage container (enclosed)

A portable metal, wood or plastic storage unit or container or box of various sizes that is transported to a site similar to a solid waste dumpster and used to store goods and material. Such containers are sometimes called 'pods'.

234 - Temporary Use

A use of a building permitted by the Plan Commission to exist during periods of construction of the main building or use, or for special events.

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- B. The creation of a private drive would not adversely affect existing or future Development of the area.
- C. The private drive would insure safe and continuous access for public service vehicles, and those properties served by such easement.

(s) **Boathouses**

1. Use permitted: Boathouses, as defined by this Ordinance and in Section 30.01(1d) of the Wisconsin Statutes, are permitted in any District abutting a public or private body of water, except within a Floodplain or Wetland and are subject to the terms and the conditions set forth herein and Section 30.121 of the Wisconsin Statutes. Said Boathouse may be used for the storage of watercraft and associated materials used by the occupants of the Lot. Said Boathouse shall be placed on a permanent foundation extending below the frost line or a concrete slab and contain a garage type door.
2. Habitation prohibited: A Boathouse shall not be used for human occupancy or habitation. A Boathouse shall not contain plumbing.
3. Accessory to a principal Structure: No Boathouse is permitted unless a principal Structure is already present on the Lot. Only one (1) Boathouse per Lot is allowed.
4. Building location: A Boathouse shall comply with all of the following locational requirements:
 - A. A Boathouse shall not be located closer than five (5) feet to the Ordinary High Water Mark.
 - B. A Boathouse shall not be located further than thirty-five (35) feet from the Ordinary High Water Mark.
 - C. A Boathouse shall be located within the Access and Viewing Corridor as specified in Section 3(d)(9). The location of the Access and Viewing Corridor shall be evidenced by a deed restriction recorded in the Office of the Register of Deeds.
 - D. A Boathouse shall not be located within the Floodplain and/or Wetland.
 - E. A Boathouse shall comply with the Offset requirements set forth in Section 3(h)3 of this Ordinance.
5. Flat roofed surfaces of Boathouses may be used as a Deck but shall not be permanently enclosed. Railings and access stairs shall be considered ordinary appurtenances.
6. The Maintenance and repair of nonconforming Boathouses that extend beyond the Ordinary High Water Mark of any Navigable Waterway shall be required to comply with Section 30.121 of the Wisconsin Statutes.
7. Height: A Boathouse may not contain more than one Story According to the provisions below:
 - A. The exterior wall height shall not exceed ten (10) feet and the roof pitch shall not exceed eight to twelve (8:12) rise to run.

WAUKESHA COUNTY SHORELAND & FLOODLAND PROTECTION ORDINANCE

- B. The exterior wall height shall not exceed eleven (11) feet provided the roof is flat and where the slope at the location at the Boathouse does not exceed three to one (3:1).
 - C. If the slope at the location of the Boathouse exceeds three to one (3:1) or thirty-three percent (33%), the exterior wall height may increase to fifteen (15) feet provided the roof is flat.
8. Size limitations: The following size limitations apply to all Boathouses:
- A. A Boathouse shall contain a minimum of two hundred (200) square feet.
 - B. A Boathouse shall contain a maximum of four hundred fifty (450) square feet.
 - C. A Boathouse shall not exceed fifteen (15) feet in width, measured parallel to the shore.
 - D. A Boathouse is limited to twenty-four inch (24") roof Overhangs and said Overhangs are not included in the above measurements.
9. Stormwater Management: All new boathouse construction requires the issuance of a Stormwater Permit from the Waukesha County Land Resources Division.

(t) **Impervious Surface Standards**

- 1. Purpose and Intent: Impervious surface standards are intended to protect water quality, fish and wildlife habitat and protect against pollution of navigable waters.
- 2. Applicability: Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any Impervious Surface that is or will be located within three hundred (300) feet of the Ordinary High Water Mark of any Navigable Waterway on any of the following:
 - A. A riparian lot or parcel, or
 - B. Any non-riparian lot or parcel that is located entirely within three hundred (300) feet of the Ordinary High Water Mark of any Navigable Waterway.
- 3. Calculation of Percentage of Impervious Surface: The percentage of Impervious Surface shall be calculated by dividing the surface area of the existing and proposed Impervious Surfaces on the Lot or parcel by the total surface area of that Lot or parcel, and multiplying by one hundred (100). The following exceptions apply:
 - A. Treated Impervious Surfaces that comply with subsection 9 are excluded from the calculation.
 - B. The following minor surfaces are excluded from the calculation: utility boxes; footings for structures such as flag poles, mailboxes, birdhouses and birdbaths, fences, and basketball hoops; turf stone surfaces that contain a majority of its surface area as a vegetated surface; and other incidental natural or manmade surfaces as

ORDINANCE 22-17

**TO REVISE SPECIFIC WORDS AND PHRASES WITHIN CHAPTER 17.1402
PERTAINING TO THE DEFINITIONS OF ACCESSORY USES AND STRUCTURES
OF THE ZONING CODE OF THE CITY OF PEWAUKEE, WAUKESHA COUNTY,
WISCONSIN**

WHEREAS; the Plan Commission held a public hearing on August 18, 2022 and determined certain updates and revisions were necessary to Chapter 17; and

NOW THEREFORE, The Common Council of the City of Pewaukee, Waukesha County, Wisconsin do ordain that the following changes to **Section 17.1402 Specific Words and Phrases** shall be made:

Revise Language:

5 – Accessory Use or Structure

A use or structure that is secondary and incidental to, subordinate in area, extent or purpose to the principal building or use served or required for the principal building or use of the premises and is located on the same zoning lot as the principal building or principal use.

Revise Language:

33 – Boathouse

A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

Revise Language:

60 – Deck

A structure, other than a stoop or walkway, characterized by a flat open horizontal surface or platform, which may or may not be supported by posts, beams, cantilevers or by any other methods usually attached to the rear or sides of a dwelling unit and intended to be used for leisure or recreational purposes.

Revise Language:

91 – Fence, Common

Any wooden, masonry, concrete, plastic structure or a densely planted hedge or other living plant material intended to enclose an open space for purposes of security or confinement, or intended as a visual or audible screening device, or intended for aesthetic ornamentation which is no more than two (2) feet in height measured at grade. Retaining walls for the purpose and as part of a grading plan shall not be considered a fence.

Revise Language:

92 – Fence, Ornamental

A fence structure, not a common or privacy fence, constructed and placed so as not to obstruct vision and intended for aesthetic purposes only. Ornamental fences shall have a minimum opacity of fifty percent (50%) and fifty percent (50%) visual obstruction provided by the fence.

Revise Language:

110 – Front Yard (See Street Yard)

Revise Language:

111 – Garage, General (Amend 14-03)

Garages are enclosed accessory structures designed for the heated or cold storage of vehicles, equipment, and personal belongings. Such structures shall meet the building setback, lot coverage and design restrictions of the applicable zoning district of the City and, if residential, may not be constructed on a lot or parcel that does not already contain a permitted principal use structure. In addition, no residential garage shall be used for the conduct of a business, storage of commercial or industrial use trucks/vehicle over 1 – ½ ton rated road capacity, or for habitation.

Revise Language:

122 – Home Occupations

Any occupation conducted for monetary or “in-kind” gain within a residence or residential unit by an occupant thereof. See Section 17.0209(I).

Revise Language:

125 – Impervious Surface

Any surface on which at least fifty percent (50%) of precipitation falling thereon is not absorbed but is released from the surface to flow elsewhere as stormwater runoff, such as roofs, concrete or asphalt driveways and patios, decks and paved or graveled parking lots and outside striate areas and stored materials and equipment.

Revise Language:

136 – Lot (or Parcel)

For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Ordinance.

Revise Language:

138 – Lot, Corner

A lot situated at the junction of and abutting on two (2) or more intersection streets, or a lot at the point of deflection in alignment of a continuous street.

Insert New Definition and Number Accordingly:

168 – Porch

A structure attached to the street side of a dwelling intended to shelter the front entry of the dwelling and for leisure activity.

Renumber:

169 – Portable Storage Container (enclosed)

A portable metal, wood or plastic storage unit or container or box of various sizes that is transported to a site similar to a solid waste dumpster and used to store goods and material. Such containers are sometimes called “Pods”.

Renumber:

170 - Primary Floor Area

The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include utility, hallways and other accessory space in which employees are not specifically accomplishing work tasks and, therefore, does not generate parking demand.

Renumber:

171 - Principal Building or Structure

A building or structure used or intended to be used for the principal use as permitted on such lot by the regulations of the zoning district in which it is located.

Renumber and Revise Language:

172 - Principal Use

Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

Renumber:

173 – Private Sewage System

One of several on-site sewage disposal systems officially approved for use by the Wisconsin Department of Safety and Professional Services and the Waukesha County Health and Human Services Department, including: a ‘conventional’ septic tank and attached absorption field; a ‘mound’ system; or, a holding tank.

Renumber:

174 - Private Stable

A tract of land and ancillary buildings in and on which horses or other livestock are kept for the noncommercial use of the individual residing on the tract of land.

Renumber:

175 - Processing

A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. The term processing is generally associated with the transformation of raw materials or substances into new products. For purposes of use in this chapter, processing shall not include heavy industrial uses such as tanneries, meat packing, foundries, hazardous waste recycling, chemical production, and other similar uses.

Renumber:

176 - Professional Home Offices

Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used in the conduct their professions where the office does not exceed 20 percent of the area of only one (1) floor of the residence; and, where such use does not generate additional non-residential vehicular traffic to the immediate area of the residence such as clients, customers or employees. There shall be no separate signage indicating that such a home business exists. (See Home Occupations)

Renumber:

177 - Project Signs

A sign or graphic which identifies a construction project or development. Project signs are intended for temporary identification only when construction is in progress.

Renumber:

178 - Projecting Sign

A sign not attached (principally) to the ground and projecting more than twelve (12) inches from the face of a building or other permanent structure to which it is attached.

Renumber:

179 - Public and Semipublic Buildings

Structures that house uses that serve a public need such as: hospitals, rest homes, schools (including, but not limited to, private academic schools and nursery schools), government offices, libraries, museums, post offices, police and fire stations, public and private utilities and other similar public services; but not including bars, restaurants or recreation facilities.

Renumber:

180 - Public Improvements

Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewerage disposal and treatment, public utility and energy services.

Renumber:

181 - Public Utility

Any person, corporation or municipality duly authorized, under public regulation, to furnish and/or manage electricity, gas, steam, telephone, communication, transportation, sanitary sewerage service or water supply to the public.

Renumber:

182 - Public Utilities

Underground or overhead electricity, telephone or communication transmission lines as well as underground systems of pipes or conduits transporting natural gas, oil, steam, potable water, storm water or wastewater.

Renumber:

183 - Quarrying

The removal of rock, slate, gravel, sand, topsoil, peat or other natural material from the earth by excavation, stripping, leveling or any other such process, excluding the removal solely of sod.

Renumber:

184 - Quasi-Public

Property owned or operated by a non-profit, religious or charitable institution and providing educational, cultural, recreational, religious or similar types of public programs.

Renumber:

185 - Reach

A longitudinal segment of a stream generally including those parts of the floodplain wherein flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

Renumber:

186 - Real Estate Street Sign

A street sign pertaining to the sale, lease, or rental of the property upon which it is located.

Renumber:

187 - Rear Lot Line

The lot line opposite to and most distant from the front or street lot line.

Renumber:

188 - Rear Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. Also, the yard area of a parcel extending the full width of the property and measured from the rear property (lot) line to the rear setback line as designated in the district regulations.

Renumber:

189 - Recreational Vehicle or Equipment

A vehicle or piece of equipment which can be towed, hauled, carried or driven and designed as a temporary living accommodation for recreational camping and/or travel use and including but not limited to travel trailers, truck campers, tent trailers, camping trailers, self-propelled motor homes, and boats.

Renumber:

190 - Regional Flood (See sub-section 17.0435p of this ordinance)

Renumber:

191 - Residential Unit

A configuration of rooms or individual spaces normally consisting of bedroom(s), bathroom(s), kitchen, living room/area, dining room/area and access hallways and, perhaps, basement and automobile garage all enclosed within exterior walls as either a single unit or attached to other

such enclosures as a multiple unit building and designed and built for the purpose of housing a person, family or group of persons as a dwelling place or place to reside.

Renumber:

192 - Restaurant

A commercial establishment where food and beverage are prepared, served and consumed primarily within the principal building, and where food sales constitute more than eighty (80%) percent of the gross sales receipts for food and beverages.

Renumber:

193 - Retail

The sale of commodities, goods or services in small quantities to ultimate consumers.

Renumber:

194 - Revolving Street Sign

Swinging and rotating street signs either motor driven, or wind-propelled.

Renumber:

195 - Right-of-Way

A strip of land acquired by gift, purchase, reservation, dedication, forced dedication, or condemnation and occupied or intended to be occupied by a street, highway, cross-walk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

Renumber:

196 - Road

Synonymous with street.

Renumber:

197 - Roof Line

The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Renumber:

198 - Roof Signs

A sign erected above the ceiling of the top floor of a building or on or over the roof of a building.

Renumber:

199 - Safe Vehicular Access

An access of sufficient width and adequate vertical and horizontal alignment to accommodate emergency vehicles and having a slope not to exceed ten (10%) percent at any point.

Renumber:

200 - “Sandwich Board” and Any Other Readily Movable, Free-Standing Sign.

(See Ground Sign).

Renumber:

201 - Secondary Access

A means of vehicular or non-vehicular approach, i.e. entry to a property from a source other than a public street or highway, or exit from a property to a source other than a public street or highway.

Renumber:

202 - Sectional Home

A sectional home is a dwelling made of two (2) or more modular units fabricated in a factory or assembly plant and transported to the home site where they are placed on a foundation and joined to make a dwelling unit.

Renumber:

203 - Sedimentation

The deposition of soil that has been transported from a site or origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Insert New Definition and Number Accordingly:

204 - Setback

The narrowest distance permitted from a street, side, or rear property line to the required setback of the zoning district.

Renumber:

205 - Setback, Street (also Building Setback)

A line extending across the full designated minimum width of a lot at a distance from the street right-of-way all as set forth in the district regulations or to the nearest point of the principal structure, whichever is greater. The width of the lot or parcel at the setback line shall be no less than the minimum width as set forth in the district regulations. The street setback line shall be calculated by beginning at a point on the street right-of-way line equidistance from the points where the side lot lines intersect the street right-of-way and drawing a line bisecting the lot the setback distance as prescribed above and then drawing the setback line perpendicular to the bisecting line. The space between the street right-of-way and the calculated setback line shall be called a street yard and no principal or accessory structures may be constructed within said yard with the exception of decorative fences as defined herein. Corner lots shall have street setbacks on any abutting street and, therefore, such yards on each abutting street. (Also see Lot Width).

Renumber:

206 - Shore Lot Line

The ordinary high-water line of the lake or stream which the lot abuts.

Renumber:

207 - Shorelands

All land, water and air located within the following distances from the normal high-water elevation of navigable waters as defined in Section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake or WisDNR designated navigable pond and 300 feet from a designated navigable river or stream, or to the landward edge of the base flood floodplain, whichever

distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the ordinary high-water mark (OHWM) thereof. (Also see sub-sections 17.0435 and 17.0436)

Insert New Definition and Number Accordingly:

208 – Side Setback

The area prescribed to as the minimum side yard setback distance between the principal or access our structure and the side property boundary as set forth in the distant regulations.

Renumber and Revise Language

209 - Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Renumber:

210 - Sign Area

The part of a total sign structure that encompasses the sign message exclusive of the structure upon which the sign area is affixed or which supports the sign area. For the purpose of computing “square feet” of a sign area, any exposed structure which supports a sign may not comprise more than one-third (1/3) of the visible or exposed surface of one side of a total sign structure.

Renumber:

211 - Signable Area

The designated area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which street signs or graphics may be displayed, if allowed.

Renumber:

212 - Signs or Graphics

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway

Renumber:

213 - Soil Processing

An operation which entails the import or export of soil material for purposes of machine processing, sifting, pulverizing, blending or like process.

Renumber:

214 - Solar Detriment Areas, Horizontal

Renumber:

215 - Solar Detriment Area, Vertical

Renumber:

216 – Start or Commencement of Construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The ‘actual start’ means either the first placement of permanent construction on the site, such as the pouring of footings or slab floor, the installation of piling, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; the excavation for a basement, footings, piers or foundations; the erection of temporary forms; installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principle structure. For an alteration of a structure, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building. (FEMA required definition 44 CFR 59.1).

Renumber:

217 - Storage Capacity

The volume of space available above an area of floodplain fringe land for the temporary storage of flood water. (see sub-section 17.0435).

Renumber:

218 - Story

That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it

Renumber:

219 - Street

A public right-of-way not less than sixty (60) feet wide providing primary access to abutting properties.

Renumber:

220 - Street Dedication

The designation by plat, certified survey map, or written deed of a certain area to be used for street or other public purposes pursuant to Wisconsin Statutes. A dedication transfers title to the dedicated property from the private landowner to the public domain.

Renumber:

221 - Street Line

A dividing line between a lot or parcel of land and a contiguous street.

Renumber:

222 - Street Reservation (Road Reservation)

The designation by plat, certified survey map, or written deed of a certain area reserved for possible future public street purposes. A reservation does not transfer title of the reserved area to the public domain unless the area is accepted by the City for public street purposes.

Renumber:

223 - Street Signs or Graphic

Any letter, symbol, number, mural, or combination of these, which can be seen from the right-of-way of a street or highway. Street signs includes signs (other than public information signs), wall signs, ground signs, advertising street signs, and projecting signs.

Renumber and Revise Language:

224 - Street Yard or Front Yard

The area between the principal structure and the abutting street extending the full width of the lot.

Renumber:

225 - Strip Development

A linear pattern of, usually, commercial land uses or buildings located on a single parcel development visible from and fronting on a street and which is generally only one lot deep.

Renumber:

226 - Structure

Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Renumber:

227 - Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Renumber:

228 - Subdivision

The division of a lot, parcel or tract of land as defined in Chapter 18 of the City Codes and Ordinances.

Renumber:

229 - Substantial Damage

Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the equalized assessed value of the pre-damaged building or structure.

Renumber:

230 - Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of

a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Renumber:

231 - Sustained Yield Forestry

Management of forested lands to provide periodic crops of forest products.

Renumber and Revise Language:

232 - Swimming Pool

Any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent which is either above or below the ground in which water of more than twenty-four (24") inches in depth is contained and which is used primarily for the purpose of bathing and swimming. This definition included self-contained spa, spas or hot tubs. (Also see Chapter 14.30 of City codes).

Renumber:

233 - Temporary Sign

A sign designed and intended to be used as an advertisement or statement related to a specific short-term coming event or occurrence that, upon completion of the event or occurrence, will no longer be needed. Such signs are, therefore, often constructed of flimsy materials that are not long lasting.

Renumber:

234 - Temporary Use

A use of a building permitted by the Plan Commission to exist during periods of construction of the main building or use, or for special events.

Renumber:

235 - Temporary Window Street Signs or Graphics

Graphics designed to be displayed in the window of a building for a period not to exceed fourteen (14) days.

Renumber:

236 - Time and/or Temperature Graphic

A graphic giving the time and/or temperature but not including other traveling or movable messages.

Renumber:

237 - Total Sign Structure

Includes the "Sign Area" plus any exposed area or members of the supporting structure on or to which the sign (sign message) is affixed. Decorative, landscaped earthen berms or structures which are composed principally of exposed earth and/or landscape (plant) materials shall not be

included as a part of a total sign structure but shall meet sign setback requirements as set forth herein.

Renumber:

238 - Townhouse

A linear series of single-family dwelling units, usually two (2) or more stories, attached on one or both sides by party walls to other single family units of similar type in the series and having direct outside access and individual street and rear yards, the end units only having a single side yard on the unattached side.

Renumber:

239 - Tri-Level Dwelling

A three-level dwelling with two (2) levels above lot grade and the third level at least fifty (50%) percent below lot grade; the lowest level may or may not have exterior access.

Renumber:

240 - Two-family Dwelling

A residential structure designed for and occupied exclusively by two families in separate suites of rooms.

Renumber:

241 - Unnecessary Hardship

A situation or case where a property owner or prospective owner is unable to improve an existing building or build a proposed building on his/her property meeting the setback, yard or height restrictions of the zoning ordinance due to a physical condition or impediment on the property not created by the owner or prospective owner.

Renumber:

242 - Variance

Permission to depart from the literal requirements of this chapter. An authorization by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner inconsistent with the dimensional standards (not uses) contained in this ordinance.

Renumber:

243 - Vision Setback

An unoccupied triangular space, at the street corner of a corner lot.

Renumber:

244 - Wall Sign

A sign that is attached to a wall of a building or structure and projects not more than twelve (12) inches from such wall. Such a sign shall not extend above the ceiling line of the top floor of the building.

Renumber:

245 - Warehouse

A building used primarily for the storage of business generated goods and materials and/or as a distribution center.

Renumber:

246 – Well

A hole that is drilled, driven, bored or dug into the earth for the purpose of finding and extracting liquid or vaporous natural resources, including potable water.

Renumber:

247 - Wetland

An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils and/or plant material indicative of a wet condition.

Renumber:

248 - Wholesale

Trade Establishments or places of business primarily engaged in selling merchandise to retailers', industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Renumber:

249 - Window Sign

A sign painted on or affixed to a window. Such signs shall be affixed to the inside surface of the window.

Renumber:

250 - Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. Also, that area of a lot between the minimum building setbacks, as set forth in the district regulations, and the exterior boundaries of the lot. A street yard is measured across the full width of the lot.

SECTION 2 –SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance.

SECTION 3 - ACTION

This Ordinance shall take effect upon passage and posting.

Dated this 19th day of September, 2022.

COMMON COUNCIL OF THE CITY OF PEWAUKEE

WAUKESHA COUNTY, WISCONSIN

Attest:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

ORDINANCE 22-18**TO REPEAL AND RECREATE 17.0208 OF THE ZONING CODE OF
THE CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN**

WHEREAS; the Plan Commission held a public hearing on August 18, 2022 and determined certain updates and revisions were necessary to Chapter 17; and

NOW THEREFORE, The Common Council of the City of Pewaukee, Waukesha County, Wisconsin do ordain that Section 17.0208 Site Restriction will be repealed and recreated to read the following:

17.0208 SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the City and its inhabitants. The City Engineer, or any other official acting on behalf of the City, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for a certain use and/or structure. The applicant shall have an opportunity to present evidence to the Plan Commission contesting such determination of unsuitability. Thereafter the Plan Commission may affirm, modify or withdraw the determination of unsuitability. In any event, the following requirements must be met:

- a. All lots or parcels shall abut upon a public street, road, or highway for a minimum frontage width of 33 feet or as otherwise required in the City Land Division Ordinance (Chapter 18), if more restrictive. In hardship circumstances related to parcels of land existing prior to August 1982, the Plan Commission may, at their discretion, allow one (1) or two (2) residential principal uses on separate parcels to have access to a public street via a common easement as long as such easement is at least 33 feet in width and is wholly contained within one parcel.
- b. All principal structures shall be located on a lot or building space; and only one (1) principal structure shall be located, erected, or moved onto a lot or building space in a single-family residential district, with the exception of a located on a parcel of land held in common by all the owners of the individual single-family houses as a conditional use and the net density (dwelling unit to land ratio) of the condominium development is no greater than allowed under the zoning classification of the parcel.

Construction of accessory structures on a lot with no principal use will not be permitted. The Plan Commission may permit more than one principal structure per lot in districts where more than one structure is either needed or

suitable for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, open space or landscaping requirements, or parking requirements, or require a larger minimum separation distance between principal structures.

c. Permitted Projections in Required Yards

- (1) Landscaping and Vegetation are exempt from the yard requirements of this ordinance except that such vegetation shall not block traffic vision.
- (2) Structures and Vegetation used for landscaping and decorating may be placed in all yards, including the required street yard and side yards. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, decorative fences not exceeding three (3) feet in height, and trees, shrubs, and flowers.
- (3) Architectural Projections such as chimneys, flues, sills, eaves, belt courses, bay windows, canopies, awnings, roofs and architectural ornamentation may project into any required yard, but not more than three (3) feet.
- (4) Essential Services such as utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
- (5) Off-street Parking is not permitted in front yards in residential districts except on established paved driveway and such parking shall not protrude beyond the street curb or over an established sidewalk.
- (6) Uncovered stairs, landings, and fire escapes may project not more than five (5) feet into any yard and may not be closer than five (5) feet from any property line.

d. No Building or Zoning Permit shall be issued for a lot or parcel which abuts a public street dedicated to only a portion of its proposed right-of-way width and is located on that side of the proposed street from which the required dedicated right-of-way has not been secured.

e. Lots Abutting More Restrictive zoning districts shall provide side and rear yard setbacks not less than those required in the more restrictive abutting district. If the boundary of the more restrictive district is encompassed within railroad or street right-of-way, the more restrictive yard requirements may be waived by the City Planner.

f. No River or Stream shall be Altered or Relocated until such alteration has been applied for and granted in accordance with the requirements of Section 17.1100 of this ordinance, federal agencies, Wisconsin statutes and codes and regulations or other codes and ordinances of the City. **(Also see subsections 17.0435 and 17.0436 of this ordinance).**

g. Structures and plantings proposed to be located within the defined "Horizontal Area of Solar Detriment" of an existing use having an operational active solar system may not be placed so as to intrude into the defined "vertical Area of Solar Detriment" of the existing use. **(Please see subsection 17.0909).**

h. Soil Limitations Certain soil types within the City as shown on the operational soil survey maps prepared by the U.S.D.A., Soil Conservation Service (SCS)

in cooperation with the Southeastern Wisconsin Regional Planning Commission, have severe or very severe limitations for onsite soil absorption sanitary sewage disposal facilities due to one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. Such soil data will be considered by the Plan Commission when development requiring onsite soil absorption sanitary sewage disposal facilities are proposed on those soil types which have the above characteristics.

- i. No Topsoil or Subsoil shall be removed from any land development site or from individual agricultural, commercial, industrial, institutional. Or recreation sites or from land within the designated 100-year base flood floodplain without the proper review and approval of an application for such removal by the Plan Commission. If topsoil removal is permitted by the Plan Commission, enough topsoil must be retained on the site to provide a minimum of six (6) inches of topsoil to be spread over all future grassed or landscaped areas on the site. Screening, sifting or other processing of topsoil will not be allowed without permission of the Plan Commission. Likewise, no land, water or wetland area of the City shall be filled, ditched, drained or inundated without the approval of the Plan Commission and/or Common Council pursuant to this or other City Ordinances. No lands within the designated 100-year base flood floodplain may be filled, ditched, drained or inundated with the exception of the construction of required public utility and transportation facilities which would require adherence to regulations as set forth in this subsection and by FEMA and NR116. **(Also see subsection 17.0435 and 17.04360).**
- j. No trees or shrubs shall be removed from any land development site encompassing two or more dwelling unit parcels or encompassing more than four acres unless and until a plan is prepared by the owner or developer and approved by the Plan Commission or City Planner showing the location, type and size of all such wood growth and indicating which such growth will be removed and where and how it will be replaced or substituted for on the final development plan. Such plan must be submitted to the City Planner for review and recommendation to the plan Commission. Any site or building plan approval is contingent upon such a 'wood growth' plan being submitted and approved. If wood growth is removed without such approved plan, the owner or developer will be required to replace such wood growth on the basis of three (3) specimens for each one (1) removed.
- k. Any area of a development or construction site on which bare earth has been exposed to the elements and which will not be included within the building or structure envelope shall be seeded or sodded at the direction of the City Planner, City Engineer or Zoning Administrator so as to reduce erosion of soil on and off the site. All permanent stormwater facilities or improvements will be accomplished in accordance with the City stormwater management plan and plan implementation measures. **(See Chapter 19 of the Municipal Code).**

SECTION 2 –SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance.

SECTION 3 - ACTION

This Ordinance shall take effect upon passage and posting.

Dated this 19th day of September, 2022.

COMMON COUNCIL OF THE CITY OF PEWAUKEE

WAUKESHA COUNTY, WISCONSIN

Attest:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

ORDINANCE 22-19

**TO REPEAL AND REPLACE SECTION 17.0209 PERTAINING TO
USE RESTRICTIONS UNDER CHAPTER 17 ZONING CODE
OF THE CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN**

WHEREAS; the Plan Commission held a public hearing on August 18, 2022 and determined certain updates and revisions were necessary to Chapter 17; and

NOW THEREFORE, The Common Council of the City of Pewaukee, Waukesha County, Wisconsin do repeal and recreate Section 17.0209 to read as follows:

17.0209 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- a. Principal Uses. Only those principal uses as specified in zoning district regulations set forth herein, their essential services, and the following uses shall be permitted in that zoning district. Principal residential units located within a residential zoning district may not be used for retail or service commercial, institutional or industrial purposes except for an approved home occupation as defined in Section 17.1400 or a Community Based Residential Facility (CBRF), and such residential units may not be rented or leased by the owner or occupant to a second party for a period of time less than 28 consecutive days. (Also see definition of residential unit in Section 17.1400).
- b. Accessory Uses and Structures are permitted in any district, but not until their principal use and/or structure is present or under construction and a building or zoning permit is obtained. No accessory structures shall contain or constitute a separate dwelling or residential unit. Accessory structures attached to a principal structure by a breezeway or other like structure are not considered attached for the purpose of this section. Lean-tos and other roofed projections, exceeding three (3) feet shall be included in area calculations.

Accessory uses and structures include, but are not limited to: storage structures, parking structures and areas, gardening use and structures, private swimming pools, pool houses, cabanas, private emergency shelters, children play structures, greenhouses, sheds, decks, patios, gazebos, porches, boathouses, solar panels, fences, compost bins, sport courts, and animal shelters.

- (1) All accessory structures in Single-Family and Two-Family Residential Districts shall comply with the following standards, unless otherwise specified under Section 17.0209(2) detailed standards for specific uses and structures.

- (a) Quantity. Each residential lot shall be allowed no more than:

- i. One accessory structure 200 square feet or less in area
 - ii. One accessory structure up to a maximum of 1,200 square feet on a lot less than 2.5 acres. A residential lot 2.5 acres or greater shall be allowed two accessory structures up to 1,200 square feet or one accessory structure no more than 2,400 square feet
 - iii. The total area of all permitted accessory buildings and structures as listed within this ordinance shall not occupy more than 40% of the side and rear yards.
- (b) Lot Coverage. All principal and accessory buildings shall not occupy more than the maximum permitted lot coverage allowed within the applicable zoning district.
- (c) Location. No detached accessory structure shall be located within the street yard, front yard or a corner side yard. Accessory structures are allowed within the arterial street side of double frontage lots. Lots abutting Pewaukee Lake or its tributaries shall be considered double frontage lots and accessory structures shall be allowed on the street and water side of said lots. Accessory structures shall be oriented so as not to block all view of water bodies and/or other common private or public open space from existing principal residences located on adjacent parcels.
- (d) Setbacks.
 - i. Accessory structures 120 square feet or less shall be located a minimum of five (5) feet from the side and rear property lines.
 - ii. Accessory structures between 121 and 200 square feet shall be located a minimum of ten (10) feet from the side and rear property lines.
 - iii. Accessory structures exceeding 200 square feet shall meet the same minimum setbacks as principal buildings of the zoning district.
 - iv. Accessory structures, regardless of size, shall be located a minimum of:
 - 1. Five (5) feet from any public easement
 - 2. Ten (10) feet from any other structures (principal or accessory)
 - 3. Twenty-five (25) feet from a wetland
 - 4. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High-Water Mark of a navigable waterway, unless otherwise allowed in this ordinance.
 - v. In no case shall an accessory structure be required to meet a greater setback than required for the principal structure.
- (e) Height. An accessory structure shall have a maximum height of eighteen (18) feet.
- (f) Use. Residential accessory uses shall be subordinate to the residential use and shall not include a separate residential dwelling unit or involve the conduct of any business, trade, or industry except

approved home occupations and home offices as defined in this ordinance.

- (g) Design. Accessory structures shall be constructed of the same or complementary exterior materials as the principal structure on the parcel. In no case shall metal be utilized as a primary building material.

(2) Detailed Standards for certain residential accessory structures and use.

(a) Swimming Pools (Also see Section 14.30 of the City's Municipal Code)

- i. All swimming pools (in-ground or above ground) shall be a minimum of eighteen (18) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- ii. All swimming pools (in-ground or above ground) shall be a minimum of eight (8) feet from any public easement, as measured from the edge of the pool.
- iii. Concrete, decking and any other impervious surface surrounding the pool shall be a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- iv. All structures, including but not limited to fences and pool houses, shall be a minimum of four (4) feet from the edge of the pool.
- v. In-ground swimming pools shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a).

(b) Pool houses and cabanas

- i. Shall be setback in accordance with Subsection (1)(d) above.
- ii. Shall count towards the maximum quantity of structures allowed under 17.0209(1)(a).
- iii. Shall not be used, rented, or leased as a dwelling or residential unit or for overnight habitation.

(c) Fences

- i. Shall not exceed a height of six (6) feet as measured from grade
- ii. Shall be ornamental and not exceed a height of three (3) feet when placed on the street side of a residence within the front yard.
- iii. Shall not be located within a vision clearance triangle or within five (5) feet from a street property line when abutting a street.
- iv. Shall be setback a minimum of five (5) feet from the right-of-way line on a corner lot or two (2) feet on a double frontage lot.
- v. Shall be setback a minimum of two (2) feet from the property line to allow for maintenance of the fence.
- vi. No barbed wire, chicken wire, or electrically charged fences shall be allowed as permanent fencing in residential zoning districts.

(d) Home Use Residential Gardens

- i. Temporary style fencing, four (4) feet or less in height,

immediately surrounding a home use residential garden shall be allowed.

- (e) Decks
 - i. Attached and detached decks shall be setback a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- (f) Patios and other paved or graveled areas (See Section 17.0604 for driveway, access and parking standards)
 - i. Shall be setback a minimum of fifteen (15) feet from the side and rear property lines or as otherwise required within the underlying zoning district, whichever is least restrictive.
- (g) Porches
 - i. Shall be attached and considered part of the principal structure. As such, all porches shall comply with the minimum setbacks of the applicable zoning district.
- (h) Boathouses (See Section 17.0436)
 - i. Shall be setback a minimum of five (5) feet from the ordinary high water mark of a lake or stream.
 - ii. Shall be setback a minimum of ten (10) feet from the side property line. For properties zoned Rs-7 District, the minimum side yard setback shall conform to the same required setback as the principal structure based upon lot width and setback requirements of Section 17.0411.
 - iii. Shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a)
 - iv. Shall not exceed six hundred (600) square feet in area.
 - v. Shall not exceed fifteen (15) feet in height.
 - vi. Decks located upon flat roofs are permitted and shall have railing between thirty (30) and thirty-eight (38) inches. Railings shall be exempt from the maximum height allowed under sub v. above.
 - vii. Shall have a maximum width of twenty (20) feet along the shore lot line.
 - viii. Shall have a maximum distance from the shore lot line to the rear of the boathouse structure shall be thirty-five (35) feet.
- (i) Children play structures and tree houses
 - i. Must be located a minimum of five (5) feet from the side and rear property lines.
 - ii. Shall not count toward the maximum quantity of structures allowed under 17.0209(1)(a).
- (j) Solar panels (Also see Section 17.0909a.2.)
 - i. Roof Mounted Systems
 - 1. Shall be permissible on principal and accessory structures
 - 2. Shall be flush mounted whenever possible

3. Shall not extend above the highest peak of a pitched roof
4. Shall not extend more than three (3) feet greater than the maximum height allowed for the structure in accordance with the zoning district
- ii. Ground Mounted Systems
 1. Shall be considered impervious and adhere to the general accessory structure requirements of Section 17.0209b.(1) above.
 2. The minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be twelve (12) inches
 3. All parts of the free-standing system shall be located a minimum of fifteen (15) feet from the side and rear property lines.

(k) Home Occupation

- i. Home occupations may be conducted within single-family and multi-family dwellings.
- ii. The home occupation shall be conducted entirely within the dwelling and the total floor space required or used for such home occupation shall not be greater than twenty (20) percent of the total floor area of any floor within the residence and shall not be conducted within any accessory building
- iii. The home occupation shall not create noise, odor or electrical disturbance which can be detected outside the residence.
- iv. There can be no more than one (1) employee that does not live in the home.
- v. There shall be no customer traffic, no parking or servicing of vehicles not licensed to the homeowner, no parking outside a garage of more than one vehicle used in the business and no non-residential solid waste shall be stored outside.
- vi. There shall be no visible evidence from outside the residence that the residence is being used for home occupation purposes, and there shall be no signage displayed.

(3) The following accessory structures are allowed without the issuance of a building or zoning permit, subject to compliance with all standards of Section 7.0209b.(1).

- (a) Any accessory structure thirty-five (35) square feet or less.
- (b) Mechanical equipment
 - i. Mechanical equipment, such as air conditioning units, shall be setback a minimum of five (5) feet from the side and rear property lines.
 - ii. Mechanical equipment located within the street, front or corner side yard shall be setback a minimum of five (5) feet from the right-of-way line and fully screened from public by a Planting

Screen.

- (4) Accessory structures and uses in Agricultural Districts are allowed as stated under Sections 17.0403 and 17.0404. All accessory structures shall be subject to Plan Commission approval of a Site and Building Plan Review Application, except for the following structures, which may be approved by the Zoning Administrator under review of applicable building permits.
 - (a) Fences, not exceeding eight (8) feet in height shall be allowed with approval of a Building Permit. Fences greater than eight (8) feet shall be subject to Plan Commission review of a Site and Building Plan Review Application.
 - (b) Roadside stands for the sale of agricultural products shall be allowed with Zoning Administrator approval of a Business Plan of Operation Application in addition to applicable building permits. Roadside stands shall have sufficient off-street parking and loading areas to accommodate the use.
 - (c) Animal shelters and up to two (2) storage buildings not exceeding 2,400 square feet.
 - (5) All accessory structures and uses in Multi-Family Residential and Nonresidential Districts are permitted as may be allowed within each individual zoning district and with Plan Commission approval of a Site and Building Plan Review Application for any building or site improvements. Also see Section 17.0210.
- c. Temporary Uses or Structures are allowed within any zoning district as required below. Temporary uses not listed shall require Plan Commission approval of a Temporary Use Permit.
- (1) All Temporary Uses shall comply with the following standards, unless otherwise approved by the Plan Commission:
 - i. Location. No temporary structure shall encroach upon City property, City rights-of-way, neighboring property, sidewalks, or be placed in the street.
 - ii. Setbacks. Temporary structures, regardless of size, shall be located a minimum of:
 - 1. Five (5) feet from any public easement
 - 2. Ten (10) feet from any other structures (principal or accessory)
 - 3. Twenty-five (25) feet from a wetland
 - 4. Seventy-five (75) feet from a 100-year floodplain boundary or Ordinary High Water Mark of a navigable waterway.
 - iii. Height. A temporary structure shall have a maximum height eighteen (18) feet.
 - iv. Use. Temporary Uses are not accessory uses and may not be used as permanent or temporary storage units or as signs or sign supporting structures.

- v. Expiration. All Temporary Uses are limited to 30 days per calendar year unless otherwise specified below or as may be approved by the Plan Commission.
- (2) Temporary Uses allowed without the issuance of a Temporary Use Permit.
 - i. Construction related shelters for materials and equipment, construction office trailers and other construction related uses.
 - 1. Any structure or outdoor storage area designed for the onsite storage of construction equipment and/or materials of active construction projects
 - 2. Construction related temporary structures shall be removed upon completion of the active construction phase of the project.
 - ii. Dumpsters required for construction sites
 - 1. Shall be placed on a paved or graveled surface
 - 2. Shall be removed following completion of work or as required by the Building Inspector or Zoning Administrator.
 - iii. Pre-construction sales offices
 - 1. Shall be allowed in single-family, two-family and multi-family residential zoning districts only.
 - 2. The structure shall be removed upon the completion of the permanent dwelling structure(s) located onsite.
 - iv. Recreational Vehicles and Mobile Homes
 - 1. Shall be limited to one such vehicle owned by the owner of the premises and less than thirty (30) feet in length, including draw bar or 'tounge'.
 - 2. Shall not be located within the front yard of a lot
 - 3. Shall be allowed no more than sixty (60) consecutive days per calendar year.
 - v. Garage and Yard Sales
 - 1. Shall be allowed in single-family, two-family and multi-family residential zoning districts only.
 - 2. Shall be limited to three (3) such sales within a calendar year, each for a duration not to exceed three (3) consecutive days
 - vi. Public Interest and Special Events
 - 1. Such events shall be allowed in all zoning districts.
 - 2. Such events shall include but not limited to outdoor food sales, outdoor car wash, or other gatherings for the benefit of the community, a particular service or a non-0profit organization.
 - 3. Limited to no more than six (6) times per year.
 - 4. Each event shall be no longer than fourteen (14) days.
- (3) Temporary Uses allowed with Zoning Administrator review and approval of a Temporary Use Permit.
 - i. Movable or portable storage units
 - 1. No such storage units shall be greater than twenty (20) feet in length, ten (10) feet in width, and ten (10) feet in height.
 - 2. Storage units shall be placed on a paved or graveled surface.
 - ii. Carport or similar temporary structure

1. Storage units shall be placed on a paved or graveled surface.
 2. Shall not be located within the front yard of a lot.
- iii. Outdoor seasonal sales and farmers markets
1. Allowed in agricultural and nonresidential districts only.
 2. Limited to ninety (90) days per calendar year.
- d. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission and when approved, requiring special zoning district map delineation in accordance with section 17.0400. In addition to those uses specified elsewhere herein, the following uses may be deemed to be conditional uses by the Plan Commission: Any principal use in addition to the first such use on a single building parcel or space; any parcel proposed to be divided so as to create a 'flag lot' any proposed use or development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, and other controlled access highway; withing 1,500 feet of an existing or proposed freeway or expressway interchange or turning lane right-of-way; or, any proposed use within 500 feet of the existing or proposed intersections of two or more arterial streets or highways which requires a rezoning of the parcel or a conditional use, shall be specifically reviewed and approved by the Plan Commission and Common Council as provided in section 17.0500 of this ordinance and once issued may not be rescinded except by Plan Commission and Common Council action unless the use is discontinued for a period of twelve (20) months.
- e. Unclassified or Unspecified Uses may be permitted by the Plan Commission provided that such uses are similar in character to the principal uses permitted in the zoning district and create not circumstances that would detrimentally affect adjacent properties.
- f. Legal Non-conforming Uses existing at the time of adoption of this ordinance revision may be continued until the specific use is discontinued, at which time any subsequent use of this premises involved must be in conformance with this ordinance.
- g. Conceptual Approval of Planned Unit Development (PUD), group housing, CBRFs, multiple family development, commercial, industrial, institutional, or mixed-use projects may be granted by the Plan Commission. Such conceptual approval shall serve as a notice of intent to formally approve a project when detailed plans and/or zoning petitions meeting the requirements of this Ordinance and conditions set by the Plan Commission are submitted in a formal proposal or application. ***Conceptual approval shall not, however, be binding on the Plan Commission or the Common Council.*** In such cases, the Plan Commission may require a public hearing conforming to the review procedures set forth in sections 17.0500 and 17.1300 of this ordinance.

SECTION 2 –SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance.

SECTION 3 - ACTION

This Ordinance shall take effect upon passage and posting.

Dated this 19th day of September, 2022.

COMMON COUNCIL OF THE CITY OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Attest:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

ORDINANCE 22-20

**TO REPEAL SUB-SECTION 17.0902b ACCESSORY USES FROM 17.0902 YARDS
UNDER SECTION 17.0900 OF THE ZONING CODE PERTAINING TO
MODIFICATIONS AUTHORIZED BY PLAN COMMISSION
OF THE CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN**

WHEREAS; the Plan Commission held a public hearing on August 18, 2022 and determined certain updates and revisions were necessary to Chapter 17; and

NOW THEREFORE, The Common Council of the City of Pewaukee, Waukesha County, Wisconsin do repeal and recreate Section 17.0902 to read as follows:

17.0902 YARDS

The Plan Commission may permit, after review at a regularly scheduled Plan Commission meeting, certain yard requirements to be modified; but such modifications shall be in accord with the following:

- a. Structures and Vegetation used for landscaping and decorating may be placed in the required street yard and side yards. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, decorative fences not exceeding three (3) feet in height, and trees, shrubs, and flowers.
- b. Architectural Projections such as chimneys, flues, sills, eaves, belt courses, roofs and architectural ornamentation may project into any required yard, but not more than three (3) feet.
- c. Essential Services such as utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- d. Off-street Parking is not permitted in front yards in residential districts, except on an established paved driveway and such parking shall not protrude beyond the street curb or over an established sidewalk.
- e. Residential Fences and Hedges are permitted on the property lines in the yards of residential districts, but shall not, in any case, exceed a height of six (6) feet; shall not exceed a height of three (3) feet when placed on the street side of a residence and within the front yard setback area; and, shall not be closer than five (5) feet to any public right-of-way.
- f. Security Fences are permitted on the side and rear property lines in all districts but shall not exceed six (6) feet in height in residential districts and ten (10) feet in height in all other districts unless otherwise required by the Plan Commission, and shall be in keeping with the residential character when on or abutting residential property and of an open type similar to woven wire or wrought iron fencing in non-residential areas, unless otherwise required by the Plan Commission. (See 'e' above).

- g. Landscaping and Vegetation are exempt from the yard requirements of this ordinance except that such vegetation shall not block traffic vision.
- h. Uncovered Stairs, landings, and fire escapes may project not more than five (5) feet into any yard and may not be closer than five (5) feet from any property line.

SECTION 2 –SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance.

SECTION 3 - ACTION

This Ordinance shall take effect upon passage and posting.

Dated this 19th day of September, 2022.

COMMON COUNCIL OF THE CITY OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Attest:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 12.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding **Resolution 22-09-29** to Amend the City's Fee Schedule to Add a Temporary Use Permit Application Fee of \$50.00 [Fuchs]

BACKGROUND:

The revised temporary use regulations include a provision that certain temporary uses obtain a Temporary Use Permit. As such, staff has drafted an application and is proposing to amend the City's fee schedule to include a \$50 fee for this staff review and permit.

Temporary uses that require a permit and fee include movable or portable storage units, carports or similar temporary structures, and outdoor seasonal sales and farmers markets.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the proposed amendment to the City's fee schedule to add a Temporary Use Permit fee of \$50.00.

ATTACHMENTS:

Description

Resolution 22-09-29

RESOLUTION 22-09-29
A RESOLUTION TO AMEND THE 2022 FEE SCHEDULE
FOR THE CITY OF PEWAUKEE

WHEREAS, the City of Pewaukee Common Council has created a City Code of Ordinances; and

WHEREAS, the City of Pewaukee requires certain fees for services provided by the city as currently outlined in the sections of the Municipal Code; and

WHEREAS, the City Common Council has an obligation to the taxpayers in the City of Pewaukee to establish fair fees, cash bonds, and letters of credit requirements to offset the services and actual cost of City employees for review and inspection; and

WHEREAS, the City of Pewaukee adopted the 2022 Fee Schedule on December 20, 2022 through the passage of Resolution 21-12-46; and

WHEREAS, the City of Pewaukee decides from time to time, these fees for such approved activities within the City may be modified by the City Common Council by resolution.

NOW THEREFORE, the Common Council of the City of Pewaukee, **DOES HEREBY RESOLVE AS FOLLOWS**:

SECTION 1: SCHEDULE OF FEES.

The following shall be modified the Schedule of Fees for services provided by City of Pewaukee personnel:

III. PLANNING REVIEW AND ZONING ADMINISTRATION

A. ZONING - (Chapter 17)	
1. Zoning ordinance or district map amendment	\$400.00 plus Cost for Publication, Notice & All Attorney Fees Related to Project
2. Conditional Use Permit	\$400.00 plus Cost for Publication, Notice & All Attorney Fees Related to Project
3. Zoning Board of Appeals	\$400.00 plus Cost for Publication, Notice & All Attorney Fees Related to Project
4. Special Meeting with Plan Commission	\$500.00
5. Signs (<u>requiring a permit</u>)	\$50.00 plus \$2.00 / square foot – Maximum \$500.00 (electric permit not included)

6. Zoning Permit (Fences/Sheds/Patio Slabs/Gazebo/Play Structures/Driveway & Other as determined by the Building Inspector	\$ 75.00
7. Zoning Compliance Letter *	\$ 50.00
*Additional Fee for Processing Letter to be Available within two business days	\$ 25.00
8. Lot Line Adjustment, Lot Split	\$250.00
9. Business Plan of Operations	\$100.00
10. Site or Building Plan Review by Plan Commission	\$500.00
11. Site or Plan Amendment Review by Plan Commission	\$250.00
12. Site or Building Plan Review by Staff	\$ 75.00
13. Conceptual Review Application	\$200.00
14. Temporary Use Permit	\$ 50.00

SECTION 2: EFFECTIVE DATE.

This resolution shall take effect upon passage and posting or publication as provided by law.

Dated the 19th day of September, 2022.

CITY OF PEWAUKEE

ATTEST:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 13.**

DATE: September 19, 2022

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding Revisions to the City's Needs Assessment Study and Impact Fee Analysis for Parks, Fire Department, and Trails [Wagner / Fuchs]

BACKGROUND:

The City adopted the current Needs Assessment Study and Impact Fee Analysis in 2020. However, certain suggestions did not make it into the final document at that time. Staff is now bringing forward these revisions to be incorporated into the study.

The changes relate to language regarding sidewalks, trails, and bicycle projects and references to the City's Bicycle and Pedestrian Facility Plan and Bike Pedestrian Capital Plan.

Generally this language makes it clear that the City intends to spend impact fees on projects within these plans as well as projects outside of these plans if deemed a benefit to future development.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion approving the revisions to the City's Needs Assessment Study and Impact Fee Analysis for Parks, Fire Department, and Trails.

ATTACHMENTS:

Description

Needs Assessment Study Final 9-9-22_Draft



Needs Assessment Study and Impact Fees Analysis for Parks, Fire Department, and Trails

Prepared for: City of Pewaukee, Wisconsin

Prepared by: Clark Dietz, Inc.

Date: November 2020

Revised: September 2022 by the City of Pewaukee

Professional Consulting and Design Services

ClarkDietz

Engineering Quality of Life™

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Chapter 1

Introduction

INTRODUCTION

The City of Pewaukee, Wisconsin is located in east-central Waukesha County, approximately 20 miles west of downtown Milwaukee. Until about 1980 the Town (now City¹) of Pewaukee was, basically, a 25 square mile rural town with only limited public sanitary sewerage services near the shore of Lake Pewaukee. The Town population was about 9,000 in 1980. The urban development and proliferation of public utility services that has occurred throughout the Town/City during the past 30 years based on sound long range plans has, however, resulted in significant low - to medium density residential development and medium density office, manufacturing and warehouse development. At the same time, over 25 percent of the City's total land area is being permanently protected as wetlands, floodlands, and general open space – in addition to about two square miles of Lake Pewaukee. The City is bounded by the Town and City of Brookfield and the Village of Menomonee Falls to the east, the City of Waukesha to the south, the Town of Delafield and Town of Merton to the west, and the Town of Lisbon and Villages of Sussex and Pewaukee to the north. The City surrounds the Village of Pewaukee on three sides. The City currently encompasses 21.3 square miles of land and water area.

Between the 2000 and 2010 federal census of population, the City of Pewaukee's population increased at a higher rate than Waukesha County as a whole. The City had a population growth rate of 9.4 percent, while the County experienced a growth rate of 8.1 percent. This trend of higher population growth rates in the City than in the County is expected to continue during the next 21 years. The 2010 population of the City of Pewaukee was 13,195. The City's official January 1, 2018 population is 14,436 people, which represents a 9.4 percent increase over the 2010 census figure. The City of Pewaukee is currently experiencing moderate residential, industrial, and commercial development. This moderate growth trend is projected to continue over the planning period. ² The City's Neighborhood Plans anticipate a population of 20,100 by 2050, or a 39 percent increase over the next 32 years.

BACKGROUND AND HISTORY

Section 66.0617 of Wisconsin statutes, originally enacted in 1993 and subsequently revised, provides authority for municipalities (cities, villages, or towns) to enact ordinances that impose impact fees on builders/developers based on the impact such development will have on the community's facilities and services. A copy of the statute is provided as Appendix A to this document. The statute authorizes a municipality to impose impact fees to offset capital costs to construct, expand, or improve the following public facilities due to the impact of new development on the community:

1. Highways and other transportation facilities including traffic control devices.
2. Facilities for collecting and treating sewage.
3. Facilities for collecting and treating storm and surface waters.
4. Facilities for pumping, storing, and distributing potable water.
5. Parks, playgrounds, and athletic fields.
6. Solid waste and recycling facilities.
7. Fire protection facilities.
8. Law enforcement facilities.
9. Emergency medical facilities.
10. Libraries.

¹ The Town of Pewaukee incorporated as the City of Pewaukee in February 1999.

² All population data are as provided by the Wisconsin Department of Administration and the U.S. Census Bureau.

Capital costs include the costs to construct new or expand existing public facilities as listed above, including the cost of land. It may also include legal, engineering, and design costs, except that not more than 10 percent of capital costs may consist of such costs. "Public facilities" may not include facilities owned by a school district. Also, impact fees may not include amounts necessary to address existing deficiencies in public facilities. The imposition of impact fees does not prohibit or limit the authority of a municipality to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a municipality shall be reduced to compensate for any other costs of public facilities imposed by the municipality on developers to provide or pay for capital costs. An 'impact fee' under Wisconsin statutes is a one-time charge payable by the developer or property owner at the time the building permit is issued to offset the impact the use or inhabitants of the new building has or will have on the City to provide certain services. Under the current version of the statute, if the collected fee is not spent within 10 years from the time it was collected, which can be extended to 13 years, the fee must be returned to the person or company from whom it was collected. §66.0617(9), Stats.

At the time the initial Town/City impact fee ordinance was adopted in early 1992 by the Town of Pewaukee, (prior to the 1993 state legislation) the Town Board's rationale for exacting such fees was that it was not fair for the existing population to pay for new or expanded services and facilities through taxation that they neither needed or wanted but which were required due to the new development occurring in the Town. At the same time it was understood that the existing population would gain some benefit from new development and its ancillary capital improvements. It was determined that a one-time impact fee would be exacted from each builder when a building permit for new construction was issued. The fee was determined by the building square footage and the type or expected primary use of the building based on zoning. For example, a warehouse does not have the same impact, per square foot of space, on community infrastructure and resources as does a retail store or a residence. Likewise, a large industrial building with a large warehouse space does not have the same impact on the community as a smaller industrial building with no warehouse space.

In early 1992, prior to the enactment of §66.0617, there were no limitations on what kinds of buildings or uses could or could not be assessed an impact fee or for what the collected fee could be used. At that time the Town of Pewaukee Town Board determined, however, that a limitation needed to be placed on such fees in order that current taxpayers and new building owners (potential new taxpayers) would share in the cost of required expanded or additional public services and facilities and all parties involved treated fairly. It was determined at that time that the collected fee would be placed in a separate interest-bearing account and used only for the construction of new or expansion of existing Town-owned buildings and ancillary public utilities and the acquisition of land for such construction. The Town Board also originally determined that impact fees could be used for no more than 60 percent of such construction. That percentage was revised to 50 percent in 1996. The Town Board determined that it was also critical that the impact fee not be generic to all types and uses of buildings but, rather, take into account the individual uses of each building and the perceived impact each particular new use would have on the entire community, both physically and fiscally. A fee structure was established that included 16 separate fees, based on a combination of use and square footage, and based on the builder's calculation of the building square footage ranging from small residential apartment units to large industrial buildings and including institutional and tax-exempt buildings. The fees were originally set between \$0.20 and \$0.50 per square foot, depending on use/zoning and size of each structure. Those fees did not change for 18 years. From about 1995 to 2009 general impact fees collected by the Town/City were used to partially pay for the construction of: an expanded police department building; an expanded public works building and garage; and a new fire station. A separate impact fee in the form of a 'park dedication fee', initially instituted by the Town Board in 1965, was used to partially pay for land for a new park, a park building, and the expansion of two older park buildings.

In addition to the 'general impact fee' established in 1992 for all new building construction, as set forth above, the Town Board determined at that time that the separate so-called 'park dedication fee', which is charged to only residential developers for each new potential residential unit based on the developers final plat or CSM, would continue to be collected, placed in a separate account, and the fees earmarked for only park land acquisition and development. That fee, initially established in 1965 at \$250 per new dwelling unit, was changed twice over the years and in 2009 was increased to \$600 per new dwelling unit. Pursuant to state statute and because of the City's 2012 Impact Fee Analysis, that fee is now charged to the residential builder when the

building permit is issued. Another result of that study was that the City discontinued the term ‘park dedication fee’ and replaced it with a park impact fee.

In reviewing the statutes during preparation of the 2012 study, it was determined that of the ten categories of state-authorized potential impact fees listed previously, the only anticipated impact fee needs in the City in the next 25 years are in regard to parks, fire and rescue, and trail facilities. It is not expected that the City will need impact fee revenue to expand existing facilities or construct new facilities in the other seven categories listed to meet demands created by future development. The 2012 needs assessment report, therefore, detailed only the City’s existing parks, fire/rescue protection, and trail resources as well as the new facilities needed to service new population and development growth. The costs of any needed new facilities were summarized and used to calculate impact fees.

The two separate impact fees described above that were previously exacted by the City were replaced with individual impact fees for the type of project or facilities to be improved or constructed. The 2012 study therefore established impact fees for fire and rescue and parks facilities.

PURPOSE AND SCOPE

This update of the needs assessment study was promulgated by the City Common Council in an effort to revisit the City’s parks, fire and rescue, and trail impact fees in order to comply with the current statutory requirements and to update the types of projects that the impact fees will fund for future needs.

It was determined once again that the only anticipated impact fee needs in the City in the next 30 years are in regard to parks, fire and rescue, and trail facilities. It is not expected that the City will require impact fee revenue to expand or construct new facilities in the other seven categories. This needs assessment report summarizes only the City’s existing parks, fire/rescue protection, and trail resources and the new facilities required for new population and development growth. The costs of the needed new facilities are summarized and used to calculate revised impact fees. The current impact fee structure including the three separate fees will remain in place.

SERVICE AREA

Because the City public services/facilities listed in the preceding paragraph are ubiquitous within the City, it was determined that the area within which impact fees will be exacted is the entire corporate territory of the City. A map of the service area is provided in Appendix B.

RELATED STUDIES AND REPORTS

The following reports were utilized extensively in the preparation of this needs assessment study:

“Impact Fee Analysis, Parks, Fire and Trails”, prepared by Arenz, Molter, Macy, Riffle & Larson, S.C., Crispell-Snyder, Inc., and City staff, February 2012.

“Pewaukee Park and Recreation Department Joint Park & Recreation Comprehensive Plan”, prepared by Kelly Woldanski, MSRA, CPRP, October 2013.

“City of Pewaukee Comprehensive Plan for 2035”, prepared by Waukesha County and City Planning staff, April 2009 (an update and expansion of the City’s 2020 Land Use/Transportation Plan).

“Neighborhood Plans for the City of Pewaukee, 2015 – 2050”, prepared by City Planning staff (an update of the City’s 2035 Comprehensive Plan).

“2003 Bicycle and Pedestrian Facility Plan with 2019 Plan Updates”, prepared by raSmith, March 2019, attached as Appendix D.

Chapter 2

Expected City Growth

GENERAL

Planned land use and population growth and related development directly influence the required services within a municipality. This chapter discusses population forecasts and projections within the City of Pewaukee service area based on regional and City plans.

POPULATION SUMMARY

According to the 2010 Federal Census reports, the average housing unit (dwelling unit) in the City of Pewaukee houses 2.42 persons. The 2010 Federal Census set the City's population at 13,195, and the most current January 1, 2018 estimates set the current population at 14,436. The number of current dwelling units associated with the residential population is, therefore, $14,436 \div 2.42 = 5,965$ dwelling units. A housing or dwelling unit may consist of a single-family, multi-family, rental, condominium, cooperative, owner or nonowner-occupied unit.

POPULATION FORECASTS/PROJECTION

Population forecasts are calculations based on planned residential development over established periods of future time and reflect the changes that are brought about through land use planning. A population projection, on the other hand, is the continuation of a population trend line extending from a point in the known past to a future point(s) in time. Based on the "Comprehensive Plan for Southeastern Wisconsin for the Year 2035", the Southeastern Wisconsin Regional Planning Commission (SEWRPC) developed population forecasts for all communities in the seven-county region, including the City of Pewaukee, from 2010 until the "regional comprehensive plan" year of 2035. The Wisconsin Department of Administration (WisDOA) Demographic Services Center has also developed projections to the year 2040. In addition, the City's 2009 Comprehensive Plan included a forecast of population growth for the 2010-2035 planning. These forecasts and projection are shown in Table 2-1 below.

Table 2-1
City of Pewaukee
Population Forecasts/Projection

AGENCY	2015	2020	2025	2030	2035	2040	2050
SEWRPC Forecast	15,200	16,200	17,100	17,900	18,350		
City Planning Forecast (2009 Comprehensive Plan)	13,200	14,300	15,500	16,700	17,900		
WisDOA Projection	13,930	15,310	16,590	17,800	18,580	19,010	
Neighborhood Plans for 2015 – 2050							20,100

Sources: SEWRPC, WI Demographic Services Center, and City Planning staff.

The City Planning forecast is the most conservative of the three estimates, while the SEWRPC forecast was generally the most optimistic. The current DOA projection falls between the two. The actual reality of future population growth in the City of Pewaukee will likely be closest to the City's forecast. It estimated a 2020 population of 14,300; the City's 2018 population was just over this at 14,436. The population will not reach the DOA's projection of 15,310 by 2020. The SEWRPC and DOA estimates show more aggressive growth over the next 11 years, but all three estimates come closer together by 2035.

The City's "Comprehensive Plan for the Year 2035" was completed in 2009. That plan was later amended with the adoption of "Neighborhood Plans for the City of Pewaukee 2015-2050", prepared by the City Planning Department. The 2050 plan estimates the population at 20,100 for 2050. That estimate follows in line with the SEWRPC, DOA, and City Planning estimates of continued steady population growth. The City planning forecast of 20,100 residents will be used to estimate the future population in this study.

The City's forecast population increase of 5,664 people between 2018 and 2050 will result in about 2,340 new dwelling units ($5,664 \div 2.42$) or an average of 73 dwelling units (both single- and multi-family) per year for the next 32 years, for a City total of 8,305 dwelling units by 2050. The City's land use plan (included in Appendix B) shows new residential development occurring near existing residential areas spread throughout the City.

Population forecasts or projections can be uncertain due to future development and various economic, environmental, and political factors. One or more unplanned subdivisions or industrial developments or an unexpected downturn in the regional and national economy can have a great impact on the overall growth/development pattern and can result in a corresponding decrease or increase in development. Therefore, periodic revisions or updates to this report should be programmed.

NON-RESIDENTIAL DEVELOPMENT

The previous Needs Assessment Study based the expected future non-residential development on an estimate of acres and thereby square feet of new building sites. The City of Pewaukee's current Neighborhood Plan projects the anticipated development in the City by 2050. The table in Appendix C is taken directly from the Neighborhood Plan and shows the acres of expected development of all types. The table shows an overall increase in Commercial development and decreases in Industrial and Institutional development. The majority of the new development is expected to occur in the northwest part of the City. Overall, non-residential development is expected to increase by approximately 63 acres in the next 30 years. The total area devoted to non-residential development in 2050 is projected to be 2,159.5 acres. Therefore, new development will make up 2.9 percent of the total. The fee will be based on the total acres of the development site.

Chapter 3

Impacts on Selected Existing and Future Public Facilities

INTRODUCTION

This Chapter outlines the expected physical and fiscal impacts the forecast population and related development will have on the City's park, fire and rescue and trail facilities over the period 2019 to 2035.

Public Parks and Recreation Facilities

1. General

Depending upon their population and geographic size, cities, villages and towns in Wisconsin may have several types of publicly owned parks within their boundaries. Typically, a local urban community will have publicly owned and operated 'community' parks, 'neighborhood' parks and, perhaps, 'special activity' parks.

Community parks are parks that are large enough (25-40 acres) to provide space for several types of active play area as well as some passive/non-active area serving a broad range of age groups and serving an entire small (1,000 – 10,000 population) urban community or a large portion of a medium to large (10,000 + population) urban community. Such parks, depending on size, usually include, in addition to standard neighborhood park playground facilities, a large indoor/outdoor pavilion that can be used by public and private community groups, lighted ball fields, large parking area, tennis/squash courts, picnic area, dog walking area, and other community-oriented facilities. Such parks usually also serve some or all the 'neighborhood' park/playground needs within their area of the overall community. The City of Pewaukee's 26-acre Wagner Park is such a 'community' park.

Neighborhood parks, recommended to be 10-15 acres in size, serve a specific neighborhood (1,500 – 3,000 population encompassed within a roughly one square mile area) within a medium density urban community and provide active play area and equipment for, primarily, pre-school and elementary school age children that, preferably, can walk or be walked or ride a bicycle from home to the park without crossing arterial streets/highways. Such parks usually include a small building for indoor recreation programs and storage, small parking area, one or two softball fields, one or two basketball goals, one or two small soccer fields, and other small activity related recreation equipment/area. The City's Nettesheim, Balmer, and South Parks are all classified as 'neighborhood' parks and the City's 11-acre Springdale Park is a limited use neighborhood park because only about three acres of the park is usable for active park purposes, the remaining acres being wetland.

Special activity parks, recommended to be larger than 40 acres and designed to serve a medium to large urban community, are usually developed by the community to provide recreation facilities for activities that are not or should not be included in either a 'community' or 'neighborhood' park venue due to the requirement for substantial parking area, lighting, vending and food sales area. Such activities might include: adult league lighted baseball fields and other competition field sports, competition swimming pool, amusement complex, competition gun and archery ranges, zoo, aquarium, skate board facility, or an historical site. Such a park may also include active playground facilities and a pavilion usually found in a neighborhood or community park. The City's 59-acre Sports Complex park is such a special activity park. It should be noted that some 'special activity' parks, such as swimming beaches, may only need a small acreage. The City has no such park and none is contemplated.

Other park/open space areas in an urban community may include: a 'regional' park commonly owned and operated by the county or state; public or privately owned passive 'parkways' located in the vicinity of and/or encompassing floodplains, wetlands, woodlands and steep or undulating terrain; private subdivision development storm water management ponds, aesthetic open space, and/or playground areas; bike and hike trails within public and private street/utility rights-of-way; and institutional (school/college/church) recreation/

athletic lands and facilities. Such lands and facilities are not usually factored into the “acres of active ‘parkland’ per 1,000 population” calculation for comparison to established standards due to the fact that most such land cannot be used or developed to be used for ‘active’ recreation or if so developed for active recreation purposes cannot be relied on to be continuously available to the general public. Such lands and facilities become complimentary to public park and recreation facilities as aesthetic open space or potential ‘occasional use’ facilities.

2. Standards

Over the decades going back to the 19th century various agencies of government and organizations throughout the U.S. have created and promulgated standards for the public provision of parks and/or open space lands. Such standards have ranged from three (3) to 15 acres per 1,000 people living in a community, depending on the particular local definition of ‘park’ and ‘open space’. For example, are we talking about only ‘active’ park/recreation space or ‘active’ and ‘passive’ park/open space; only certain types of parks/parkland or all parkland; do we include separate ‘natural’ land/water areas that can never be developed?

Until 1996 the National Recreation and Park Association (NRPA) promulgated a general community public park standard of 10 acres per 1,000 people. The problem was, and indeed still is, that general state or national numerical standards established to be ubiquitous are difficult to relate to individual communities that are each unique in physical, social, fiscal, geographic, and land use configuration. Probably recognizing this problem, the NRPA, in 1996, abandoned the promulgation of a single or set of standards, suggesting that political units and agencies of government establish their own individual standards. Some communities have no community owned (public) parklands because they have determined that their extremely low residential density is sufficient to provide private ‘park’ activity area or are relying on other public (county/regional/state) or private agencies to provide such lands/development, if any. On the other hand, some communities have acquired and developed relatively large areas of parkland as an enhancement to the community’s attractiveness and property value.

Since about 1980 the Town/City of Pewaukee planning staff in its preparation of Town/City plans has adhered to the need for a standard of 10 to 15 acres of parkland per 1,000 people depending on whether the measure of the standard is only developed land or the total park site. It is now proposed that the City of Pewaukee use a standard of eight (8) acres of fully developed active park/recreation land per 1,000 population utilizing the three basic types of local community parks described above. The use of this standard recognizes that each park site may include land that is not developable and that there may be other developed parklands within and adjacent to the Town/City which are owned by other public or private entities but, if they exist, can only be enhancements or a compliment to the City park system. The standard also recognizes that there is a large amount of public and privately owned natural open space area within the City that can and should be preserved but should not be developed for active park/recreation purposes. In fact, according to the City’s comprehensive land use plan, when the City’s planned urban development is complete (expected to occur by 2035) over 25 percent of the City’s 21.3 square mile area will be retained in natural and man-made undevelopable open space. Using eight (8) acres per 1,000 residents as the fully developed active park standard, the City would need about 161 acres of City-owned fully developed active parkland by the year 2050 (using the planning department’s population forecast).

3. Park and Recreation Inventory

An inventory of the park and recreation facilities in the City of Pewaukee was presented in the 1999 Park and Open Space Plan and the 2006 Addendum to that Plan. Some information in this chapter was taken from those two reports. The rest of the information was provided by the City’s Park & Recreation Department. There are eight individual City-owned park sites within the City of Pewaukee. As depicted in Table 3-1, the eight park sites encompass a total of 155 acres. 137 acres in five sites are currently (2019) fully developed. A map of these sites is included in Appendix C.

An additional potential regional park/recreational facility located partially within the City of Pewaukee and partially within the Town of Lisbon is the 204-acre Ryan County Park owned by Waukesha County. This proposed

regional park is currently undeveloped. Another approximately 250 acres of county-owned natural open space and parkway are also located within the City, primarily along the Fox and Pewaukee Rivers and Meadowbrook Creek.

Table 3-1
City of Pewaukee
Existing Park and Open Space Sites – 2019

PARK	Acres	Baseball Fields	Basketball Courts	Building Rentals	Horseshoes	Passive Recreation Area	Picnic Area	Playground	Restrooms	Shelter	Softball Field	Soccer Field*	Tennis Court	Volleyball Court	Youth Program	Handicap Accessible
Balmer Park - <i>Neighborhood</i>	16	-	X	X	X	X	X	X	X	X	X	X	X	X	X	-
Fieldhack	1	-	-	-	-	X	-	-	-	-	-	-	-	-	-	-
Nettesheim Park - <i>Neighborhood</i>	12	X	X	X	-	-	X	X	X	X	X	X	X	X	X	X
South Park - <i>Neighborhood</i>	12	-	X	X	-	-	X	X	X	X	X	X	X	X	X	X
Springdale Park (<i>Limited Neighborhood - 3 ac.</i>)	11	-	X	-	-	X	-	X	X	X	X	-	X	X	X	X
Wagner Park - <i>Community</i>	26	X	X	X	-	X	X	X	X	X	X	X	X	X	X	X
Yench Rd. Wildlife Refuge	18	-	-	-	-	X	-	-	-	-	-	-	-	-	-	-
Sports Complex **	59	X	-	X	-	X	X	X	X	X	X	X	-	-	X	X
TOTAL ACRES	155, of which 137 acres (in bold) in six parks are fully developed.															

Source: "Joint Comprehensive Park and Open Space Plan March 2006 Addendum" and City staff.

* May include other field sports such as field hockey, touch football, and lacrosse.

** Ongoing facility development.

4. Needs Assessment

Based on the newly established eight (8) acres/1,000 people standard and the forecast population, there is or will be a need for 161 acres of fully developed community, neighborhood, and special City parkland by the year 2050. Subtracting the current fully developed 137 acres leaves a total of 24 acres needed to be developed. The City-owned 59-acre sports complex (special park), which opened in the spring of 2019, is included in the calculation of fully developed acres. It is proposed to add two new neighborhood parks during the 32-year planning period, which would each encompass a minimum of 15 acres. Because available park sites are not necessarily totally developable, it is expected that the standard 161 acres of fully developed land will actually be encompassed within over 200 acres of park sites.

The City of Pewaukee Parks and Recreation department has prepared a capital improvement projects budget for the 2019 to 2050 period for those specific park/recreation needs that are currently unmet and are needed now or will be needed to serve future residential development, a tabular summary of which is shown in Table 3-2. The plan includes new facilities that will be added at four existing parks and two new parks. A portion of the costs of these improvements is proposed to be paid using impact fees.

Table 3-2
City of Pewaukee
Proposed New Park Projects – 2019 to 2050

Park	Recommended Improvement	Estimated Net Cost
Balmer Park	Dog park development	\$ 20,000
Wagner Park	Portable ice rink	15,000
South Park	Playground relocation/upgrade	200,000
Sports Complex	Site development and facilities	2,500,000
New Neighborhood Parks	Land acquisition and facilities	3,000,000
ESTIMATED TOTAL NET COST		\$5,735,000

It was decided in the 2012 study that because the expected increase in population from 2010 to 2035 represented only about 30 percent of the total forecast 2035 total population, impact fees collected after July 2010 would be used for only up to 26 percent of the proposed development of this special park. Likewise, because the capital improvements proposed for Balmer and Wagner Parks will also serve the entire community, only up to 28 percent of the expected cost for such improvements will be paid with impact fees. New residential growth accounts for 28 percent of the total projected population.

Table 3-2 includes the continuation of development of the new Sports Complex park on Lindsay Road. The 59-acre City-owned property was not purchased using impact fees. Planning for the park began in 2010. It was estimated at that time that the total park development cost would be much higher than actual expenditures and that it would take several years to accomplish. The cost estimate included utility and access improvements as well as a full range of special, community, and neighborhood physical recreation facilities. Some of the improvements that were proposed included utilities, paved access and parking, lighting, playgrounds, soccer and other ~~field~~ sport fields, a walking trail, a concession/restroom building in the center of four (quad) lighted baseball/softball fields, and a pavilion with restroom facilities. This special City park was designed to serve the entire community as a 'sports' park as well as providing some 'neighborhood' park activities for the developing northeast quadrant of the City. The Sports Complex has taken some of the sports pressure off the City's other parks.

Since the inception of the 2012 impact fee study, the Pewaukee Sports Complex has experienced extensive development and the plan for the park has changed. The previous plan included a community center which is no longer a part of the plan, therefore the projected costs of the park have been reduced.

Development of the park began in 2015 and as of June 2019, the following have been completed:

- All underground utilities are in place including an on-site septic system and municipal water.
- Grading of the site has been completed.
- Four baseball diamonds including fencing have been installed.
- An irrigation system has been installed.
- Parking lots and parking lot lighting is complete.
- Two concession stands are complete.

Since 2015, the City has spent \$3,652,524.17 on development of the Sports Complex.

The park opened to the public in the spring of 2019. The following items on the updated development plan are still needed to complete the park. These items will be included in the impact fee calculation.

Table 3-3
City of Pewaukee
Remaining Sports Complex Development Projects

Recommended Improvement	Cost Estimate
Walking trail system	\$150,000
All-inclusive playground and splash pad	\$1,500,000
Open air shelters/shade structures throughout	\$200,000
Storage facility ¹	\$600,000
Boardwalk near stream	\$50,000
Total Remaining Cost of Development	\$2,500,000

¹ May not be located at park facility; may be centralized near City Hall.

Also as shown on Table 3-2, the City of Pewaukee is proposing the acquisition of land for two new neighborhood parks to primarily meet the needs of new residential development during the next 32 years. The new parks should each contain approximately 15 acres. One of these could possibly result from the purchase of land adjacent to Nettesheim Park. After reviewing the cost of open land in Pewaukee and the surrounding area, the cost of the land at each park is estimated to be about \$50,000 per acre, or \$750,000, in 2019 dollars. In addition, it is expected that the new neighborhood parks will include facilities similar to the facilities offered at Nettesheim and South Neighborhood parks and are estimated to cost, in 2019 dollars, about \$750,000 for each park. The total estimated net cost is \$3,000,000 for land and improvements at both facilities. The new parks are meant to primarily serve new development, but because no public park serves exclusively a specific area of the community the total cost is included.

As shown on Table 3-2, the total net cost of park acquisition and development over the next 32 years is estimated at \$5,735,000.

Table 3-4
City of Pewaukee
Park Impact Fee Calculation – Residential Uses
Improvements for Existing & New Neighborhood Parks Including Contingency

Item	Amount
Existing Population	14,436
Anticipated Growth	5,664
Total Population	20,100
New growth as % of total population	28%
Total Cost of Improvements, plus 20% contingency	\$6,882,000
Share attributed to new residential growth at 28%	\$1,939,286
Legal, Engineering, and Design (10%)	\$193,929
Total share attributed to new residential growth	\$2,133,215
Impact Fee per dwelling unit (2,340 dwelling units)	\$912

In the 2012 needs assessment study, it was calculated that up to \$2,565 per dwelling unit could be charged as a parks impact fee. It was decided that an impact fee of that level was not feasible, and it was recommended that the fee be set at \$1,000. This is the fee that is currently in place.

This update of the needs assessment study has found that the costs of the needed park improvements have decreased now that many of the previously proposed projects have been completed. The calculations suggest that the park impact fee should be decreased from \$1,000 to \$912 per new residential dwelling unit. This will result in the collection of \$2.13 million over the 32-year period, or only 28 percent of the estimated total cost of the proposed park improvements during the 2018 – 2050 plan period. All costs over and above the impact fees will be borne by the total general tax base or other revenue sources.

Fire and Rescue Facilities

1. General

Again, depending on the population and geographic size and fiscal capability, city, villages, and towns in Wisconsin and throughout the nation provide some level of fire and rescue or ambulance service to their citizens. Many small (1 to 10,000 population) communities utilize paid-on-call or volunteer firefighters/EMT personnel or may rely on contractual agreements with larger adjacent communities or even private firefighter organizations. Most large communities (35,000+ population) have full time, 24/7 fire/rescue staff and very large communities (75,000+ population) also have specialized personnel and equipment such as type A hazardous material (Haz-Mat) squads. Those communities that are larger than 10,000 population but smaller than 35,000 population may provide a combination of full time and paid-on-call staff to provide 24/7 service. Generally speaking, the provision of a fully trained, full time fire/rescue operation in southeastern Wisconsin requires the tax base of a community or combination of communities having a total population of at least 35,000 plus ancillary commercial and industrial development.

2. Guidelines

Fire/rescue service guidelines are, basically, related to travel time from the fire station to whoever called for service and number and type of personnel responding. In the City of Pewaukee, just over 70 percent of all calls for fire/rescue service are emergency medical calls, not fire related calls. In either case, however, the standard that a community would desire to achieve is between a four- and six-minute response (travel) time. That is the time between the firefighters and vehicles leaving the fire station and arriving on the emergency scene. The shorter the response time, the better the chance of saving a life or a home or business.

In past years the City Common Council has recommended a maximum five-minute response time standard. This does not include the time it takes for someone to call 911, the dispatcher to take the 911 call and relay the pertinent information to the fire/rescue station, and for the fire/rescue personnel to assemble and grab the necessary clothing/gear and get in the vehicle(s). The time between the fire station receiving the call and being ready to leave the station (scramble time) should be less than two minutes.

There is also an operating safety policy that states that no vehicle should leave the station without at least two fire/rescue personnel aboard. If there is a “full complement” of fire/rescue personnel on duty, there needs to be five to seven fire/rescue personnel on duty at all times. NFPA guidelines establish that an engine company and ladder company be staffed with a minimum of 4 firefighters each (NFPA 1710, §5.2.3.1). The Insurance Service Office, which rates community fire departments to aid insurance companies in determining rates, recently gave the City a Class 2 rating (commonly referred to as the ISO rating). This is an improvement over the Class 5 rating that was listed in the 2012 needs assessment study. One of the areas in which the Department earned low points in this assessment was in the distribution of adequately equipped responding engine companies within 1.5 miles and a ladder company within 2.5 miles of the built-upon area of the City.

The consequence of the aforementioned guidelines is that there needs to be a fire station strategically located in certain areas of the City in order to best meet the standards and, particularly, the five minute “response time”. In geographically small communities one fire station may be sufficient to meet the standards. In a relatively geographically large community, such as the City of Pewaukee with many miles of streets and highways with

higher than average traffic volumes, several stations need to be strategically placed in order to meet the guidelines. Following a “response time” study and siting plan conducted in 2006 from both existing and proposed fire station locations, the City determined that three 24/7 manned and equipped fire/rescue stations are sufficient to meet the response time guidelines and the needs of the existing and ultimate City development and population.

3. Inventory

Emergency fire/rescue protection/prevention services in the City of Pewaukee are provided by the City Fire Department. The fire department personnel currently include approximately 65 members, firefighters/paramedics, and office staff, consisting of a department chief, an assistant chief, four division chiefs, 18 full-time firefighters/paramedics, and 45 paid on-premise firefighter/paramedics. The department provides fire suppression and emergency medical/rescue services to all City properties as well as to Village properties (under contract). The City of Pewaukee also has automatic aid and mutual aid agreements with several neighboring communities. About 58 percent of the developed area of the City is currently served with public water supply, which means that some areas of the City still require tanker truck response.

The City of Pewaukee Fire Department currently has two separate operating fire stations. The Central Fire Station (No. 1) on Pewaukee Road and Fire Station No. 2 on College Avenue are each approximately 10,500 square feet in size. Fire Station No. 2 is a newer station, built in 2008 after the 2006 siting plan was completed, that replaced an older equipment storage station at Meadowbrook Road and Northview Road. Station Nos. 1 and 2 are both 24/7 stations that contain dormitory rooms, men and women restroom/shower facilities, offices, workout facilities, a dining room, a kitchen, laundry room, storage rooms, and a hose drying tower. The Central Fire Station has three drive through vehicle bays while new Fire Station No. 2 has two drive-through bays with the possibility of adding a third bay, if needed. The Central Fire Station and Fire Station No. 2 were placed into service in July 1995 and January 2009, respectively. All full-time department staff operate out of these two stations. The fire department's general administrative offices are located at the Central Fire Station.

The City's former Fire Station No. 3, located in the northeast quadrant of the City on Green Road near Duplainville Road, was turned over to the Parks Department approximately five years ago. It was constructed in the mid-1970s and occupies approximately 4,000 square feet, and contained only minimal restroom, dining, dayroom, office, and a small meeting room when it was in service to the Fire Department. There were no overnight sleeping rooms. The three equipment bays are not of the drive-through type and were not long enough for storage of more than one piece of modern equipment. There is no hose drying tower. This fire station was not originally constructed as a full-time, full-service station. In 2009 the station was established as a 'non-priority response' station due to its then-current condition. To be useful in a developing urban community the geographic size of the City of Pewaukee and also provide even minimum services necessary for a 24/7 fire/rescue operation, this station would have had to be substantially upgraded in size and facilities or replaced with a modern station similar to Stations No. 1 and 2 in order to meet any reasonable equipment/personnel response times and to adequately serve the northeast quadrant of the City.

4. Fire Department Needs Assessment

As development and population continues to increase to the forecast levels and traffic within and through the city increases, the City of Pewaukee, with a 21.3 square mile geographic area and several natural and man-made impediments to travel, will require a third full-service fire station in order to adequately serve the northeast quadrant of the City. Without a 24/7 fire station it will take almost seven minutes for the City Fire/Rescue Department to access most of the developing northeast quadrant of the City. The department has improved their response times slightly in recent years, mainly by improving their dispatch protocols.

The Department has an immediate need for additional storage at their facilities. Some Fire/Rescue Department apparatus is currently stored outside in parking lots. The storage space could be constructed as either a new building or an addition to an existing station.

The City of Pewaukee is currently working with neighboring communities to help with providing emergency services to all its residents. Staff has been talking with representatives from other communities to see what options there are for collaboration and cooperation. A cooperative agreement could help significantly to reduce response times. The City currently has a loose partnership with Lisbon; some of the City's equipment is stored in their building at times. They are also talking to Sussex. The partnerships with these communities are currently uncertain and the long-term success of this program will continue to be evaluated.

Even with the addition of storage space and community partnerships, expansion to three 24/7 full-service fire stations will be necessary to meet the minimum requirements for a community of the geographic and development size of the City prior to 2050. Internal studies by the City have shown that the most cost-effective method for adding a new full-service fire station would be by expanding one of the existing stations. The City can make use of the existing site, building, and on-site utilities. City staff has explored the construction of a 4,500 square foot building addition to one of the existing fire stations, resulting in a new, larger 24/7 station. The national standard of \$225 per square foot of fire station building area will be used to calculate the cost of the addition.

City staff realize that a building addition at an existing station may not be large enough and may not adequately meet the Department's needs throughout the 32-year planning period. Staff has considered the alternative of constructing a new station either on City-owned land on the east side of the City, or even at the former Station No. 3 location, although some additional land may need to be acquired. A station the same size and with the same facilities as Fire Station No. 2 could meet the needs of the future community. It may be necessary to construct a new station in the northwest corner of the City in the future as well, depending on the needs of development.

For purposes of this analysis, the cost of a building addition at an existing fire station will be utilized to calculate the proposed fire impact fee. The need for the building addition is immediate. When the needs assessment is next updated, City staff should reevaluate the need for Fire/Rescue facilities and determine if an additional station is required.

Table 3-5
City of Pewaukee
Fire Impact Fee Calculation – Non-Residential Uses
Addition to Fire Station Including Contingency

Item	Amount
Existing Commercial/Industrial, Institutional (acres) ¹	2,096
Anticipated growth of Commercial/Industrial/Institutional (acres)	63
Total	2,160
New growth as % of total	3%
Cost of station addition, plus 20% contingency ²	\$1,215,000
Incident responses to non-residential use types ³	29%
Incident responses to street/highway uses ⁴	6%
Share of cost for non-residential uses	\$352,350
Share of cost for street/highway uses	\$70,470
Total share of cost for responses by use type	\$422,820
Share attributed to new non-residential use growth	\$12,396
Legal, Engineering, and Design (10%)	\$1,240
Total share attributed to new non-residential use growth	\$13,635
Impact Fee per acre of new non-residential use growth	\$215

¹ Based on "Neighborhood Plans for the City of Pewaukee, 2015 – 2050".

² Based on 4,500 square foot addition at a cost of \$225/sq ft.

³ Based on Incident Type Report 1/1/2010 - 12/31/2010.

⁴ 20% of all responses are related to street uses; 29% of those are related to commercial use.

Table 3-6
City of Pewaukee
Fire Impact Fee Calculation – Residential Uses
Addition to Fire Station Including Contingency

Item	Amount
Existing Population	14,436
Anticipated Growth	5,664
Total Population	20,100
New growth as % of total population	28%
Cost of station addition, plus 20% contingency ¹	\$1,215,000
Incident responses to residential use types (2010) ²	46%
Incident responses to street/highway uses ³	9%
Share of cost for residential uses	\$555,134
Share of cost for street/highway uses	\$111,027
Total share of cost for responses by use type	\$666,160
Share attributed to new residential use growth	\$187,718
Legal, Engineering, and Design (10%)	\$18,772
Total share attributed to new residential use growth	\$206,490
Impact Fee per dwelling unit (2,340 dwelling units)	\$88

¹ Based on 4,500 square foot addition at a cost of \$225/sq ft.

² Based on Incident Type Report 1/1/2010 - 12/31/2010.

³ 20% of all responses are related to street uses; 46% of those are related to residential use.

Trail Facilities

1. General

In an effort to meet the growing need for formal, paved routes for non-motorized vehicle traffic, the City has embarked on a program to add pedestrian amenities such as sidewalks, trails, and bike paths ~~bike/hike trails within the rights-of-way of, predominantly, arterial streets and highways~~ throughout the City. Although basically a recreational facility plan, the City's Bicycle and Pedestrian Facility Plan ~~bike/hike trail plan~~ was a joint endeavor between the Parks & Recreation Department and the Public Works Department due to the need to locate the trails within public street rights-of-way.

2. Standards

The City prepared and adopted a Bicycle and Pedestrian Facility Plan in 2003 and amended and revised the plan in 2019. The plan sets forth the purpose and location of a trail system that will meet the objectives of the City in regard to providing ~~a~~-pedestrian ~~connections~~~~link~~ between all ~~the~~ City parks and concentrations of residential, commercial, and industrial use throughout the City.

The City's Bike and Pedestrian Planning Committee meets once a month. The purpose of this committee is to create methods for citizens to walk and bike safely in the City of Pewaukee and to educate all cyclists, pedestrians, and motorists on safe and lawful road and path use. The development of safe, useful paths and trails has been a citizen-driven effort.

The updated Bicycle and Pedestrian Facility Plan lists a total of 24 potential trails located throughout the City. Eleven of these trails were evaluated in the study and six of them were selected for development by Department staff and the Bike and Pedestrian Planning Committee. Based on the updated Plan, the completed trail system will measure 8.7 miles in length and will also connect to both county and adjacent community trail systems. Standards utilized within the Plan are based on recommendations of the American Association of State Highway and Traffic Officials and State regulations.

In addition to identifying and prioritizing specific pedestrian and bicycle projects, the City may utilize this plan as a general guide for the approximate location of needed sidewalks, trails, paths and desired connections to parks, neighborhoods, schools, and nonresidential areas.

3. Inventory

The highway division of the Public Works Department maintains the City's expanding bike-hike trail network that currently measures 3.0 miles in length. Since 2012, 0.6 miles of sidewalk and the Nettesheim Park Trail, a five-foot wide, 810-foot long asphalt trail, were added to the system.

4. Needs Assessment

The City plans to expand the pedestrian and bicycle trail system ~~based on~~guided by the City's Bicycle and Pedestrian Facility Plan ~~and Bike Pedestrian Capital Plan, as may be amended,~~ to serve residents as well as commercial and industrial employees. The trails will typically be constructed on existing street and highway right-of-way and be physically separated from street vehicular travel; although, connections may also be made through private development as may be feasible. The primary purpose of the trail system is to provide a safe, economical way to access parks, shopping, and work as well as to use for personal exercise.

Table 3-7 lists the proposed trail construction projects. Numbers 1 – 6B were recommended in the 2019 updates to the Bicycle and Pedestrian Facility Plan and are shown on the map in Appendix C. These trails are located in the southwest and east-central areas of the City. Their purpose is to connect to existing trails or provide access to existing parks. The cost estimates for these trail sections came directly from the 2019 updates to the Bicycle and Pedestrian Facility Plan.

No. 7 – 11 were identified in the 2003 Bicycle and Pedestrian Facility Plan and were included in the last Needs Assessment study. None of these trails have been completed to date. They are all located in the east and north areas of the City and will serve both existing development and almost all of the future development on the east side of the City. The cost estimates for Items No. 7 – 11 are based on a 2019 construction total net cost estimate of \$300,000 per mile for a six- to eight-foot-wide paved trail separated from motorized vehicular traffic by no less than three feet.

The estimated total net cost of constructing the proposed new 6.7 miles of trail over the next 32 years is \$2,736,000, which increases to \$3,283,200 when a 20% contingency cost is added. Table 3-7 includes the trails that are most likely to be constructed during the planning period, but impact fees could be used to help to fund other trails/segments as long as they provide a benefit to future development.

Table 3-7
City of Pewaukee
Proposed Bike/Hike Trail Construction Projects, 2019 to 2050

Number	Trail Improvements	Length (miles)	Estimated Cost
1	East Fieldhack Drive to the Lake Country Trail	0.03	\$188,000
2	Meadowbrook Road, Lake Country Trail to City/Village Boundary	1.7	\$737,000
3	Northview Road, from west end of sidewalk to South Park	0.2	\$40,000
4	Pedestrian Crossing at STH 164 (Pewaukee Road) and Ridgeview Pkwy	0.02	\$57,000
5	Watertown Road/CTH M	1	\$485,000
6A	Recreational Crossing at Nettesheim Park and Prospect Ave (CTH SS)	0.01	\$67,000
6B	Recreational Crossing at Crestview Drive at Prospect Ave (CTH G)	0.01	\$52,000
7	Green Road (STH 164 to Wagner Park)	0.7	\$210,000
8	Springdale Road (STH 190 to Weyer Road)	1.5	\$450,000
9	Springdale Road (STH 190 to Kathryn Ct)	0.5	\$150,000
10	Watertown Road (STH 164 to Creekside Dr)	0.5	\$150,000
11	Pewaukee Road (No. Riverwood Dr. to Tower Pl.)	0.5	\$150,000
	Total Miles	6.67	
	ESTIMATED TOTAL NET COST		\$2,736,000

Table 3-8
City of Pewaukee
Trail Impact Fee Calculation – Non-Residential Uses

Item	Amount
Existing Commercial/Industrial, etc. (acres) ¹	2,096
Anticipated growth of Commercial/Industrial (acres)	63
Total	2,160
New growth as % of total	3%
Cost of Trail projects, plus 20% contingency	\$3,283,200
Share of cost for non-residential uses	\$96,253
Legal, Engineering, and Design (10%)	\$9,625
Total share attributed to new non-residential use growth	\$105,879
Impact Fee per acre of new non-residential use growth	\$1,672

¹ Based on "Neighborhood Plans for the City of Pewaukee, 2015 – 2050".

Table 3-9
City of Pewaukee
Trail Impact Fee Calculation – Residential Uses

Item	Amount
Existing Population	14,436
Anticipated Growth	5,664
Total Population	20,100
New growth as % of total population	28%
Cost of Trail projects, plus 20% contingency	\$3,283,200
Share attributed to new residential use growth	\$925,176
Legal, Engineering, and Design (10%)	\$92,518
Total share attributed to new residential growth	\$1,017,694
Impact Fee per dwelling unit (2,340 dwelling units)	\$435

Cost Summary

This chapter identified the needs of the City park, fire and rescue facility improvements, and trail facilities based on the forecast 2050 population and development growth in the City of Pewaukee. Table 3-10 summarizes the total estimated costs of these facilities during the period 2019 to 2050 that could be partially funded with collected impact fees. Section 66.0617 of Wisconsin statutes also allows for ten percent of legal, engineering, and design costs to be funded by impact fees, so those costs were included in the calculations.

It is not anticipated that the capital cost of any of the proposed facilities will be funded by other fees imposed by the City, thus the amounts proposed herein would not be reduced by any other fees. Currently the City receives no Federal or State funds for these proposed facilities and therefore, the amounts proposed herein would not be reduced.

Table 3-10
City of Pewaukee
Public Facilities Projected Costs, 2019 to 2050

Facility	Cost
Parks Acquisition and Development	\$6,882,000
Fire and Rescue Facility Expansion	\$1,215,000
Trail Facilities	\$3,283,200
Total Estimated Net Cost	\$11,380,200
Legal, Engineering, and Design (10%)	\$1,138,020
TOTAL ESTIMATED COST	\$12,518,220

Chapter 4

Summary and Conclusions

GENERAL

While §66.0617 of Wisconsin statutes authorizes communities in the state to exact impact fees to augment the funding of ten major categories of community facilities, this report sets forth the need for and justification for the collection and use of impact fees in the City of Pewaukee for only three of those authorized facilities, namely: park improvements, fire protection and rescue, and trails. The study results are based on planned land use, forecast population data, and the calculated or assumed needs and requirements of future residents. At the time the specific facilities are designed, the sizing and location will be refined based on the then-current land use, code requirements, and engineering standards. The revised impact fees proposed herein are calculated in such a way that new developments pay, at most, only their proportionate share of the proposed improvements. The City may choose to adopt all or only a part of the recommended impact fees.

The January 1, 2018 population of the City of Pewaukee, according to the Federal Census, is 14,436 people and the 2050 forecast population is 20,100. The forecast population increase over the 32-year plan period (2018-2050) is, therefore, 5,664 people, which converts to 2,340 new dwelling units. Also, the forecasted new commercial/industrial/institutional development added over the next 32 years will be 63 acres.

CURRENT IMPACT FEES

Currently (2019) the City has three separate park improvements, fire protection and rescue, and trails impact fees that are charged to builders at the time of building permit application. The collected impact fees are deposited in a separate interest-bearing bank account for each of the three impact fee categories. The current impact fees are:

Parks:	\$1,000 per dwelling unit
Fire and Rescue:	
Non-residential buildings	\$ 0.11 per square foot
Residential structures	\$ 327 per dwelling unit
Trails:	
Non-residential structures	\$ 0.12 per square foot
Residential structures	\$ 228 per dwelling unit
Total Residential Impact Fees	\$1,555 per dwelling unit
Total Non-residential Impact Fees	\$ 0.23 per square foot

Residential Impact Fees

While residential development impacts all community facilities and services, the need for police, fire/rescue, transportation and park facilities/services is the largest impact on the City general budget and the largest impact of these four is on the City's park system budget. Table 3-10 shows that the majority of needed impact fees stem from planned park acquisition and improvements. The expected total cost of the needed park facility improvements during the next 32 years has been calculated to be \$6,882,000. Some proposed park improvements will serve the ultimate total 2050 population and some will serve, primarily, only the new 2018 –

2050 population/development. As discussed earlier, non-residential development has little or no impact on parks/recreation facilities. Consequently, no impact fees charged to non-residential builders are used for park acquisition and development.

Recommended Impact Fees

Chapter 3 sets forth the need during the next 32 years for park, fire and rescue, and trail facility improvements and their expected cost. Only the calculated impact fee for trail facilities has increased since the 2012 needs assessment; the costs of the needed park and fire and rescue facilities have decreased. It is recommended that the current impact fees should be repealed and the proposed new impact fees should be adopted as follows:

Parks:	\$ 912 per dwelling unit
Fire and Rescue:	
Non-residential development	\$ 215 per acre
Residential development	\$ 88 per dwelling unit
Trails:	
Non-residential development	\$ 1,672 per acre
Residential development	\$ 435 per dwelling unit
Total Proposed Residential Impact Fees	\$ 1,435 per dwelling unit
Total Proposed Non-residential Impact Fees	\$ 1,887 per acre

In all situations, the impact fees will not cover the costs of all the necessary improvements listed in this study and additional funds will have to be obtained from other sources.

Recommended Ordinance

The City of Pewaukee will need to revise the current Code of Ordinances in order to impose the revised impact fees. The existing ordinance is included in Appendix E. The fee amounts should be revised when the new fees are adopted. The Impact Fee is located within the Zoning Code and therefore any changes shall require a recommendation from the Plan Commission and a public hearing preceded by a Class 2 notice. According to Wisconsin State Statute, the City of Pewaukee shall require the impact fees to be paid in full by the developer or property owner when a building permit is issued. If the impact fees are not used within ten years from the date they are collected, they shall be refunded to the current owner of the property at time of refunding.

Affordable Housing

The City of Pewaukee has reviewed the level of impact fees on dwelling unit construction recommended by this report (less than one percent of total cost), and has determined that the implementation of the proposed impact fees will not significantly affect the availability of “affordable” (less than 2,000 sq. ft./less than \$250,000 total cost (2019)) housing within the City. Therefore, no exemption or reduction in the amount of the impact fees is recommended for land development that provides for affordable housing. A calculation of the impact fee’s effect on home costs is shown in Appendix F.

Periodic Review

The estimated costs published herein are reflective of costs in 2019 dollars, and therefore this needs assessment report will require periodic revisions in order to keep pace with inflation and other changes in actual costs. Beginning in 2024 it is recommended that the City of Pewaukee reevaluate the impact fees every five years. Earlier reevaluation may be required if factors affecting the volume, location, and/or type of growth change significantly.

Appendix A – §66.0617, Wisconsin Statutes

5. Persons who are subject to the tax under this subsection, if that tax is administered by the department of revenue, shall register with the department. Any person who is required to register, including any person authorized to act on behalf of a person who is required to register, who fails to do so is guilty of a misdemeanor.

(2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. (1m), the municipality or district may exchange audit and other information with the department of revenue and may do any of the following:

(a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to sub. (1m) pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.

(b) Enact a schedule of forfeitures, not to exceed 5 percent of the tax under sub. (1m) or par. (c), to be imposed on any person subject to sub. (1m) who fails to comply with a request to inspect and audit the person's financial records under par. (a).

(c) Determine the tax under sub. (1m) according to its best judgment if a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

(d) Require each person who is subject to par. (c) to pay an amount of taxes that the municipality or district determines to be due under par. (c) plus interest at the rate of 1 percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the municipality or district to inspect and audit his or her financial records under par. (a).

(e) Enact a schedule of forfeitures, not to exceed 25 percent of the room tax due for the previous year under sub. (1m) or par. (c) or \$5,000, whichever is less, to be imposed for failure to pay the tax under sub. (1m).

(3) The municipality shall provide by ordinance and the district shall provide by resolution for the confidentiality of information obtained under sub. (2) but shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The municipality or district may provide for the publishing of statistics classified so as not to disclose the identity of particular returns. The municipality or district shall provide that persons violating ordinances or resolutions enacted under this subsection may be required to forfeit not less than \$100 nor more than \$500.

(4) (a) Annually, on or before May 1, on a form created and provided by the department of revenue, every municipality that imposes a tax under sub. (1m) shall certify and report to the department, beginning in 2017, all of the following:

1. The amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year.

2. A detailed accounting of the amounts of such revenue that were forwarded in the previous year for tourism promotion and tourism development, specifying the commission or tourism entity that received the revenue. The detailed accounting shall include expenditures of at least \$1,000 made by a commission or a tourism entity.

3. A list of each member of the commission and each member of the governing body of a tourism entity to which the municipality forwarded room tax revenue in the previous year, and the name of the business entity the member owns, operates, or is employed by, if any.

(b) The department of revenue shall collect the reports described in par. (a) and shall make them available to the public.

(c) The department of revenue may impose a penalty of not more than \$3,000 on a municipality that does not submit to the department the reports described in par. (a). A municipality may

not use room tax revenue to pay a penalty imposed under this paragraph. The penalty shall be paid to the department of revenue.

(5) (a) A lodging marketplace shall register with the department of revenue, on forms prepared by the department, for a license to collect taxes imposed by the state related to a short-term rental and to collect room taxes imposed by a municipality. After a lodging marketplace applies for and receives such a license, it shall do all of the following:

1. If a short-term rental is rented through the lodging marketplace, collect sales and use taxes from the occupant and forward such amounts to the department of revenue.

2. If a short-term rental that is rented through the lodging marketplace is located in a municipality that imposes a room tax, collect the room tax from the occupant and forward it to the municipality.

3. Notify the owner of a short-term rental that the lodging marketplace has collected and forwarded the taxes described in subs. 1. and 2.

(b) A municipality may not impose and collect a room tax from the owner of a short-term rental if the municipality collects the room tax on the residential dwelling under par. (a) 2.

History: 1983 a. 189,514; 1993 a. 263,467,491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615; 2003 a. 203; 2005 a. 135; 2007 a. 20; 2009 a. 2; 2011 a. 18, 32; 2013 a. 20; 2015 a. 55, 60,301; 2017 a. 59.

A city was authorized to enact a room tax. The gross receipts method was a fair and reasonable way of calculating the tax. *Blue Top Motel, Inc. v. City of Stevens Point*, 107 Wis. 2d 392, 320 N.W.2d 172 (1982).

Under sub. (1m) (am), this section favors expenditures to construct or improve convention facilities. However, sub. (1m) (am), only addresses when a municipality may impose a room tax rate of greater than 8 percent and is irrelevant when the city has not exceeded that maximum. The only restrictions the rest of the statute places on the use of room tax monies are found in sub. (1m) (d), which directs a municipality to spend a certain percentage on "tourism promotion and development, which means the promotion and development of travel for recreational, business, or educational purposes." *English Manor Bed and Breakfast v. City of Sheboygan*, 2006 WI App 91, 292 Wis. 2d 762, 716 N.W.2d 531, 05-1358.

66.0617 Impact fees. (1) DEFINITIONS. In this section:

(a) "Capital costs" means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10 percent of capital costs may consist of legal, engineering and design costs unless the municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10 percent of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

(b) "Developer" means a person that constructs or creates a land development.

(c) "Impact fees" means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality under this section.

(d) "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in non-residential uses that create a need for new, expanded or improved public facilities within a municipality.

(e) "Municipality" means a city, village, or town.

(f) "Public facilities" means all of the following:

1. Highways as defined in s. 340.01 (22), and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds, and land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.

2. Notwithstanding subd. 1., with regard to impact fees that were first imposed before June 14, 2006, "public facilities" includes other recreational facilities that were substantially completed by June 14, 2006. This subdivision does not apply on or after January 1, 2018.

(g) "Service area" means a geographic area delineated by a municipality within which there are public facilities.

(h) "Service standard" means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the municipality.

(2) GENERAL. (a) A municipality may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

(b) Subject to par. (c), this section does not prohibit or limit the authority of a municipality to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a municipality shall be reduced, under sub. (6) (d), to compensate for any other costs of public facilities imposed by the municipality on developers to provide or pay for capital costs.

(c) Beginning on May 1, 1995, a municipality may impose and collect impact fees only under this section.

(3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a municipality shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

(4) PUBLIC FACILITIES NEEDS ASSESSMENT. (a) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a municipality shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:

1. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.

2. An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.

3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the cumulative effect of all proposed and existing impact fees on the availability of affordable housing within the municipality.

(b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the clerk of the municipality at least 20 days before the hearing under sub. (3).

(5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted under this section may impose different impact fees on different types of land development.

(b) An ordinance enacted under this section may delineate geographically defined zones within the municipality and may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the municipality. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

(6) STANDARDS FOR IMPACT FEES. Impact fees imposed by an ordinance enacted under this section:

(a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.

(am) May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed.

(b) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the municipality.

(c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

(d) Shall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236 or any other items of value.

(e) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

(f) May not include amounts necessary to address existing deficiencies in public facilities.

(fm) May not include expenses for operation or maintenance of a public facility.

(g) Except as provided under this paragraph, shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

(7) LOW-COST HOUSING. An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the municipality.

(7r) IMPACT FEE REPORTS. At the time that the municipality collects an impact fee, it shall provide to the developer from which it received the fee an accounting of how the fee will be spent.

(8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from each impact fee that is imposed shall be placed in a separate segregated interest-bearing account and shall be accounted for separately from the other funds of the municipality. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under sub. (9).

(9) REFUND OF IMPACT FEES. Except as provided in this subsection, impact fees that are not used within 8 years after they are collected to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. (8). Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of fees for the property with respect to

which the impact fees were imposed, along with any interest that has accumulated, as described in sub. (8). The 10-year time limit for using impact fees that is specified under this subsection may be extended for 3 years if the municipality adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 10-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this subsection. For purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under sub. (6) (g).

(10) APPEAL. A municipality that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the municipality.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617; 2005 a. 203, 477; 2007 a. 44, 96; 2009 a. 180; 2017 a. 243.

An association of developers had standing to challenge the use of impact fees. As long as individual developers had a personal stake in the controversy, the association could contest the use of impact fees on their behalf. Further, individual developers subject to the impact fees do have the right to bring their own separate challenges. *Metropolitan Builders Association of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, 282 Wis. 2d 458, 698 N.W.2d 301, 04-1433.

Sub. (6) allows a municipality to impose impact fees for a general type of facility without committing itself to any particular proposal before charging the fees. The needs assessment must simply contain a good-faith and informed estimate of the sort of costs the municipality expects to incur for the kind of facility it plans to provide. Sub. (9) requires impact fee ordinances to specify only the type of facility for which fees are imposed. A municipality must be allowed flexibility to deal with the contingencies inherent in planning. *Metropolitan Builders Association of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, 282 Wis. 2d 458, 698 N.W.2d 301, 04-1433.

Subs. (2) and (6) authorize municipalities to hold developers responsible only for the portion of capital costs whose necessity is attributable to their developments. A municipality cannot expect developers' money to subsidize the existing residents' proportionate share of the costs. If impact fees revenues exceed the developers' proportionate share of the capital costs of a project, the municipality must refund those fees to the current owners of the properties for which developers paid the fees. *Metropolitan Builders Association of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, 282 Wis. 2d 458, 698 N.W.2d 301, 04-1433.

When the plaintiff home builders association alleged a town enacted an impact fee ordinance that disproportionately imposed the town's costs on development and the ordinance contained a mechanism for appealing these issues, but the association did not use it, the circuit court did not erroneously exercise its discretion when it concluded the association should have used the ordinance's appeal process before bringing it claims to court. *St Croix Valley Home Builders Association, Inc. v. Township of Oak Grove*, 2010 WI App 96, 327 Wis. 2d 510, 787 N.W.2d 454, 09-2166.

The primary purpose of a tax is to obtain revenue for the government as opposed to covering the expense of providing certain services or regulation. A "fee" imposed purely for revenue purposes is invalid absent permission from the state to the municipality to exact such a fee. A "fee in lieu of room tax" that did not help the city recoup its investment in a development but rather was a revenue generator for the city that was collected from the owners of condominiums in a specific development who chose not rent their units to the public was imposed without legislative permission and was therefore an illegal tax. *Bentivenga v. City of Delavan*, 2014 WI App 118, 358 Wis. 2d 610, 856 N.W.2d 546, 14-0137.

Rough Proportionality and Wisconsin's New Impact Fee. Ishikawa. Wis. Law. March 1995.

66.0619 Public improvement bonds: issuance. (1) A municipality, in addition to any other authority to borrow money and issue its municipal obligations, may borrow money and issue its public improvement bonds to finance the cost of construction or acquisition, including site acquisition, of any revenue-producing public improvement of the municipality. In this section, unless the context or subject matter otherwise requires:

(a) "Debt service" means the amount of principal, interest and premium due and payable with respect to public improvement bonds.

(b) "Deficiency" means the amount by which debt service required to be paid in a calendar year exceeds the amount of revenues estimated to be derived from the ownership and operation of the public improvement for the calendar year, after first subtracting from the estimated revenues the estimated cost of paying the expenses of operating and maintaining the public improvement for the calendar year.

(c) "Municipality" means a county, sanitary district, public inland lake protection and rehabilitation district, town, city or village.

(d) "Public improvement" means any public improvement which a municipality may lawfully own and operate from which the municipality expects to derive revenues.

(2) The governing body of the municipality proposing to issue public improvement bonds shall adopt a resolution authorizing their issuance. The resolution shall set forth the amount of bonds authorized, or a sum not to exceed a stated amount, and the purpose for which the bonds are to be issued. The resolution shall prescribe the terms, form and contents of the bonds and other matters that the governing body considers necessary or advisable. The bonds may be in any denomination of not less than \$1,000, shall bear interest payable annually or semiannually, shall be payable not later than 20 years from the date of the bonds, at times and places that the governing body determines, and may be subject to redemption prior to maturity on terms and conditions that the governing body determines. The bonds may be issued either payable to bearer with interest coupons attached to the bonds or may be registered under s. 67.09. The bonds may be sold at public competitive sale or by private negotiation. Sections 67.08 and 67.10 apply to public improvement bonds, except insofar as they are in conflict with this section, in which case this section controls.

(2m) (a) A resolution, adopted under sub. (2) by the governing body of a municipality, need not be submitted to the electors of the municipality for approval, unless within 30 days after the resolution is adopted there is filed with the clerk of the municipality a petition, conforming to the requirements of s. 8.40 and requesting a referendum on the resolution, signed by electors numbering at least 10 percent of the votes cast in the municipality for governor at the last general election. A resolution, adopted under sub. (2), may be submitted by the governing body of the municipality to the electors without waiting for the filing of a petition.

(b) If a referendum is to be held on a resolution, the municipal governing body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to call a special election for the purpose of submitting the resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or partisan primary or general election.

(c) The municipal clerk shall publish a class 2 notice, under ch. 985, containing a statement of the purpose of the referendum, giving the amount of the bonds proposed to be issued and the purpose for which they will be issued, and stating the time and places of holding the election and the hours during which the polls will be open.

(d) The referendum shall be held and conducted and the votes cast shall be canvassed as at regular municipal elections and the results certified to the municipal clerk. A majority of all votes cast in the municipality decides the question.

(3) The reasonable cost and value of any services rendered by the public improvement to the municipality shall be charged against the municipality and shall be paid by it in monthly installments.

(4) (a) Gross revenues derived from the ownership and operation of the public improvement shall be first pledged to debt service on issued public improvement bonds. When in excess of debt service, the revenues are subject to all of the following requirements set by resolution or ordinance of the governing body fixing:

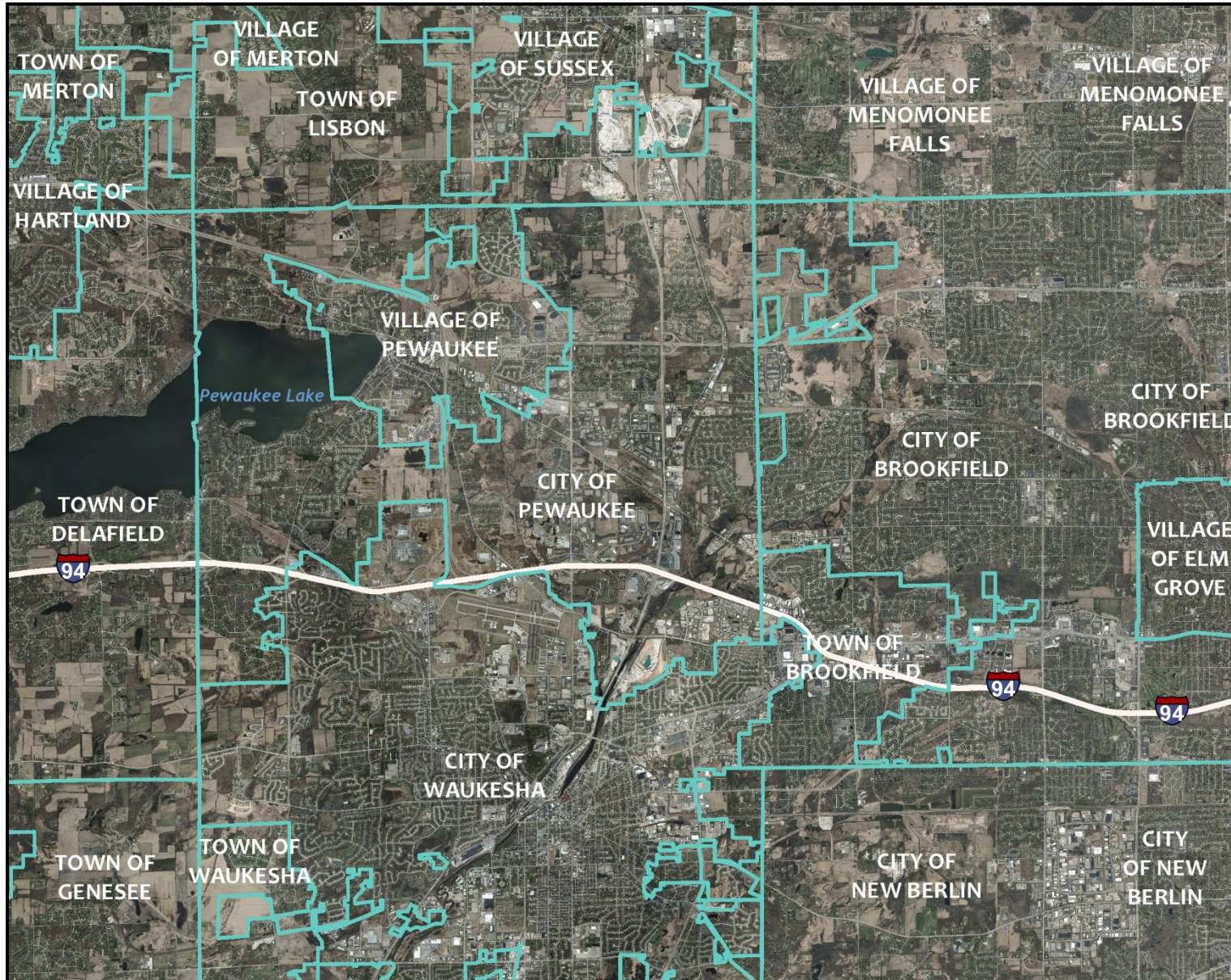
1. The proportion of revenues of the public improvement necessary for the reasonable and proper operation and maintenance of the public improvement.

2. The proportion of revenues necessary for the payment of debt service on the public improvement bonds. The revenues shall

Appendix B – Impact Fee Area (City Limits)



City of Pewaukee, Waukesha County



Legend

Parcels (Click for details)

0 8,752.08Feet

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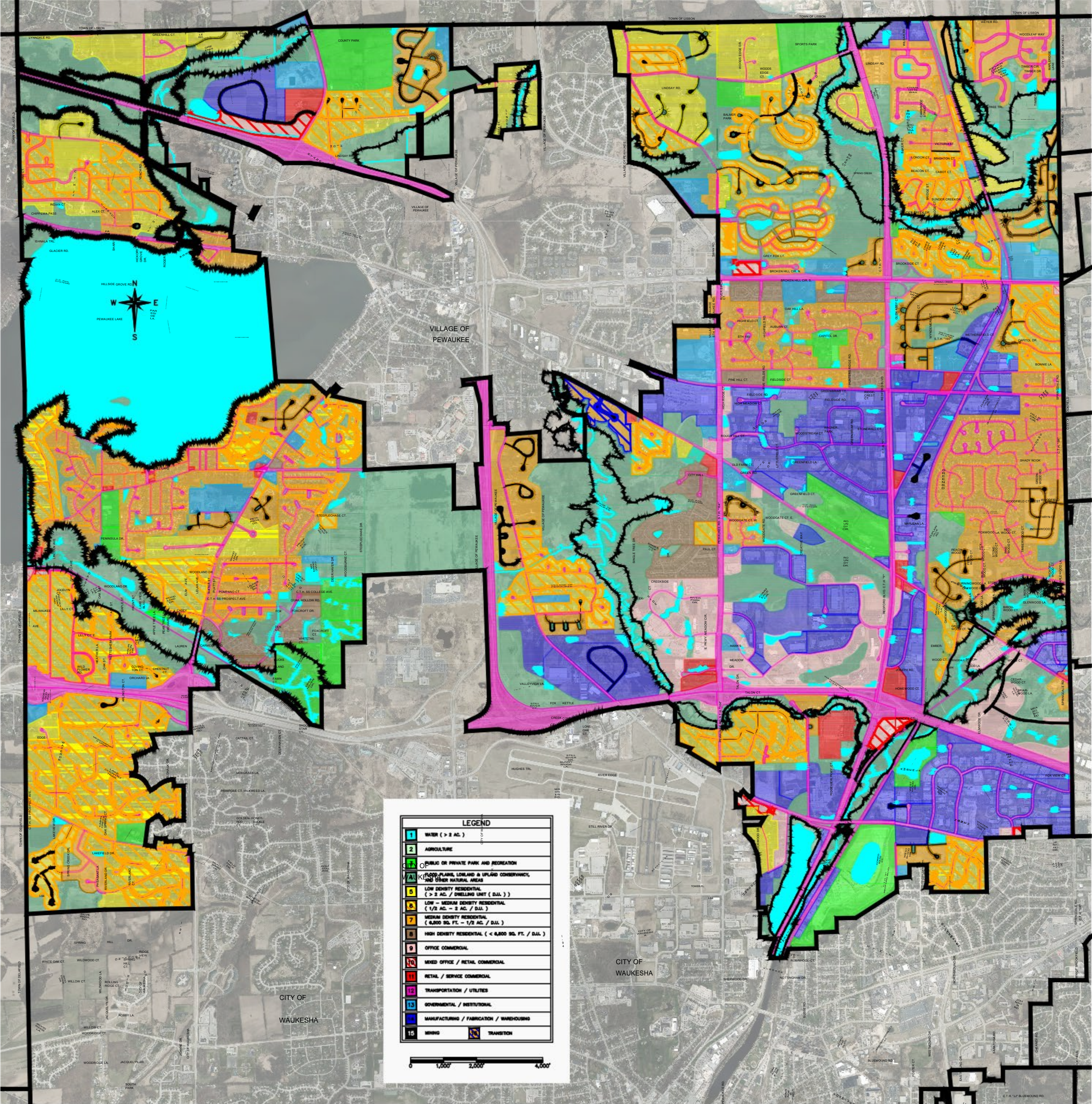
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Printed: 6/19/2019



CITY OF PEWAUKEE

YEAR 2050 LAND USE / TRANSPORTATION PLAN

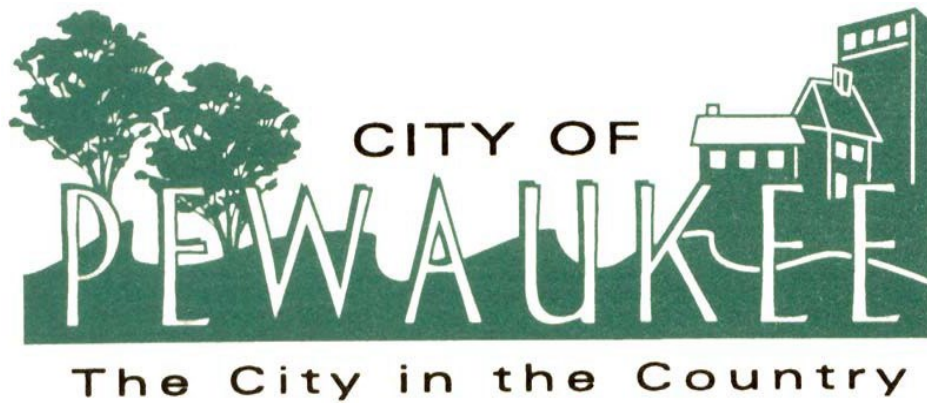


ADOPTED BY NEIGHBORHOODS, 2016-2018 3-23-2018
CITY OF PEWAUKEE

CITY OF PEWAUKEE

Appendix C – Map of City Parks

Appendix D – 2003 Bicycle and Pedestrian Facility Plan with 2019 Plan Updates



2003 Bicycle and Pedestrian Facility Plan with 2019 Plan Updates



March 11, 2019

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INTRODUCTION

In its 160 years of history, the City of Pewaukee has grown from a small town based on a sawmill on then Snail Lake to the rapidly growing community on eastern Pewaukee Lake that it is today. With the continued migration of people from the core metropolitan Milwaukee area, Pewaukee will continue to attract new residents with its rural community setting boasting urban conveniences. Contributing to Pewaukee's welcoming atmosphere are the tree lined streets, rural scenes, welcoming parks, open subdivisions, and, of course, Pewaukee Lake.

The City's growth has been characterized by subdivisions scattered in the northern, eastern, and Lake adjacent areas of the city. Most of the subdivisions are bordered and connected on at least one side by scenic roads that were once quiet town roads. As more and more people move to the City, those quiet town roads are becoming collector and arterial roads. Increasing traffic volumes will indefinitely stimulate the need for defined bicycle and pedestrian facilities. As a result, a bicycle and pedestrian plan has been developed in order to address the alternative transportation needs for the City of Pewaukee.

When followed, a good plan will promote public confidence, convenience, and safety for pedestrians, bicyclists, and motorists alike. An overlooked quality of a bicycle plan is that it is more than a map. Rather, it is a reference tool that guides the community in planning and improvement engineering. It defines goals, design considerations, and facility planning concepts. The overall purpose of this document is to provide a plan by which the City can improve the quality of life for its residents through improved bicycle and pedestrian facilities.

PLAN GOALS

The following goals were established as a guideline in evaluating existing and proposed routes, as well as a measure to determine if the stated purpose is met.

- Develop safe bicycle routes that can be enjoyed by riders of all age, skill, and confidence levels.
- Link existing and planned pedestrian/bicycle facilities of the surrounding communities to the City of Pewaukee plan.
- Develop a Bike Plan map for use in short term and long-term transportation and land use planning as well as route information for bicycle users.
- Provide recommendations for street improvements.
- Develop design criteria for bicycle facilities for use by the City Engineering Department.
- Keep Swan, Lindsay, and Green Roads as rustic as possible.
- Develop a recommended route around Pewaukee Lake with the Town of Delafield.
- Connect subdivisions, parks, open spaces, other trails and routes and places of interest where possible.

DEFINITIONS

AASHTO: American Association of State Highway and Transportation Officials.

BICYCLE: Every vehicle propelled by the feet acting upon pedals and having wheels, any two of which are greater than 16 inches in diameter.

BICYCLE USER: Type A-Adult, advanced, experienced rider: capable of operating under most traffic conditions. Type B-Casual, novice adult, teenage or preteen bicyclists who ride on local residential streets with low vehicle speeds and volumes and require access to schools, recreational facilities and neighborhood shopping areas.

BICYCLE FACILITIES: A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking and storage facilities, mapping all bikeways, and shared roadways not specifically designated for bicycle use. (Source: AASHTO)

BICYCLE LANE: Bicycle ways provided on streets and designated by striping, signing and other pavement markings. (Source: SEWRPC Planning Report #43)

BICYCLE PATH: Bicycle ways physically separated from motorized vehicles by open space or barriers. May be located within right-of-way of a street, or an easement, utility corridor, or abandoned railroad right-of-way. (Source: SEWRPC Planning Report #43)

BICYCLE ROUTE: A bicycle way designated with directional and information markers and may consist of any combination of paths, lanes, and bikeways. (Source: SEWRPC Planning Report #43)

BICYCLE WAYS: Any roadway, pathway, or other ways that is specifically designated for bicycle travel including facilities that are shared with other travel modes. (Source: SEWRPC Planning Report #43)

MUTCD: Manual on Uniform Traffic Control Devices.

ROADWAY: That portion of a street or highway, including shoulders, for vehicle use. (Source: AASHTO)

SHARED ROADWAYS: A roadway which is not officially designated and marked as a bicycle route, but which is open to both bicycle and motor vehicle travel. This may be an existing roadway, street with wide curb lanes, or a road with paved shoulders. (Source: Wisconsin Bicycle Transportation Plan 2020).

SIDEPATH: A bicycle/pedestrian path separated from the roadway and constructed with asphaltic cement pavement.

STREET/HIGHWAY: A general term denoting a public way for purposes of vehicular travel, including the entire area within the roadway.

DESIGN

TRIP GENERATION

Biking and walking are two of the simplest forms of transportation. Besides being available to almost everyone, they also propose personal, social, and economic advantages to their users. People who get some sort of regular exercise have better aerobic capacity, muscle definition, coordination, and flexibility. These people are also generally happier and are more socially aware of what is going on in their communities. The last advantage benefits everyone, even the people who choose not to use bicycle and pedestrian facilities. Decreased motor vehicle trips reduce traffic congestion, air and noise pollution, wear and tear on roads, and the need for oversized roads and parking facilities. While biking and walking may not be an option for long trips and cargo conveying trips, they are practical for:

- Trips to Schools
- Trips to Parks
- Trips to Work
- Trips to Church
- Small Errands
- Recreation/Fitness
- Visiting with friends and relatives
- Appointments
- Connector to public transit

Specific Trip Generators in the City of Pewaukee include:

- Balmer Park
- South Park
- Springdale Park
- Nettesheim Park
- Wagner Park
- Pewaukee Sports Complex
- Ryan Park
- Pewaukee Lake
- City Hall/Police Department
- WCTC
- Lake Country Trail
- Fox River Trail Lake Pewaukee Parkway
- Subdivisions

SAFETY CONSIDERATIONS

Year 2001 Safety Information (from the 2003 Bicycle and Pedestrian Facility Plan)

Bicycle facilities are designed to convey bicycle travel in the safest manner possible. The ultimate goal is to increase the volume of bicycle and pedestrian traffic and reduce the number of crashes.

In 2001, there were 1,216 bicycle crashes in the State of Wisconsin. Of those, 43% involved children between the ages of 5 and 14, 25% were between 15 and 24, and another 19% came from bicyclists between ages 25 to 44. Crashes involving children bicyclists are usually the fault of the child bicyclist, whereas crashes involving adult bicyclists are usually the fault of the motorist. The most common types of crashes are:

- Motorist fails to yield
- Motorist turn/merge into path of bicyclist
- Bicyclist mid-block ride-out

(Ride-out refers to a bicyclist riding perpendicularly into the path of a motor vehicle)

- Bicyclist intersection ride-out
- Bicyclist turn/merge into path of vehicle.

Other characteristics of crashes include:

- More crashes occur on a weekday than weekend
- Bicycle crashes peak between 3 pm and 7 pm
- Most crashes occurred in daylight
- Close to half of all fatal crashes occur at night
- In Wisconsin, around 3% of all crashes occur on county trunk highways, but 24% of fatal crashes occur on county highways.

Year 2016 Safety Information (from Wisconsin DOT):

There were 916 crashes involving bicyclists in 2016.

22% were between the ages of 5 and 14

29% were between the ages of 15 and 24

22% were between the ages of 25 and 44

21% were between the ages of 45 and 64

6% were older than 65

Since 1996, the number of injuries has steadily declined (decreased by 42%)

Since 1996, fatalities have fluctuated year to year, but have remained somewhere between 10 and 15 per year.

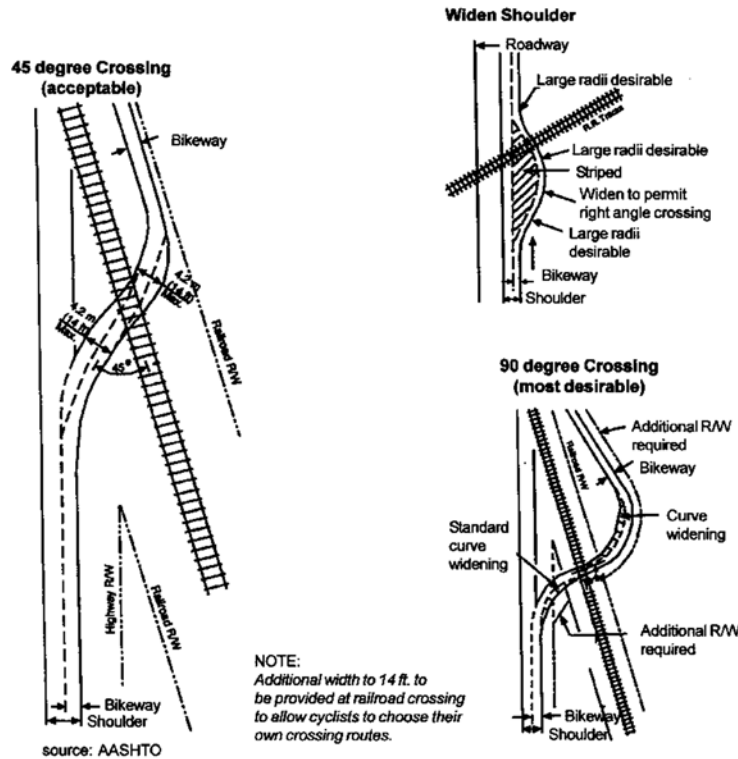
SUMMARY OF RELEVANT STATE REGULATIONS

- Bicycle laws are in WI Stats., Chapter 340.
- A bicycle is defined as a vehicle. The operator of a vehicle is granted the same rights and subject to the same duties as the driver of any other vehicle.
- Rules of the road apply to bicyclists.
- When a vehicle passes a bicycle, there shall be a clear, safe distance of 3 feet between the vehicle and bicycle.
- No bicycles are allowed on expressways or freeways if official signs stating such have been erected.
- When bicyclists or pedestrians cross at a marked or unmarked crosswalk, vehicles shall yield the right-of-way to them if the bicyclist/pedestrians are using the crosswalk on a manner consistent with the safe use of the crosswalk.
- Bicyclists shall use hand signals for turning movements from the proper position on the road.
- Bicyclists shall obey all traffic control signs.
- Bicyclists shall make turning movements from the proper position on the road
- If local authorities permit bicycles on sidewalks or hiking trails, every bicyclist shall yield to the right-of-way to pedestrians.
- Bicyclists shall not ride at night unless the bike is equipped with the correct, functioning lamps and reflectors.
- The government body can designate bike lanes, bikeways, and sidewalks for bicycle use, or prohibit the use of bicycles on a roadway.

OVERCOMING BARRIERS

Freeways, Rivers, and Railroads

Build bridges to accommodate all modes of transportation: existing and planned bridges must include the appropriate bicycle and pedestrian facilities. For security reasons, these are preferable to separate bicycle-pedestrian bridges. If bicycle-pedestrian bridges are needed, they should be located so they are visible, accessible from the existing roadway network and close to areas with high potential use, such as residential and commercial areas, schools or parks. The following are some examples of at-grade railroad crossings suggested by AASHTO:



Environmental Corridors

Wetland and conservancies can be some of the most challenging features to overcome. Interest in protecting these lands can be from the local and county level as well as the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers. Permitting is often difficult, but not impossible. Support from local, county, and state planning agencies can sometimes facilitate the permitting process. Many projects are forced to incorporate wetland mitigation and wetland banking into their projects as conditions of their accepted permits.

Wide Streets

Use pedestrian crossing treatments, such as raised median islands and curb extensions.

Intersections

Use special treatments such as refuge islands, smaller radius corners and through painted bike lanes.

At-Grade Railroad Crossings

Maintain existing crossings in safe condition for bicyclists and pedestrians.

Heavy Motor Vehicle Traffic Volumes

Provide well-designed bicycle and pedestrian facilities that will attract hardy users. More timid users, who perceive that they are no longer alone, will also be attracted to heavy traffic streets. Transportation Demand Management practices and traffic calming can help reduce traffic volumes and speeds at peak hours.

GRADES AND SIGHT DISTANCES

The AASHTO guide for development of bicycle facilities outlines the maximum grades for shared use paths. When facilities are being added to a roadway, the roadway grades usually control over the bicycle facilities. In instances where the facility is a separated path, the recommended grades and grade lengths can be accommodated.

Just like roads and streets, bicycle facilities should be designed with proper sight distances in order to provide bicyclists with enough time to react to danger. Sight distances are determined from several variables such as reaction time, bicycle speed, coefficient of friction, and bicycle braking capacity.

Refer to the appendix for general grade, curve, and sight distance design guidelines.

BICYCLE FACILITY TYPES AND COSTS

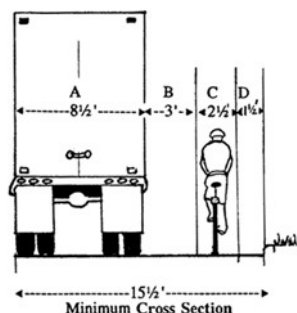
Shared Roadway

On a shared roadway, bicyclists and motorists are sometimes accommodated in the same travel lane or because of narrow widths or parked vehicles; motorists may find it necessary to overtake bicyclists by switching into the oncoming travel lane. Shared roadway facilities are common on city street systems, narrow town roads, and county trunk highways. This facility type will continue to provide a very common form of bicycle accommodation. Because of the low volume of traffic, most of these roadways are currently suitable for bicycling with no additional improvements necessary.

There is no cost to accommodate bicycles in a shared roadway.

Wide Curb Lanes

Wide curb lanes are normally used on multi-lane arterials and collectors, which have high traffic volumes. The right (curb) lane is used to accommodate bicycles and vehicles, therefore, a lane wider than the typical 12 feet is provided. The extra width allows for safe bicycle traffic and allows vehicles to pass bicycles without changing lanes. The lanes also act to minimize the real and perceived conflicts between bicycles and motor vehicles.



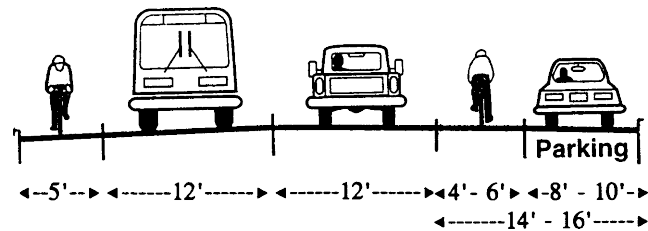
AASHTO guidelines consider a lane with 14 feet of usable width as being minimum. Usable width is considered that distance which is between the left-hand lane line and the curb flange line. AASHTO does not consider the gutter section of a road usable due to the many joints and the location of storm water inlets. A typical cross section is shown above. Note that a 3-foot separation between vehicles and bicyclists is required by State law.

When wide curb lanes are used, the road design should include bicycle safe storm inlet grates and elimination of the longitudinal joint, which runs between the gutter and the roadway.

Assuming that width is available, costs of retrofitting bicycle accommodations on arterial streets can be between \$20,000 and \$65,000 per mile.

Bike Lanes

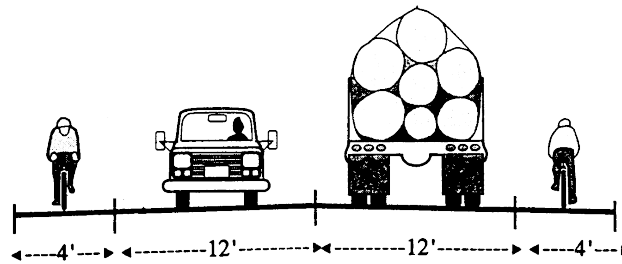
Bike lanes are normally found on urban arterials and collectors. Bike lanes are characterized by painted lines and roadway markings and are one-way facilities that handle bicycle traffic that is moving in the same direction as adjacent motor vehicle traffic. Bicycle lanes allow for more predictable movements by bicyclists, thereby giving the bicyclist more confidence in using them and it allows a comfort level for all longitudinal joints.



Costs of providing bike lanes range from \$20,000 to \$133,000 (for both sides of roadway) depending on the surface type and the provision of a 5 or 6-foot width. In some cases, pavement marking can be used to re-define vehicle lane widths, reducing them to 11 feet wide to provide additional space and reduce the cost.

Paved Shoulders

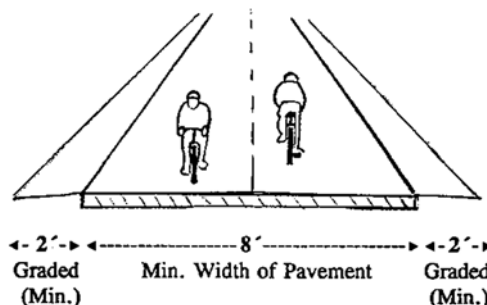
Wide curb lanes and bike lanes are typically used for urban cross sections. In many communities, including Pewaukee, roads have rural cross sections (no curbs), therefore, bicyclists must use road shoulders to get to their destinations. In cases where a bicyclist must ride on a shoulder, smooth, paved shoulders should be provided and maintained. The shoulder width should be a minimum of 4 feet, with 5 or 6 feet being desirable. If the facility will be used primarily by experienced adult bicyclists, an 18 to 24 inch paved shoulder may be sufficient. On many County and State highways, the highways contain “rumble” strips to alert motorists when they are off the travel lane. Though it is an effective safety tool for motorists, it does not provide a safe environment for bicyclists. One option to accommodate a smooth ride for bicyclists, yet maintain rumble strips is to provide a one foot smooth section on the center of the rumble strip to allow for safe passage.



Costs of paving a 5 ft. wide shoulder is \$78,000 - \$147,000 per side per mile when a suitable gravel base is provided. Where there is minimal or no shoulder, the cost may go up substantially due to re-ditching, tree removal and additional material needed to provide a solid base.

Shared Use Path

A shared use path is characterized as an off road paved path that can accommodate two-way bicycle traffic as well as other types of users (strollers, walkers, runners, etc.). A shared use path could be separated from a roadway by a narrow section of open space or it could be through open lands. Shared use paths can provide mobility along rivers, greenways, rail lines, and between subdivisions. Shared use paths are best used where there are minimal street and driveway crossings because they limit the number of conflict points with motor vehicles.



According to AASHTO Bicycle Guidelines and the WisDOT, the recommended width for a two-way bike path is 10 feet, though 8 feet is the minimum width. For one-way traffic, the minimum width is 5 feet. The width to be used may depend on the expected volume of bicycle usage as well as pedestrians, skate boarders, skaters and people walking their pets. One way paths should be clearly marked to discourage two-way traffic.

The cross section for a two-way path should include a 2 feet wide clear zone on both sides of the path. The clear zone should be void of trees, poles, walls, fences, signs, and guardrails. The vertical clearance should be 8 feet unless maintenance vehicles need to traverse the path.

Bike paths have the highest variance in cost. Typical paths found on abandoned railroad rights-of-way cost approximately \$65,000 per mile for a crushed limestone surface. Urban multi-modal paths with appropriate intersection treatment, 12 feet width, asphalt surface, lighting and landscaping can be as much as \$500,000 per mile, not including right-of-way acquisition.

Summary

Challenges in the City of Pewaukee include the narrow local roadway corridors, number of County and State Highways and speed on those highways. In narrow road corridors, bicycle improvement projects may be more costly due to the amount of grading and ditching that is necessary to widen the pavement and add a bicycle/pedestrian facility. The County and State highways tend to have higher speed limits which compromises the use of bike lanes.

In general, separated pathways are preferred to on-road facilities and should be pursued wherever possible to move pedestrians and bicyclists away from danger. If a separated path is not possible along a roadway, consider widening the roadway to include either paved shoulders or wide curb lanes and reducing the speed limit. Make sure road and railroad crossings are signed according to MUTCD regulation and incorporate signalized crossings whenever available.

INVENTORY

EXISTING CONDITIONS

The City of Pewaukee encircles the east end of Pewaukee Lake and the Village of Pewaukee. Before incorporating in 1999, the City was the Town of Pewaukee. Pewaukee's neighbors include the Town of Lisbon to the north, the Town of Delafield to the west, City of Brookfield to the east and the City of Waukesha to the south. There are approximately 92 miles of local roads, 31 miles of state and county highways, and 15 miles of freeway in the City.

The City has many high volume State and County Roads that pass through it. Running north and south through the City are County Highways F, G, T, JJ, M and State Highways 16, 164, and 74. State Highway 190 and Interstate Highway 94 both run east and west through the city. The Canadian National railroad runs north-south along the east side of the City and the CP Rail System bisects the north and south halves of the City.

The Pewaukee River begins at the east end of Pewaukee Lake and meanders to the southeast where it empties into the Fox River. The Fox River cuts off the southeast corner of the City and continues on into the City of Waukesha.

The streets in the city tend to be narrow two lane roads in wide right-of-ways with little or no shoulder and generally medium to deep ditches. As the city has grown, so has the volume of traffic. Roads that were once generally rural two-way roads are now becoming collectors and arterials moving residents to and from the newer unconnected subdivisions to the parks and other trip generators that, too, were once on low volume roads.

EXISTING AREA BICYCLE PLANS

An important and sometime challenging goal of facility planning is maintaining continuity where different communities border each other. Good neighbor relations and similar design standards facilitate these connections.

The Southeast Wisconsin Regional Planning Commission 2010 Bicycle and Pedestrian Facilities System Plan selects many of the county roads within the city as proposed bicycle routes. Also depicted are the Pewaukee River Parkway, the Fox River Trail, and a general connection to each from the city.

The proposed Waukesha Greenway Plan moderately affects the City. Included in the plan are the proposed corridors for the Fox River Trail in the City's southeast corner and the Pewaukee River Parkway, which runs north to south through the city. The plan will outline the design criteria used for selecting the corridor in the Parkway.

The only connection between the City of Brookfield Greenway Plan and Pewaukee is the Fox River Trail coming into the eastern edge of the City on an abandoned railroad corridor.

The Town of Delafield Comprehensive Outdoor Recreation Plan does not connect with Pewaukee other than the Lake Country Trail, which is maintained by Waukesha County.

The bicycle and pedestrian plan with the most connections is the Village of Pewaukee Bicycle Plan. Many of the connections have been extended into the City of Pewaukee.

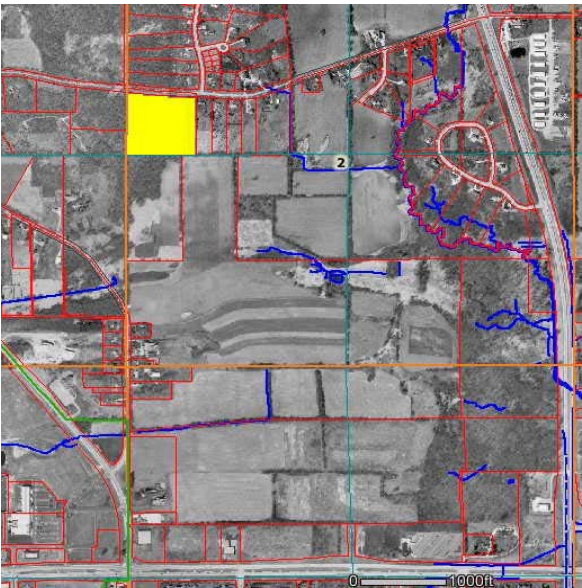
Refer to the exhibits section for the Bike Plan Map showing existing and proposed bicycle/pedestrian ways.

BICYCLE/PEDESTRIAN ROUTE LOCATIONS

The following pages include specific information regarding each segment proposed for facility improvement by the City of Pewaukee Bike Plan. Included for each segment are the existing conditions, notes regarding attributes that might affect facility implementation and design, and the recommended facility type and/or improvement.

BALMER PARK TO CAPITOL DRIVE (STH 190)

Location: Through land south of Balmer Park to Capitol Drive



Looking south from Balmer Park

Existing Conditions:

Segment Type:	URBAN MINOR/COLLECTOR STREET (FUTURE)
Speed Limit:	NA
Pavement Width:	NA
Ditch Depth & Location/ Curb B to B:	NA
Existing Bike Facility:	NA
On Street Parking:	NA

Notes:

Recommendations:

Since the land is undeveloped, there are several options to connect Capitol Drive to Balmer Park. For bicyclists, incorporating a wide curb lane would suffice. For pedestrian traffic a designated sidewalk or side path would provide the safest method for pedestrian traffic.

CAPITOL DRIVE (CTH JJ)

Location: West Village limits to west City limits



Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	2.0 +' DEEP ON SOUTH SIDE, 1.0' DEEP ON NORTH SIDE / 12' FROM EDGE OF ROAD
Existing Bike Facility:	NONE
On Street Parking:	NONE

Notes:

- Gravel shoulders vary in width
- Route is designated in the SEWRPC Plan
- Probable wetland issues if grading new shoulder and ditches

Recommendations:

The addition of paved shoulders and appropriate signage would facilitate bicycle travel; ditches will need to be moved out away from the road

CAPITOL DRIVE (STH 190)

Location: Pewaukee Road to Springdale Road



Looking west from STH 164



Looking east from STH 164

Existing Conditions:

Segment Type:	URBAN ARTERIAL
Speed Limit:	VARIES
Pavement Width:	50'
Ditch Depth & Location/ Curb B to B:	
Existing Bike Facility:	NONE
On Street Parking:	NONE

Notes:

- High traffic speeds and volumes
- Roadway overpasses STH 74 and Duplainville Road
- South side of right-of-way more open and constructible than north side

Recommendations:

- Construct side path on the south side of the road.

DUPLAINVILLE ROAD

Location: Weyer Road to Green Road



Weyer Road to Lindsay Road



Looking north from Green Road



Looking south from Overhill Lane



Looking north from Overhill Lane

Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	35-45 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	3-5' DEEP/ 18' FROM EDGE OF ROAD
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

- Deep ditches in some areas
- Narrow areas near the subdivisions north of the Capitol Drive overpass

Recommendations:

- Construct side path on the west side of the road.

EAST FIELDHACK DRIVE TO THE LAKE COUNTRY TRAIL

Location: From southernmost part of Fieldhack Drive to the Lake Country Trail



View from East Fieldhack Drive

Existing Conditions:

Segment Type:	NA
Speed Limit:	NA
Pavement Width:	NA
Ditch Depth & Location/ Curb B to B:	NA
Existing Bike Facility:	NA
On Street Parking:	NA

Notes:

Short segment, less than 150 LF
Must cross over stream, wetland and PEC to get to trail, use culvert or boardwalk, DNR permits required; tree/brush remo

Recommendations:

Two options to consider:
Construct shared path to connect Fieldhack Drive to the Lake Country Trail

GLACIER ROAD

Location: West Village limits to west City limits



Looking west from Ryan Street



Looking east from City limits

Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	25 MPH
Pavement Width:	28'
Ditch Depth & Location/ Curb B to B:	1-2.5' DEEP / 5.5' FROM PAVEMENT EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

Route should not be recommended for inexperienced riders.
Challenging hilly terrain

Recommendations:

Construct paved shoulders along both side of the road

GREEN ROAD

Location: Pewaukee Road to Wagner Park



Looking east from Pewaukee Road



Looking west from Duplainville Road

Existing Conditions:

Segment Type:	RURAL/URBAN ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	24' / 3' GRAVEL SHOULDER
Ditch Depth & Location/ Curb B to B:	1' DEEP / AT 7' FROM SOUTH PAVEMENT EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

City wants to keep the roadway rustic

North side of road open between edge of pavement and existing right-of-way for the entire stretch
Some tree trimming on north side may be necessary to allow bike/pedestrian access and accommodate sight lines

Recommendations:

Construct side path on north side of road

JACQUELYN DRIVE TO SOUTH PARK

Location: Through easement from Jacquelyn Drive to South Park



View from Jacquelyn Drive to park

Existing Conditions:

Segment Type:	PEDESTRIAN RIGHT-OF-WAY
Speed Limit:	NA
Pavement Width:	NA
Ditch Depth & Location/ Curb B to B:	NA
Existing Bike Facility:	NA
On Street Parking:	NA

Notes:

Easement for path already exists
Project already in construction phase through City Engineering Department

Recommendations:

No further action needed

LINDSAY ROAD

Location: Swan Road to Duplainville Road



West of Balmer Park



East of Balmer Park



East of STH 164

Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	45 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	1.5' DEEP / 5.0' FROM PAVEMENT EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

City wants to keep the roadway rustic

West of Balmer Park Lindsay Rd is narrow with pronounced ditches and trees close to road
Right-of-way along Lindsay Rd east of Balmer Park have open areas and minimal ditches

Recommendations:

Construct two way path on south side of road from Swan Road to Duplainville Rd, may require pedestrian signalization of intersection at STH 74 in order to safely cross the highway.

MEADOWBROOK ROAD/PROSPECT AVE. (CTH G)

Location: Lake Country Trail to north City limits



Existing Conditions:

Segment Type:	RURAL
Speed Limit:	45 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	WEST SIDE 1.5' DEEP / EAST SIDE 0.75'DEEP
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

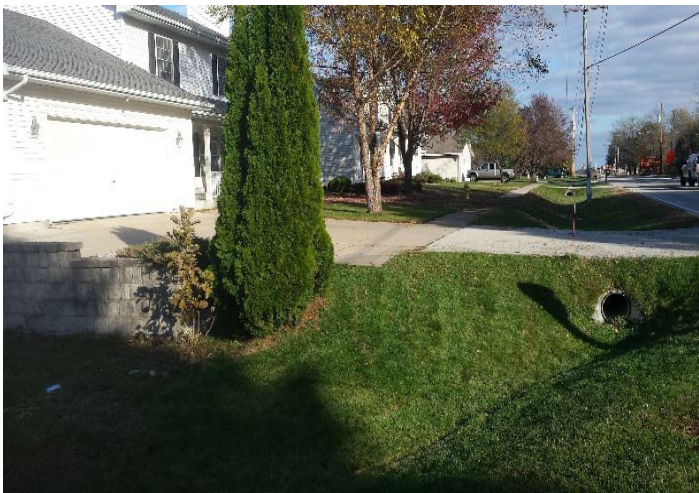
- Ditch on west side more pronounced than east side
- Power poles on east side
- Mostly residential on east side of road
- Right-ofway available on easterly side of the road

Recommendations:

- Construct boardwalk from Lake Country Trail to a point north of the creek crossing due to wetland and creek
- Construct shared path along easterly siode of the road; serpentine the rath around power poles
- Tree/brush removal required; line stripe at intersections; regrade ditches if necessary

NORTHVIEW ROAD

Location: Meadowbrook Road to South Park



Looking east from South Park



Looking west from mid-section

Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	1.25' DEEP / 5' FROM PAVEMENT EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

Existing sidewalk extended from Meadowbrook Road past first house on north side
Some clearing and grubbing is required
sidewalk located in front of last three homes directly east of South Park (City of Waukesha)

Recommendations:

Construct sidewalk on north side of road to connect to existing sidewalk

PEWAUKEE RIVER GREENWAY TO RIVERWOOD DRIVE

Location: WEST END OF RIVERWOOD DRIVE TO PEWAUKEE RIVER GREENWAY



Looking west from Riverwood Drive

Existing Conditions:

Segment Type:	NA
Speed Limit:	NA
Pavement Width:	NA
Ditch Depth & Location/ Curb B to B:	NA
Existing Bike Facility:	NA
On Street Parking:	NA

Notes:

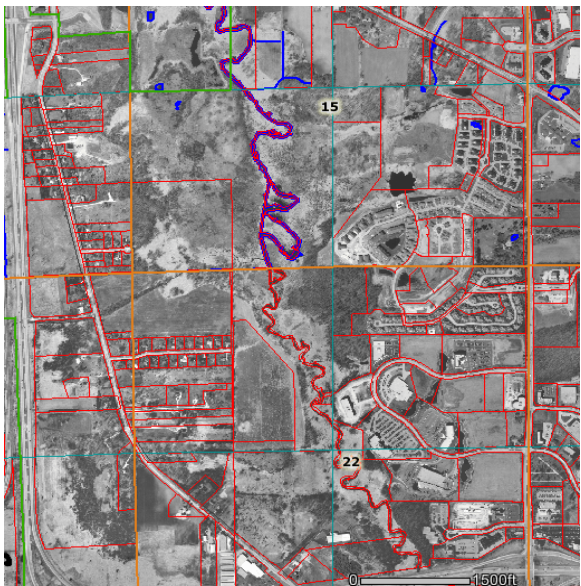
County Parks and Land Use Department supports a connection at this point
Permitting may be extensive in the greenway
Boardwalk may be needed

Recommendations:

Construct two way path to the proposed Pewaukee River Greenway

PEWAUKEE RIVER GREENWAY

Location: South end of Morris Street to proposed Fox River Trail



Looking east from CTH JJ

Existing Conditions:

Segment Type:	NA
Speed Limit:	NA
Pavement Width:	NA
Ditch Depth & Location/ Curb B to B:	NA
Existing Bike Facility:	NA
On Street Parking:	NA

Notes:

Waukesha County Parks and Land Use Department has proposed corridor beginning at Riverside Drive as part of their Greenway Plan

Recommendations:

The trail route proposed by Waukesha County could be intersected at the south end of Morris Street. Extend sidewalk on east side of Morris Street down to the trail and follow the route proposed by Waukesha County

PEWAUKEE ROAD (STH 164)

Location: North Riverwood Drive to Swan Road



Existing Conditions:

Segment Type:	URBAN ARTERIAL
Speed Limit:	45 MPH
Pavement Width:	24' PAVEMENT / 12' GRAVEL SHOULDER
Ditch Depth & Location/ Curb B to B:	1.5' DEEP / 27' FROM CENTERLINE
Existing Bike Facility:	SEPARATED PATH
On Street Parking:	NONE

Notes:

Waukesha County constructed shared path as part of 2004 Reconstruction Project
Path on west side from Riverwood Dr. to Green Road; east side from Green Road to Capitol Drive

Recommendations:

PEWAUKEE ROAD (STH 164)/RIDGEVIEW PARKWAY CROSSING

Location: Pewaukee Road at Ridgeview Parkway



Looking south from NW corner



looking west from SE corner

Existing Conditions:

Segment Type:	URBAN ARTERIAL DIVIDED
Speed Limit:	45 MPH
Pavement Width:	102' (APPROX.)
Ditch Depth & Location/ Curb B to B:	N/A
Existing Bike Facility:	SHARED PATH ON WEST SIDE
On Street Parking:	NONE

Notes:

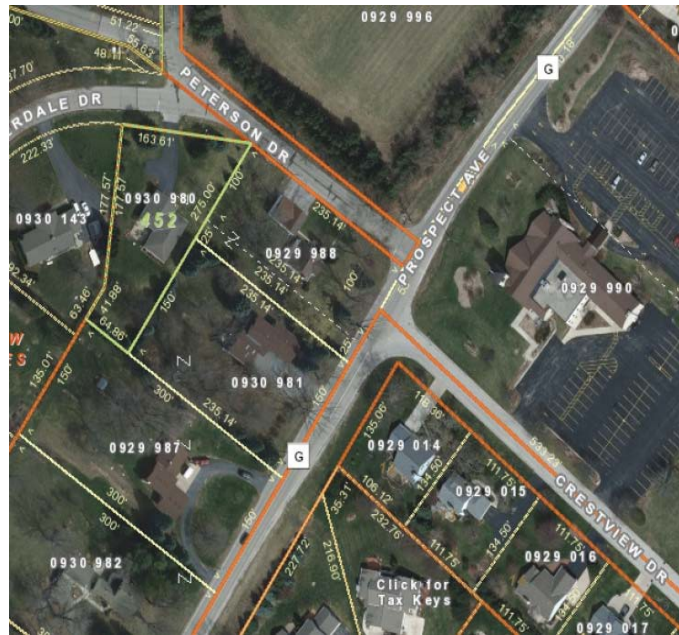
- No sidewalk to pedestrian path on Ridgeview Parkway
- No refuge island in STH 164 that meets minimum FHA requirements
- Signal timing on STH 164 does not allow for person to cross east/west without holding in the ex. 2' island

Recommendations:

- Line striping on south leg of STH 164
- Line striping on Ridgeview Parkway
- Pedestrian crossing warning signs on STH 164, north and south approaches
- Install Rectangular Rapid Flashing Beacons (RRFB) and ped signals

PROSPECT AT NETTESHEIM PARK and AT CRESTVIEW DR.

Location: Prospect at Nettesheim Park/Prospect at Crestview Dr.



Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	1-2 FEET
Existing Bike Facility:	NONE
On Street Parking:	NONE

Notes: Nettesheim Park

Oak Street is offset approx. 35 feet south leg vs. north leg
Site distance from south leg to west does not meet stopping site requirements
Site distance substantially improves if crossing is at north leg
If extended south from north leg; path to park would need to be constructed for access

Recommendations: Nettesheim Park

Install crosswalk location from east side of Oak Street north leg directoy south
Install path from crosswalk to park entrance
Install warning signs on east and west apporaches to the intersection
Install Rectangualr Rapid Flashing Beacon (RRFB) at crosswalk with push button

Notes: Crestview Drive

Crestview Drive is offset approx. 70 feet from peterson drive (north)
Site distance is adequate in northeast/southwest direction
Proposed path on Meadowbrook Road to be on south side
Most direct route from Peterson Road to path is perpendicular to Prospect Avenue

Recommendations: Crestview Drive

Install crosswalk location from west side of Peterson Dr. perpendicuar to Prospect Ave.
Install warning signs on northeast and southwest apporaches to the intersections
Install Rectangualr Rapid Flashing Beacon (RRFB) at crosswalk with push button
Add warning sign on Crestview to warn right turning vehicles of the crossing

PROSPECT AVENUE (CTH G)

Location: Maple Street to College Avenue



Existing Conditions:

Segment Type:	RURAL/URBAN ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	24' WITH 1.0' PAVED SHOULDER ON THE NW SIDE OF STREET
Ditch Depth & Location/ Curb B to B:	1.5' DEEP / 3' FROM ROAD EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

Very narrow road and rural section
Developed trees predominately on east side of road, near pavement

Recommendations:

Construct paved shoulders and signage. May require re-grading of ditches and tree removal
Reduce speed limit to 30 MPH in this segment for safety

RYAN ROAD (CTH KF)

Location: STH 16 to proposed Ryan Park



Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	45 MPH
Pavement Width:	24' WIDE / 12' GRAVEL SHOULDER
Ditch Depth & Location/ Curb B to B:	1' DEEP / 12' FROM EDGE OF SHOULDER
Existing Bike Facility:	NONE
On Street Parking:	NONE

Notes:

Existing sidewalk on east side of bridge over STH 16
Proposed Ryan Park on east side of road to be developed by County

Recommendations:

Construct two-way side path from STH 16 to Ryan Park on east side of road

SPRINGDALE ROAD

Location: Capitol Drive to north leg of Glenwood Lane



Looking north from Glenwood Lane



Looking south at Green Road



Looking south from Capitol Drive

Existing Conditions:

Segment Type:	RURAL/URBAN ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	30'
Ditch Depth & Location/ Curb B to B:	1' DEEP / 7.5 FROM PAVEMENT EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

Nice paved shoulder on the west side of the road
East side shoulder is narrower

Recommendations:

Construct side path on west side of road

SWAN ROAD

Location: Pewaukee Road to Lindsay Road



Existing Conditions:

Segment Type:	RURAL COLLECTOR
Speed Limit:	35 MPH
Pavement Width:	24'
Ditch Depth & Location/ Curb B to B:	1.5'-2.0' DEEP / 4.0' FEET FROM PAVEMENTEDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

City wants to keep the roadway rustic
Narrow section with pronounced ditches

Recommendations:

Construct two-way side path on east side of road from Pewaukee Road to Lindsay Road

Consideration should be given to purchasing additional right-of-way and move the path to the outside of the trees in order to maintain the rustic character of the road. The path may have to swing out to the road as a paved shoulder where constraints do not allow it to be separated from the road

WATERTOWN ROAD (CTH M)

Location: Pewaukee Road to the Fox River Trail



Existing Conditions:

Segment Type:	RURAL/URBAN ARTERIAL
Speed Limit:	45 MPH
Pavement Width:	25'
Ditch Depth & Location/ Curb B to B:	2.0 FEET DEEP / 25' FROM ROADCENTERLINE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

Waukesha County will construct short segments on north side of road at STH 164 as part of 2004 Reconstruction Project
Relocation of utility poles may be necessary to construct path on north side of road

Recommendations:

Construct two-way path from Pewaukee Road southeasterly to proposed Fox River Trail on north side of Watertown Road with crossings to the proposed residential development and/or Pewaukee River Parkway which are south of Watertown Road.

WATERTOWN ROAD (CTH M)

Location: Pewaukee Road to Forest Grove Drive



Existing Conditions:

Segment Type:	RURAL ARTERIAL
Speed Limit:	35 MPH
Pavement Width:	25'
Ditch Depth & Location/ Curb B to B:	2.0 FEET DEEP / 25' FROM ROADCENTERLINE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

Relocation of some utility poles may be necessary to construct path on south side of road
Trees/shrubs adjacent to residential subdivisions will have to be partially cleared
Substantial tree removal at west end of segment - heavy tree/brush growth close to the road pavement

Recommendations:

Construct shared path from Pewaukee Road northwesterly to Forest Grove Drive on south side of Watertown Road.

WEYER ROAD

Location: Duplainville Road to east City Limits



Looking east towards City Limits



Looking west towards Duplainville Road

Existing Conditions:

Segment Type:	RURAL/URBAN ARTERIAL
Speed Limit:	45 MPH
Pavement Width:	22
Ditch Depth & Location/ Curb B to B:	1-2' DEEP / 7' FROM PAVEMENT EDGE
Existing Bike Facility:	SHARED ROADWAY
On Street Parking:	NONE

Notes:

- Some clearing and grubbing necessary for side path
- Road is primarily open and constructible except for immediate area off of Duplainville Road
- Road has rustic qualities near Duplainville Road
- Railroad will oppose a pedestrian/bicycle crossing over the tracks parallel to Duplainville Road on east side

Recommendations:

- Construct a two-way path on the south side of the road

Woodstream Ct cul-de-sac to Wagner Park

Location: EAST END OF CUL-DE-SAC THROUGH BERM TO PARK



Looking east from Woodstream Court



Looking west from Wagner Park

Existing Conditions:

Segment Type:	NA
Speed Limit:	NA
Pavement Width:	NA
Ditch Depth & Location/ Curb B to B:	NA
Existing Bike Facility:	NA
On Street Parking:	NA

Notes:

Evidence of walking trail worn into existing berm between park and subdivision

Recommendations:

Construct short two way path from east end of Woodstream Court cul-de-sac into the park
The Park and Recreation Committee should consider adding paths within the park to the pavilion and to Northview Rd

RECOMMENDATIONS

2019 ROUTE EVALUATIONS/RECOMMENDATIONS

#1. East Fieldhack Drive to the Lake Country Trail

The shortest connector trail between East Fieldhack Drive and the Lake Country Trail would be near the driveway into W26637 East Fieldhack Drive, west of the development pool and tennis activity area. There is no existing man-made trail that is used for residents to get from east Fieldhack Drive to the trail. Part of the reason is that there is a vertical face curb along the south side of Fieldhack Drive and an elevation drop of seven (7) feet immediately south of the curb. The land between east Fieldhack Drive and the Lake Country Trail contains environmental corridor, wetland, floodplain and We Energies high tension power lines.

Options to install an accessible trail between East Fieldhack Drive and the Lake Country Trail include filling the area land to create a base for an asphalt trail or constructing a boardwalk between the two access points.

Filling Option: Improvements would include creating a curb cut and detectable warning field for access from East Fieldhack Drive, placing fill in an environmental corridor, wetland and floodplain, substantial tree/brush removal, wetland delineation, substantial floodplain modeling, WDNR and US Army Corps of Engineers (USACOE) permitting, access permission from the Spice Creek Condominium at Meadowbrook Farms homeowners, and permission to install improvements through a likely American Transmission Company easement for high tension wires and poles, as well as We Energies. Estimate of probable construction cost is \$22,000.

Boardwalk Option: Improvements would include creating a curb cut and detectable warning field for access from East Fieldhack Drive, construction of a boardwalk for approximately 150 feet between the two access points, fill to create the required handicap accessible access, permitting from WDNR, USACOE, floodplain analysis, minimal tree/brush removal, access permission from the Spice Creek Condominium at Meadowbrook Farms homeowners, and permission to install improvements through a likely American Transmission Company easement for high tension wires and poles, as well as We Energies. Estimate of probable construction cost is \$188,000.

Considerations: Although this segment is short and makes sense to connect the Lake Country Trail to the residential development, there will be a substantial amount of effort needed to gain the approval of the condominium property owners and to apply for and receive environmental permits after preparing a design, without a guarantee that permits would be issued. For wetland disturbance, the WDNR requires an alternatives analysis which may show that an alternative route (such as the trail along Meadowbrook Road, CTH G), may prove to have less impact on the environment and may be more feasible.

#2. Meadowbrook Road, Lake Country Trail to City/Village boundary
(approx. 8,800 lineal feet)

This proposed trail would be a connector between the Lake Country Trail and Pewaukee school lands. It will serve a substantial number of existing residential properties along the way and provide a safe and efficient access for pedestrians and bicyclists to get to the Lake Country Trail. After consideration of improvements, and right-of-way availability on both sides of Meadowbrook Road, We suggest that an off road path be placed on the easterly side of Meadowbrook Road for the entire length. Design recommendations and challenges by section are noted as follows:

Lake Country Trail to E. Fieldhack Drive: It appears that vehicles have parked on the east side of Meadowbrook Road and have created a wide gravel shoulder. Beyond the gravel shoulder, the land drops off into what is likely a wetland. To minimize wetland filling, a paved shoulder, clearly marked with pavement markings are suggested. There is a creek that crossed under Meadowbrook Road. The creek flows under Meadowbrook Road via a large (60") culvert. There is a stone headwall located approximately 13 feet off the travel lane (white line). North of the creek, the side slope off the road to the east drops off approximately 5 feet in 13 feet. It is suggested that the headwall be increased in height and extended north in order to install a paved shoulder. Some type of railing or barrier system would be required to maintain safety along this portion of the path.

As an alternate to the paved shoulder/bike lane, a boardwalk between the Lake Country Trail and the north side of the creek should be considered. The boardwalk would be placed adjacent to the wetlands north of the Lake Country Trail and then span the creek. Wetland disturbance would be minimized, but extensive permitting may be required for the creek crossing.

E. Fieldhack Drive to Accent Court: The right-of way along this section of the path is approximately 50 feet east of the centerline of Meadowbrook Road. The land east of the roadway is open except for some trees, power poles and utility boxes. A gentle curvature of the path could be employed to avoid conflicts and provide the user with some variety. The path should be set back off the road so that the ditch adjacent to the road can be maintained. There is a section of wooded/brush area that acts as a buffer to the rear of the lots on Shooting Star Road. Selective tree cutting could be required to minimize the visual impact to those residents.

Accent Court to College Avenue (CTH SS): The right-of way along this section of the path is approximately 50 feet east of the centerline of Meadowbrook Road; however, the parcels along this section front onto Meadowbrook Road. The path would be placed within the right-of-way and be placed such that existing improvements are not damaged. The path should match driveway grades. As the proposed path approaches College Avenue, the road pavement appears to shift to the east and the available right-of-way on the east side narrows such that there is very limited room in the right-of-way for an off-road path. A paved shoulder could be employed along the existing pavement; however, bicyclists may be in conflict with right turning vehicles. The use of a designated bike lane through the intersection should be considered.

Prospect Avenue (CTH G) to northerly end of Galilee Lutheran Church: The path would continue on the northeasterly side of the roadway. The right of way along CTH G, directly northeast of Prospect Avenue appears to be 33 feet in width. The acceleration lanes appear to take up a substantial amount of the right-of-way; therefore, easements will have to be acquired. The potential easement area includes a ditch and wooded/brush areas. The path should be set back off the road as far as possible to allow the roadside ditch to function as it does presently. Selective tree and brush removal will be necessary for this section.

Northerly end of Galilee Lutheran Church and City/Village Limits (Pewaukee School Grounds): There are three homes that front along this section of the path. Two that are located north of the church property where there are substantial sized trees along the east side, a ditch a few feet off the pavement and the land rises towards the front property line. Lands along the Steeplepoint subdivision also have the tree/brush buffer, with a minimal ditch depth very close to the road. To construct an off road path along this section, substantial tree removal is required along with grading in the right-of-way (I note that one property has not dedicated right-of-way in the front, so the path may need to shift towards the road to stay within the prescribed right-of-way). The third house is located southwest of the City/Village limits and has very limited right-of-way (25 feet) east of the centerline of the road and the house is located approximately 34 feet east of the right-of-way line. The path would likely require the removal of a couple of trees in their front yard.

Estimate of probable construction cost is \$737,000.

#3. Northview Road, from west end of sidewalk to South Park

The sidewalk on CTH TT was extended west, on the north side of Northview Road to the driveway at the property address N4 W27050 Northview Road. There is also sidewalk in front of homes between 3308 Northview Road and 3316 Northview Road (City of Waukesha properties). The intent of this section is to connect the walk located west of CTH TT with the existing walk in front of said homes and then connect to South Park parking lot. The right-of-way along this section is a consistent 40 feet north of the centerline of the road. The land north of the pavement gently slopes down into an 18-inch deep ditch and back up, all in about 25 feet. The sidewalk installed to the east, was installed behind the curb, so there is no ditch. The existing sidewalk to the west on City of Waukesha properties is located behind the ditches, approximately 1 foot off the property line. The City has a several options: 1. A sidewalk could be installed at 1 foot off the property line, which would likely require removal or trimming of trees and landscape plantings on some properties, but would avoid power pole guy wires and utility boxes. 2. Install a path that meanders through the right-of-way that would avoid trees, power pole guy wires and utility boxes, or 3. Require the utility companies to relocate their poles, guys and utility boxes and place the path at the back of the ditch, within the right-of-way, but not as far back as the right of way. This option would require regrading of the ditches and would result in steeper side slopes in the ditches (not always desired by property owners that use riding mowers to cut their grass). Also, the City will likely have to pay for the utilities to relocate their facilities to accommodate the sidewalk location. Estimate of probable construction cost is \$40,000.

#4. Pedestrian Crossing at STH 164 (Pewaukee Road) and Ridgeview Parkway

Pewaukee Road contains a path along the west side of the road. Desired access is from the east side of Pewaukee Road to the west side, although there are no walks or paths in Ridgeview Parkway at this time. This intersection is a signal controlled intersection. Due to the number of lanes in STH 164, and the current timing of the signals, elements of a safe crossing cannot be accomplished. Traffic in Ridgeview Parkway does not allow for enough time to cross the entire Pewaukee Road. The only refuge island is at the location of the signal heads and light poles which are very narrow (2'+/-). (Federal Highway Administration guideline is a minimum of 4 foot wide raised island, preferably 8 feet).

Since physical changes to the median refuge width may not be easily accomplished, an option would be to install pedestrian push-button capabilities on the existing signals which would allow the retiming of the signals for pedestrian crossing. Along with this additional pavement markings and signage would be desired.

Since the improvements would affect a state highway, the City would be required to acquire permission and permits from WisDOT. Furthermore, the traffic signals are maintained by Waukesha County, so permits would be required from the County. Estimate of probable construction cost is \$57,000 (RRFB, striping, signs)

#5. Watertown Road/CTH M (approx. 5,400 lineal feet)

The land uses along the north side of Watertown Road between STH 164 and Forest Grove Drive appear to be vacant lands that include wetlands up to the road pavement and business/light industrial. The land uses along the south side of Watertown Road include residential development, a bar/restaurant and agricultural lands. The anticipated need for a bicycle/pedestrian path would best serve the residential property along the south side of Watertown Road. The evaluation of this section assumes that the path will be placed on the south side of Watertown Road. All considerations for improvements along this segment of bicycle and pedestrian facilities will be in Waukesha County right of way, which means all work will require review and permits from Waukesha County staff.

Beginning at STH 164 and working west, it is noted that the right-of-way along the south side of Watertown Road is located approximately 10 feet south of the road pavement. There are also power poles along the south side of the road close to the right-of-way line. Outside of the right-of-way, the land slopes down at a 3:1 slope to a roadside swale that takes water westerly to an existing pond. The pond is located on private property and is surrounded by a chain link fence. Since there is no turn lane at this point, there is approximately 22 feet of land between the pavement edge and right-of-way line to install a path and meet the clear zone for the power poles and fence. Lands to the west of the pond have a 50 foot right-of-way south of the centerline of Watertown Road. There are four residences that front onto Watertown Road that have various amounts of trees and vegetation requiring that the path be designed to meander through the properties to minimize disturbance to the trees and vegetation.

The 50 foot wide half right-of-way continues westerly along the Creekside Preserve and Creekside Preserve North subdivisions. There is both open lands that would be ideal for a path within the right of way and a section between Creekside Drive and Single Tree Drive where there is an existing heavy tree/brush buffer between the rear yards of homes along Single Tree Court and Watertown Road. West of the subdivisions, there is a bar/restaurant which has minimal trees and utilities, which the path can meander through.

Continuing west, the road pavement shifts to the south resulting in a right-of-way that is only 31 feet off the pavement. Power poles are located 15 feet off the pavement. There is room to construct a path through the agricultural field behind the power poles. West of the agricultural fields, there are a few more residential properties that front on Watertown Road, some with thick vegetation, especially as one approaches Forest Grove Drive.

The intersection of Watertown Road at Forest Grove Drive is not controlled by a multiple stop intersection. At Forest Grove Drive, there is no stop controlled intersection except on the north leg (southbound traffic). The Village of Pewaukee does not have any sidewalks or paths along Forest Grove Drive. Access from the path on the south side of Watertown Road to the north side should include pavement markings, pedestrian crossing ahead signs and possibly a rapid repeating sign with additional signage.

Consideration to install a path on the north side of Watertown Road is not recommended for the following reasons: Near the east end, there are wetlands that encroach out close to the existing pavement edge, which would require wetland disturbance and permitting and special construction for structural stability; there are numerous commercial driveways that may present a safety hazard for path users; the Village of Pewaukee appears to control the right-of-way starting at 1343 E. Wisconsin Avenue and west of said address; switching from the south side of Watertown Road to the north side of Watertown Road mid-block introduces safety concerns for non-experienced users and vehicles that are not expecting pedestrians and bicyclists to cross. Speed limits are 45 mph from STH 164 to Creekside Dr. and 35 mph from Creekside Drive to Forest Grove Road. Estimate of probable construction cost is \$485,000.

#6. Recreational Crossing at:

- A. Nettesheim Park and Prospect Ave. (CTH SS)**
- B. Crestview Drive at Prospect Ave. (CTH G.)**

A. Nettesheim Park and Prospect Ave. (CTH SS)

The proposed pedestrian crossing at Oak Street and Prospect Avenue (CTH SS), presents several challenges. The intersection is located on a curve, the approach from the west is uphill, the Oak Street approaches from the north and south are offset and the entrance to the park is along the southerly leg of Oak Street. If a crossing is placed from the southeast corner of Oak Street and Prospect Avenue to the northwest corner of Oak Street and Prospect Avenue, the walking distance is 80 feet (at 4 feet per second that would require 20 seconds to cross the street). The site distance for that crosswalk location looking west is very short due to the uphill grade and the presence of vegetation. A crossing located from the northeast corner of Oak Street and Prospect Avenue, at a 90 degree angle across

the road, to the south side of Prospect Avenue would be approximately 55 feet and take about 14 seconds to cross. The site distance from the south side to the north side of this option is approximately 400 feet, which would be adequate for stopping site distance. Since the entrance to the park is west of the second option, and there is a fence along the north side of the park, an additional walking path from the crossing point to the intersection would be required. The crossing should be enhanced using pedestrian crossing ahead signs and/or a rapid repeating flashing signal at the crossing, along with clear pavement markings. I note that there is already a street light at that intersection. Estimate of probable construction cost is \$67,000.

B. Crestview Drive and Prospect Ave. (CTH G)

The purpose of this proposed crossing is to safely move people from the northwesterly side of Prospect Avenue (CTH G) to the south side of Prospect Avenue (CTH G) and to Crestview Drive (which is offset 70 feet from Peterson Drive). This report provides a recommendation to install a shared path along the west east and southeasterly side of Meadowbrook Road (CTH G) from the Lake Country Trail to the northerly limits of the City. If the Meadowbrook section is not in place prior to the construction of this crossing, a short path segment between the crossing and Crestview Drive would have to be constructed. Assuming that the proposed Meadowbrook Road path has been completed, the most direct crossing route would be a crossing that is perpendicular to Prospect Avenue (CTH G). Since people want to use the most direct route, it is most likely that a crossing from the southwest corner of Peterson Drive to the proposed path would be the one most used. Site distance in both directions is adequate. Vehicles turning right from Crestwood Dr. to Prospect Ave (CTH G) should be warned of potential pedestrian crossing. The crossing should be enhanced using pedestrian crossing ahead signs, signs at the crossing and clear pavement markings. Estimate of probable construction cost is \$52,000.

Bicycle and pedestrian facilities for other routes in the City can be found on the next section, including a routing along Prospect Avenue (CTH SS).

BICYCLE/PEDESTRIAN ROUTE LOCATION RECOMMENDATIONS

(See chart next page)

BICYCLE/PEDESTRIAN ROUTE LOCATION RECOMMENDATIONS

Street Name	Location	Existing Features	Recommended Facility Type	Improvements Required	Remarks
Swan Road	Pewaukee Road to Lindsay Road	Narrow rural cross section, defined ditches close to road edge	Shared use path on east side of road	Right of way acquisition, extensive clearing and grubbing, ditch grading or enclosure, and signage	City wants to keep Swan Road as rustic as possible
Lindsay Road	Swan Road to Duplainville Road	Swan Rd to Balmer Park- narrow rural cross section; Balmer Park to Duplainville Rd slightly more open, more possibility for improvements	Shared use path on south side of road	Right of way acquisition, extensive clearing and grubbing, ditch grading or enclosure, and signage	City wants to keep Swan Road as rustic as possible
Pewaukee Road (STH 164)	N. Riverwood Drive to Swan Road	Two lane rural cross section	Shared use path according to agreement with Waukesha County	Extensive grading and shaping, possible bridge modifications, push button signalization at crossings, and signage	Project already in design phase with Waukesha County
Green Rd	Pewaukee Road to Springdale Road	Moderately open rural cross section	Shared use path on north side of road	Tree trimming and signage	City wants to keep Green Road as rustic as possible
Watertown Road (CTH M)	Pewaukee Road to Fox River Trail	Open rural cross section with deep ditches	Shared use path on south side of road	Ditch grading, possible power pole relocation in select locations	
Watertown Road (CTH M)	Pewaukee Road to Forest Grove Drive	Two-lane rural cross section; some ag an open lands	Shared use path on south side of road	clearing and tree rmoval, possible power pole removal, ditching	
Meadowbrook Road/Prospect Ave. (CTH G)	lake coutry trail to north City limits	Partly open rural cross section with deep ditches	Shared use path on east side of road	Avoid poles on east side, re-grade ditch as needed; tree and brush removal	Boardwalk from creek to Lake Country Trail
Northview Road	Meadowbrook Road to South Park	Open rural cross section with moderately deep ditches	Sidewalk on north side of road	Utility pole relocation and moderate grading	
Prospect Avenue (CTH SS)	Meadowbrook Road west to the Lake Country Trail	Narrow rural cross section with deep ditches	Construct paved shoulders	Extensive grading and shaping, possible bridge modifications, ditch re-grading or enclosure, signage and striping	Some segments not bad, segments closer to Lake will be difficult with residences close to roadway.
College Avenue (CTH SS)	Prospect Avenue to Main Street	Wide paved shoulders already exists	Shared path on south side of road	Grading and shaping of ditches, signage	Side path due to high speed limit along route
Capitol Drive (CTH JJ)	West Village limits to west City limits	Narrow rural cross section with deep ditches	Paved shoulders	Extensive grading or enclosure of ditches, signage and striping	Low, wetland area on both sides of road, DNR issues, SEWRPC suggested
Glacier Road	West Village limits to west City limits	Narrow rural cross section with deep ditches	Paved shoulders	Extensive grading or enclosure of ditches, signage, and striping	Not recommended for inexperienced bicyclists
Capitol Drive	Pewaukee Road to Springdale Road	Four Lane divided highway	Shared use path on south side of road	Moderate grading and clearing required	Intersections may require push-button signals
Springdale Road	Capitol Drive to north leg of Glenwood Lane	Rural cross section with paved shoulders	Shared use path on west side of road	Extensive grading, clearing and grubbing	
Ryan Road (CTH KF)	STH 16 to Ryan Park	Open rural cross section road, poor sight distances due to grades and horizontal curves	Shared use path on east side of road	Ditch grading and signage	Proposed Ryan Park on east side of road
Duplainville Road	Weyer Road to Green Road	Open rural cross section with moderately deep ditches	Shared use path on west side of road	Move or enclose ditches, possible tree clearing, signage and striping	Two areas become very narrow with deep ditches. Construction under overpass could be difficult.
Weyer Road	Duplainville Road to east City limits	Rural cross section with moderately deep ditches	Shared use path on south side of road	Clearing and grubbing with extensive grading	Some rustic quality to road at east end.

Off Road Paths	Location	Existing Features	Recommended Facility Type	Improvements Required	Remarks
	Balmer Park south to STH 190	Undeveloped property	Bicycle-wide curb lane; pedestrian side path	easement acquisition, construction	Many options
	Woodstream Ct cul-de-sac east to Wagner Park	City park land	Shared use path	easement acquisition, construction	
Pewaukee River Pkwy	Morris St thru Pkwy to River Lane	DNR Conservancy	Shared use path	easement acquisition, construction	In planning phase
	Pewaukee River Pkwy to Riverwood Dr.	DNR Conservancy	Shared use path	easement acquisition, construction	Waukesha County supports connection
	Jacquelyn Dr to South Park	City park land	Shared use path	easement acquisition, construction	In construction phase
	East Fieldhack Dr south to Lake Country Trail	Waukesha County right-of-way	Shared use path or boardwalk	easement acquisition, construction	May be difficult due to creek crossing and wetland involved

OPERATION AND MAINTENANCE

Poorly maintained facilities discourage use and become an eyesore. When planning a new facility, responsibility for that facility should be designated, and maintenance budgets considered. The following maintenance measures should be considered.

Sweeping

Surfaces used by bicyclists that are full of stones and debris presents a hazard to bicyclists. Small rocks can deflect a wheel; sand and glass can cause tire slippage. If facilities are not kept clean, bicyclists will not use the facility. A routine sweeping plan and emergency sweeping plan should both be considered. Routine sweeping should be done at least twice a year.

Surface Repairs

Defects that seem like a nuisance in a vehicle can be dangerous to a bicycle rider. Wherever possible, a smooth surface, free of cracks, potholes, bumps, and other physical problems should be provided. As with regular utility repairs, longitudinal joints should be avoided and asphalt patched should match into existing pavement.

Pavement Overlays

Pavement overlays offer the best opportunity to improve bicycling conditions. Wherever possible, milling the existing pavement to remove surface irregularities that would reflect through the new pavement should be considered. The overlay material should extend to the existing pavement edge so that gravel there is not a drop off.

Vegetation

Vegetation encroaching onto bicycle facilities can cause problems for both the surface and the operation. Roots from trees and other vegetation planted too close to bicycle facilities can grow under the pavement and cause heaving and break ups. Vegetation can also obstruct sight distance. Vegetation should be planted to minimize maintenance and maximize sight lines.

Drainage

In many cases, bicycle facilities are designed so that storm water drainage facilities donot affect bicycle travel. Drainage grates can pose a serious problem for bicycles. In cases where drainage grates need to be placed in or near bicycle facilities, it is important to consider the following:

- If possible, install narrower grates that do not protrude into bike lanes.
- Install grates with veins or with the openings perpendicular to the water flow path.
- Provide white markings around grates to warn bicyclists of the potential problem.
- Be sure to install grates flush with the adjacent pavement.

Adopt A Path

Modeled after the Adopt A Highway program. Volunteer groups could be given the task of keeping pathways free of rubbish and litter in exchange for the chance to place a sign along the pathway.

FUNDING

Communities that are bicycle and pedestrian friendly are so because of a local commitment to funding projects. Bicycle facilities desired by the City should be included in the overall Capital Improvement Budget and be evaluated along with other capital projects. Construction of bicycle facilities should also be tied to planned roadway improvements and recreation improvements. Local funds for the planning and construction of bicycle facilities may be supplemented with state and federal money, as outlined below. Demand for these funds is great and funds are limited, so the City should not depend on these programs exclusively for implementing the recommendations of the plan.

The attached chart outlines the pertinent funding opportunities available at the State and Federal levels, application deadlines, and funding limits available.

Funding Options

TEA-21 (1998)						
Program	Purpose	Funding Details	Application Date	Notes	Administering Agency	Contact
Congestion Mitigation/Air Quality (CMAQ)	Improve air quality and reduce congestion in the state's air quality non-attainment zones	12,500,000 per year statewide; 20% local match required	April of odd numbered years	Construction projects must be over \$50,000; other projects must be over \$20,000	WDOT	John Duffe (608) 264-8723
Local Transportation Enhancements	Enhance highway projects that go "above and beyond" and promote multimodal use	6,250,000 per year statewide; 20% local match required	April of even numbered years	Construction projects must be over \$50,000; other projects must be over \$20,000	WDOT	John Duffe (608) 264-8723
Surface Transportation Program-Discretionary	Foster alternatives to single occupant vehicles	2,720,000 per year statewide; 20% local match required	April of even numbered years	Construction projects must be over \$50,000; other projects must be over \$20,000	WDOT	John Duffe (608) 264-8723

Wisconsin DNR Stewardship						
Aids for the Acquisition & Development of Local Parks (ADLP)	To acquire land, rights in land, and develop public outdoor recreation areas for nature based outdoor recreation purposes.	\$4,000,000 per year statewide; up to 50% matching grants.	May 1 annually	projects must be nature based and be part of a an approved Comprehensive Outdoor Recreation Plan.	WDNR	Leslie Gauberti (608) 267-0497
Urban Green Space Program	Provide open natural space in proximity to urban development	\$1,600,000 per year statewide; up to 50% matching grants.	May 1 annually	Land acquisitions necessary for the project; project must be approved by a Comprehensive Outdoor Recreation Plan.	WDNR	Leslie Gauberti (608) 267-0497
Urban Rivers Program (URGP)	Projects improving the quality of urban waterways through preservation, restoration, or enhancement.	\$1,600,000 per year statewide; up to 50% matching grants.	May 1 annually	Projects must fulfill the purpose and be part of an approved Outdoor Recreation Plan.	WDNR	Leslie Gauberti (608) 267-0497

REFERENCES

AASHTO “Guide for the Development of Bicycle Facilities,” 1999, 2012.

Wisconsin Department of Transportation “Wisconsin Bicycle Planning Guidance 2020”, September 1993. Updated 2003

SEWRPC Planning Report No. 43 “A Regional Bicycle and Pedestrian System Plan for Southeastern Wisconsin: 2010”.

SEWRPC “A Development Plan For Waukesha County Wisconsin” Community Assistance Planning Report No. 209, August 1996.

Wisconsin Department of Transportation “Wisconsin Bicycle Transportation Plan”, December, 1998.

Waukesha County “Park and Open Space Plan,” (2018).

City of Brookfield “Greenway Corridor Recreational Trail Plan”, July 2002.

Town of Delafield “Comprehensive Outdoor Recreation Plan”, Rev. March 1999.

Village of Pewaukee “Bike Plan”, January 26, 1999.

Wisconsin DOT “Wisconsin Bicycling Safety”, 2016

WisDOT “Wisconsin Bicycle Facility Design Handbook,” January 2004, w/updates 2006, 2009, 2015, 2018

EXHIBIT

Bike Plan Map

APPENDIX

AASHTO Design Standards

HORIZONTAL ALIGNMENT

For English Units:

$$R = \frac{0.067V^2}{\tan \theta}$$

Where:

R = Minimum radius of curvature (ft)

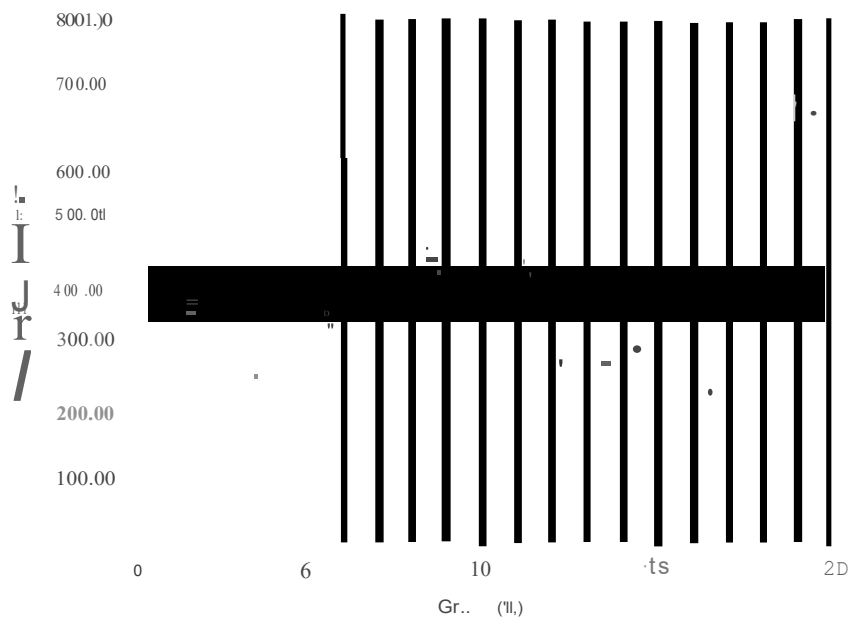
V = Design Speed (mph)

θ = Lean angle from the vertical (degrees)

GRADE

5-6%	for up to 240 m (800 ft)
7%	for up to 120 m (400 ft)
8%	for up to 90 m (300 ft)
9%	for up to 60 m (200 ft)
10%	for up to 30 m (100 ft)
11+%	for up to 15 m (50 ft)

STOPPING SIGHT DISTANCE



und
A Cl'lld

$$S = \frac{V^2}{30(f \pm G)} + \frac{f.71V}{G}$$

Where: S = stopping sight distance (ft)
V = velocity (mph)
f = coefficient of friction (use 0.25)
G = grade (ft/ft) (rise/run)

Table 1: Minimum Length of Vertical Curve (ft) for Stopping Sight Distance (ft)

Stopping Sight Distance (ft)	20	40	60	80	100	120	140	160	180	200	220	240	260	280	300
20															
40															
60															
80															
100															
120															
140															
160															
180															
200															
220															
240															
260															
280															
300															

When $S > L$, $L = \frac{S^2}{A}$

Shaded area represents $S = L$

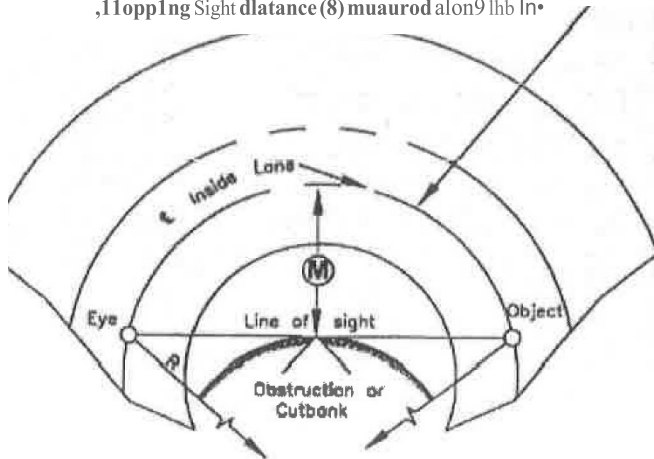
when $S < L$, $L = \frac{AS^2}{900}$

L = Minimum Length of Vertical Curve (ft)
 A = Algebraic Grade Difference (%)
 S = Stopping Sight Distance (ft)

Height of cyclist's eye = 41/2 ft
 Height of object = 0 ft

Minimum Length of Vertical Curve = L

Stopping Sight Distance (ft) based on 9 ft height



S = Stopping Sight Distance (m)
 R = Radius of centerline of lane (m)
 M = Distance from centerline of lane to obstruction (m)

$A = \frac{h}{R}$

$M = R \cdot E \cdot \cos(\theta)$

$S = \frac{h}{\tan(\theta)}$

Formula apply only if $S \geq L$

line of sight at 700 mm above centerline of road

For Metric Units:

S = Stopping Sight Distance (m)
 R = Radius of centerline of lane (m)
 M = Distance from centerline of lane to obstruction (m)

For English Units:

S = Stopping Sight Distance (ft)
 R = Radius of centerline of lane (ft)
 M = Distance from centerline of lane to obstruction (ft)

It (ft)	s = Stopping Sight Distance (ft)													
	10	40	60	80	100	120	140	160	180	200	240	280	300	320
25	2.0	7.6	15.9											
50	1.0	3.9	8.7	15.2	23.0	31.9	41.8							
75	0.7	2.7	5.9	10.4	15.1	22.8	30.4	38.8	47.8	51.4	67.2			
95	0.5	2.1	4.7	8.3	12.9	18.3	24.7	31.8	39.5	48.0	56.9	66.3	75.9	85.8
125	0.4	1.6	3.6	6.3	9.9	14.1	19.1	24.7	31.0	37.9	45.4	53.1	61.7	70.6
155	0.3	1.1	2.9	5.1	8.0	11.5	15.5	20.2	25.4	31.2	37.4	44.2	51.9	59.1
175	0.3	1.1	2.8	4.6	7.1	10.2	13.8	18.0	22.6	27.8	33.5	39.1	46.1	53.1
200	0.3	1.0	2.2	4.0	6.2	8.9	12.1	15.8	19.9	24.5	29.5	34.9	40.8	47.0
225	0.2	0.9	2.0	3.5	5.5	8.0	10.8	14.1	17.8	21.9	26.4	31.3	36.5	42.2
250	0.2	0.8	1.8	3.1	5.0	7.2	9.7	12.7	16.0	19.7	23.6	28.1	33.0	38.2
275	0.2	0.7	1.6	2.9	4.5	6.5	8.9	11.6	14.6	18.0	21.7	25.8	30.2	34.9
300	0.2	0.7	1.5	2.7	4.2	6.0	8.1	10.6	13.4	16.5	19.9	23.7	27.7	32.1
350	0.1	0.6	1.3	2.3	3.6	5.1	7.0	9.1	11.5	14.2	17.1	20.4	23.9	27.6
390	0.1	0.5	1.2	2.1	3.2	4.6	6.3	8.2	10.3	12.8	15.4	18.3	21.5	24.9
500	0.1	0.4	0.9	1.6	2.5	3.6	4.9	6.4	8.1	10.0	12.1	14.3	16.8	19.5
565		0.4	0.8	1.4	2.2	3.2	4.3	5.7	7.2	8.8	10.7	12.7	14.9	17.3
600		0.3	0.8	1.3	2.1	3.0	4.1	5.3	6.7	8.3	10.1	12.0	14.0	16.2
710		0.1	0.6	1.1	1.8	2.5	3.5	4.6	5.8	7.1	8.6	10.3	12.0	14.0
300		0.1	0.5	1.0	1.6	2.2	3.1	4.0	5.1	6.2	7.6	9.0	10.5	12.0
900		0.2	0.5	0.9	1.4	2.0	2.7	3.6	4.5	5.6	6.7	8.0	9.4	10.9
1000		0.2	0.5	0.8	1.3	1.8	2.4	3.2	4.0	5.0	6.0	7.2	8.4	9.8

Table 4. English Units. Minimum Lateral Clearance (M) for Horizontal Curves

Appendix E – Impact Fee Ordinance

CHAPTER 17
ZONING

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adopted shall be in effect within the prescribed area until such time as they are rescinded or changed by the Common Council after a public hearing is conducted following the same procedures as set forth above.

17.0211 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as to not meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a principal and accessory structure(s) or use shall be used for any other structure or use.

SECTION 17.0300 PERMIT AND IMPACT FEES

17.0301 PERMIT FEES

All persons, firms or corporations performing work or requesting a text or district map change, an audience with the Zoning Board of Appeals or a special meeting which by this Ordinance requires the issuance of a permit or grant of permission, shall pay a fee for such permit or permission to the City of Pewaukee Clerk/Treasurer to help defray the cost of administration, investigation, advertising, notification and processing of changes and variances. Specific fees for the following planning and zoning related activities have been established as a part of the City's comprehensive fee schedule and are subject to periodic review and change by action of the Common Council:

- a. Zoning ordinance or district map change.
- b. Conditional Use Permit.
- c. Zoning Variance or Appeal.
- d. Special meeting of the Plan Commission.
- e. Site or Building Plan Review by Plan Commission.

Please see Appendix A.

In addition, applicants for permits will be billed for any cost incurred by the City to hire engineers, attorneys or other professional consultants to assist in administering this ordinance and, prior to any approvals by the City, shall acknowledge responsibility for such cost in writing.

17.0302 IMPACT FEES FOR PUBLIC SITE ACQUISITION, SPECIAL CITY CAPITAL IMPROVEMENTS OR FACILITIES (Rep. & Rec. 12-05)

- a. An impact fee for public site acquisition special City capital improvement or equipment as set forth in the City Public Facility Needs Assessment dated January 2012, shall be required to be paid upon application for a building permit for construction of a building within the City in accordance with the following schedule:

1. Impact Fee to be used for Parks, playgrounds and athletic fields:

Residential buildings: \$1,000/dwelling unit

2. Impact Fee to be used for Fire and rescue facilities:

Non-residential buildings: \$0.11/square foot
Residential buildings: \$324/dwelling unit

3. Impact Fee to be used for Hike/Bike Trails:

Non-residential buildings: \$0.05/square foot

Residential buildings: \$129/dwelling unit

4. In order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future Builders, Developers or property owners, the impact fees described herein shall automatically adjusted annually, beginning on January 1, 2013, by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.
- b. The impact fees set forth herein shall be collected by the City Building Inspector or his designee at the time of the building permit application. Such fee payment shall be made in the exact amount of the fee, payable to the City of Pewaukee and transmitted by the Building Inspector to the City Clerk/Treasurer on a daily basis.
- c. Revenues from each impact fee imposed shall be placed in a separate segregated, interest-bearing account by the City Treasurer and shall be accounted for separately from the other funds of the City of Pewaukee. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fees were imposed, unless the fee is refunded as provided herein or by statute.
- d. Impact fees that are collected by the City of Pewaukee within 7 years of the effective date of the ordinance must be spent within 10 years, unless extended 3 years by resolution, from the date the fee is collected, pursuant to §66.0617(9), Stats. Fees collected more than 7 years from the effective date of the ordinance must be spent in a reasonable time or be refunded. In either event, refunds shall be made to the then-current owner of the property with respect to which the impact fees were imposed with accumulated interest.
- e. The reasonable time frame within which the impact fee must be spent or refunded is 10 years, unless extended for 3 years by resolution due to extenuating circumstances or hardship in meeting the deadline.
- f. The Ordinance shall be interpreted in conjunction with §66.0617, Wis. Stats., including but not limited to the following definitions, including any future revisions thereto:
 - “Builder” means a person or company that contracts with a property owner to build a building;
 - “Developer” means a person that constructs or creates a land or building development;
 - “Land or Building development” means the construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that result in nonresidential building uses that create a need for new, expanded or improved public facilities within a political subdivision.
- g. Impact fees collected may not be expended until approved by the Common Council in accord with Wisconsin statutes and City ordinances.
- h. Any person subject to imposition of a fee under this section who feels aggrieved may appeal to the Common Council which may reduce the fee if

it determines that the impacts created by the proposed development do not reasonably justify the amount of the fee.

17.0303 VIOLATIONS

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance. Failure to secure the necessary permits or permission prior to commencing excavation, filling, construction, or taking occupancy shall also constitute a violation. In case of any violation, the Common Council, the Plan Commission, the Zoning Administrator, the Building Inspector, City Planner, or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceedings to enjoin a violation of this ordinance.

17.0304 PENALTIES

Any person, firm or corporation that violates or fails to comply with the provisions of this Ordinance shall, upon notice by the Zoning Administrator or his duly appointed deputy, pay a fee of twice the regular fee or, upon conviction thereof, shall be subject to fines and forfeitures pursuant to Chapter 26 of the City Code plus costs of prosecution for each offense; shall pay documented costs to the City to alleviate or rectify any problem relating to the violation; and shall remove any structure or use placed in violation of this Ordinance, and in default of payment of such forfeiture and costs or removal of structure or use in violation of this ordinance shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues after notification shall constitute a separate offense.

Appendix F – Affordable Housing Analysis

APPENDIX F

Effect of Impact Fees on Affordable Housing Prices

Section 66.0617, Stats., requires that a municipality analyze the effect that an impact fee would have on affordable housing prices. The fee may have an effect on the cost of new development making it more or less affordable than existing housing prices.

The initial effect of an impact fee is borne by the land developer or home builder as payment of the impact fee is required at the time of applying for a building permit. The initial buyer of the home, if buying from a developer, may end up paying more than the amount the municipality imposes due to builder's mark-up, cost of construction, financing, sales commissions, overhead, or profits. Builders' markups vary considerably but are generally in the range of 20 to 45%. Using an amount of 30%, this analysis assumes that the \$993.00 impact fee with mark-up would add \$1,290.90 to the initial cost of new construction.

Affordable housing is not defined in the impact fee statute. The Wisconsin Department of Administration recommends following HUD's definition that households paying out more than 30% of their monthly income for housing are considered to have a high housing cost burden. The other method of assessing affordability would be to utilize previously long-standing mortgage lending practice of limiting the borrower's monthly housing costs of 28 – 29% of gross monthly income.

The median household income for the City of Pewaukee according to the U.S. Census Bureau's 2013-2017 American Community Survey 5-Year Estimates is \$92,000; for Waukesha County it is \$81,140.00 (see attached). Mortgage lenders typically recommend that a household's total housing cost, including principal, interest, taxes and insurance, equal no more than 28% of the household income. For a median income household in Waukesha County that equates to no more than \$22,719 per year.

Home prices vary considerably, and what qualifies as affordable housing will vary based on income and the size of home required by the household. However, new construction entry level homes are generally priced from \$200,000 to \$300,000. Mortgage payments for homes in this price range fall below the recommended 28% of annual household income. The effect of the impact fee can be seen in the examples below:

\$200,000 Home		
	Without Impact Fee	With Marked-Up Impact Fee
Home Price	\$200,000.00	\$201,291.00
Down Payment (20%)	\$40,000.00	\$40,258.20
Amount Financed	\$160,000.00	\$161,032.80
Monthly Payment ¹	\$1,153.00	\$1,158.00
Total Annual Housing Cost	\$13,836.00	\$13,896.00
Difference per Year with Impact Fee		\$60.00

\$300,000 Home		
	Without Impact Fee	With Marked-Up Impact Fee
Home Price	\$300,000.00	\$301,291.00
Down Payment (20%)	\$60,000.00	\$60,258.20
Amount Financed	\$240,000.00	\$241,032.80
Monthly Payment ¹	\$1,553.00	\$1,558.00
Total Annual Housing Cost	\$18,636.00	\$18,696.00
Difference per Year with Impact Fee		\$60.00

As shown by the examples, the impact fee as marked up by a builder adds \$60 to the annual housing cost for either a \$200,000 or \$300,000 house.

¹ Loan is for 30 years at 4.375%, not including closing costs and other fees typically included in mortgage; see attached from AccuNet mortgage. Includes estimated taxes and insurance.



S1901

INCOME IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS)

2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Subject	Pewaukee city, Wisconsin				
	Households		Families		Married-couple families
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Total	5,562	+/-185	4,037	+/-150	3,635
Less than \$10,000	0.9%	+/-0.8	0.2%	+/-0.5	0.0%
\$10,000 to \$14,999	1.9%	+/-1.0	0.5%	+/-0.6	0.5%
\$15,000 to \$24,999	3.4%	+/-1.3	0.8%	+/-0.8	0.7%
\$25,000 to \$34,999	5.9%	+/-1.9	4.0%	+/-1.4	3.9%
\$35,000 to \$49,999	7.7%	+/-2.2	5.3%	+/-2.0	3.6%
\$50,000 to \$74,999	17.2%	+/-3.0	13.6%	+/-2.9	14.4%
\$75,000 to \$99,999	19.3%	+/-2.9	21.8%	+/-3.3	20.2%
\$100,000 to \$149,999	21.4%	+/-2.8	26.5%	+/-3.4	27.0%
\$150,000 to \$199,999	9.7%	+/-2.0	11.6%	+/-2.6	12.8%
\$200,000 or more	12.6%	+/-2.1	15.7%	+/-2.7	16.9%
Median income (dollars)	92,000	+/-6,452	103,860	+/-4,896	109,446
Mean income (dollars)	120,188	+/-7,849	138,105	+/-9,400	N
PERCENT ALLOCATED					
Household income in the past 12 months	29.0%	(X)	(X)	(X)	(X)
Family income in the past 12 months	(X)	(X)	27.8%	(X)	(X)
Nonfamily income in the past 12 months	(X)	(X)	(X)	(X)	(X)

Subject	Pewaukee city, Wisconsin		
	Married-couple families	Nonfamily households	
	Margin of Error	Estimate	Margin of Error
Total	+/-174	1,525	+/-215
Less than \$10,000	+/-0.5	2.8%	+/-2.7
\$10,000 to \$14,999	+/-0.6	5.5%	+/-3.0
\$15,000 to \$24,999	+/-0.8	10.8%	+/-4.5
\$25,000 to \$34,999	+/-1.5	11.3%	+/-5.7
\$35,000 to \$49,999	+/-1.9	14.7%	+/-5.3
\$50,000 to \$74,999	+/-3.2	26.0%	+/-6.9
\$75,000 to \$99,999	+/-3.4	14.4%	+/-5.0
\$100,000 to \$149,999	+/-3.9	7.6%	+/-3.7
\$150,000 to \$199,999	+/-2.9	2.7%	+/-2.2
\$200,000 or more	+/-2.8	4.3%	+/-2.9
Median income (dollars)	+/-5,028	52,860	+/-4,188
Mean income (dollars)	N	69,601	+/-11,346
PERCENT ALLOCATED			
Household income in the past 12 months	(X)	(X)	(X)
Family income in the past 12 months	(X)	(X)	(X)
Nonfamily income in the past 12 months	(X)	31.4%	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

When information is missing or inconsistent, the Census Bureau logically assigns an acceptable value using the response to a related question or questions. If a logical assignment is not possible, data are filled using a statistical process called allocation, which uses a similar individual or household to provide a donor value. The "Allocated" section is the number of respondents who received an allocated value for a particular subject.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



S1901

INCOME IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS)

2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Subject	Waukesha County, Wisconsin				
	Households		Families		Married-couple families
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Total	156,996	+/-622	109,855	+/-988	94,547
Less than \$10,000	2.7%	+/-0.3	1.4%	+/-0.2	0.7%
\$10,000 to \$14,999	2.4%	+/-0.2	1.0%	+/-0.2	0.5%
\$15,000 to \$24,999	6.6%	+/-0.4	2.8%	+/-0.3	1.5%
\$25,000 to \$34,999	7.0%	+/-0.4	4.3%	+/-0.3	3.6%
\$35,000 to \$49,999	10.6%	+/-0.5	7.7%	+/-0.5	6.6%
\$50,000 to \$74,999	16.9%	+/-0.5	16.2%	+/-0.6	14.9%
\$75,000 to \$99,999	14.6%	+/-0.5	16.4%	+/-0.6	16.8%
\$100,000 to \$149,999	20.5%	+/-0.5	25.6%	+/-0.7	27.8%
\$150,000 to \$199,999	9.2%	+/-0.4	12.2%	+/-0.6	13.6%
\$200,000 or more	9.4%	+/-0.4	12.3%	+/-0.6	14.0%
Median income (dollars)	81,140	+/-900	100,275	+/-1,349	107,477
Mean income (dollars)	105,275	+/-1,457	124,434	+/-1,847	134,036
PERCENT ALLOCATED					
Household income in the past 12 months	27.4%	(X)	(X)	(X)	(X)
Family income in the past 12 months	(X)	(X)	27.2%	(X)	(X)
Nonfamily income in the past 12 months	(X)	(X)	(X)	(X)	(X)

Subject	Waukesha County, Wisconsin		
	Married-couple families	Nonfamily households	
	Margin of Error	Estimate	Margin of Error
Total	+/-1,033	47,141	+/-944
Less than \$10,000	+/-0.2	6.0%	+/-0.7
\$10,000 to \$14,999	+/-0.1	5.9%	+/-0.5
\$15,000 to \$24,999	+/-0.2	15.9%	+/-1.0
\$25,000 to \$34,999	+/-0.3	13.6%	+/-1.0
\$35,000 to \$49,999	+/-0.5	17.8%	+/-1.2
\$50,000 to \$74,999	+/-0.6	19.0%	+/-1.1
\$75,000 to \$99,999	+/-0.6	9.7%	+/-1.0
\$100,000 to \$149,999	+/-0.8	7.8%	+/-0.7
\$150,000 to \$199,999	+/-0.6	1.9%	+/-0.3
\$200,000 or more	+/-0.6	2.5%	+/-0.4
Median income (dollars)	+/-1,471	41,514	+/-906
Mean income (dollars)	+/-2,000	58,157	+/-2,119
PERCENT ALLOCATED			
Household income in the past 12 months	(X)	(X)	(X)
Family income in the past 12 months	(X)	(X)	(X)
Nonfamily income in the past 12 months	(X)	27.3%	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

When information is missing or inconsistent, the Census Bureau logically assigns an acceptable value using the response to a related question or questions. If a logical assignment is not possible, data are filled using a statistical process called allocation, which uses a similar individual or household to provide a donor value. The "Allocated" section is the number of respondents who received an allocated value for a particular subject.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

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2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
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7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

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**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 14.**

DATE: September 19, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding Appointments to Various Board, Committees and Commissions [Mayor Bierce]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Spreadsheet

PLAN COMMISSION	Original Appointment	Current Term	
		From	To
Doug Kiser	6/1/2020	6/1/2020	5/1/2022
Sullivan, Sean (Engineer)	9/4/2007	5/15/2017	5/1/2018
Janka, Ted	5/1/2003	5/4/2015	5/1/2018
Linsmeier, Dave (Park & Recreation Board)	4/3/2006	5/20/2019	5/1/2020
Wunder, Christine	7/1/2004	5/15/2017	5/1/2020
Bierce, Steve - Mayor	6/6/2016	4/17/2017	Indefinitely
Brown, Colleen - Alderman	8/16/2021	8/16/2021	Indefinitely

According to Section 1.03(2) of the Pewaukee Municipal Code the membership should be as follows: consisting of (7) members; the mayor (presiding officer), (1) Alderman, (1) representative from the Joint Park & Recreation Board (selected by the Park & Recreation Board) and (4) citizen members with experience and qualifications related to planning matters (1) of which needs to be a full-time City Engineer. (3) of the citizen members are to serve an alternating 3-year term. *The 4th citizen engineer member, the alderman and Joint Park & Recreation Board representative shall be appointed annually in April.* Citizen members are compensated.

ZONING BOARD OF APPEALS	Original Appointment	Current Term	
		From	To
Marlin, Katie - Chairperson (appointed 1/7/2019)	7/18/2016	8/6/2018	5/1/2021
Thomas Matt	5/7/2012	5/21/2018	5/1/2021
Welcenbach, Robert	6/1/2015	5/15/2017	5/1/2020
Tredwell, Jim	2/15/2016	5/20/2019	5/1/2022
VACANCY			5/1/2022
VACANCY - Alternate			5/1/2023
VACANCY - Alternate			5/1/2022

It consists of (5) regular members. Their terms shall be for a staggered three (3) year period. The Mayor shall appoint the Chairperson. There shall also be (2) alternates for staggered three (3) year term. *The Mayor shall annually designate as 1st and 2nd Alternate.* The 1st alternate will fill any vacancy and complete the regular appointee's term and the 2nd alternate will fill the 1st alternate's term, leaving the 2nd alternate position need to be filled. On 1/2/2007 Ordinance 06-24 was passed revising the membership.

BOARD OF REVIEW	Original Appointment	Current Term	
		From	To
Golombowski, Ann	4/19/2021	4/19/2021	5/1/2022
Jaschke, Jim	5/2/2011	4/5/2021	5/1/2022
Robinson, Gwenn	5/2/2011	4/5/2021	5/1/2023
Christensen, Walter	4/5/2021	4/5/2021	5/1/2023
Figurski, Joshua	8/6/2018	4/5/2021	5/1/2023
VACANCY - Alternate			5/1/2023
VACANCY - Alternate			5/1/2022

An all citizen Board of Review was established by Ordinance #06-02 on 02/06/2006. It requires seven (7) citizen members to serve alternating two (2) year terms. Current compensation is \$20 per meeting per action of the Common Council on 8/18/2003. On August 17th, 2009 Ordinance 09-13 was created, recreating section 1.08(1) of the municipal code. The Board now consists of five (5) citizen members and two (2) alternates.

FIRE COMMISSION	Original Appointment	Current Term	
		From	To
Farley, Thomas	3/2/2020	3/2/2020	5/1/2023
Bergman, Brandon	2/21/2022	2/21/2022	5/1/2025
Novack, Kathleen	9/15/2014	5/20/2019	5/1/2024
Bertram, Lloyd	2/21/2022	2/21/2022	5/1/2026
Elaine Kroening	11/5/2014	5/15/2017	5/1/2022

The Fire Commission was originally part of the Police & Fire Commission that was created by Ordinance 04-10 on 4/19/2004. With the anticipated disbanding of the Police Department on 1/1/2010 ordinance 9.21 was created and passed on 12/21/2009. The membership remains as a five (5) citizen members; each to serve an alternating 5 - year term. Compensation is \$20 per meeting.

PUBLIC WORKS COMMITTEE	Original Appointment	Current Term	
		From	To
Swan, David	8/4/2008	4/5/2021	5/1/2023
Tormey, Jeff	10/5/2015	4/5/2021	5/1/2024
Kreiter, Michael	3/15/2021	3/15/2021	5/1/2022
Bierce, Steve - Mayor	4/17/2017	4/17/2017	Indefinitely
Wamser, Jerry - Alderman	5/7/2012	6/6/2016	Indefinitely

*This Committee was created by Ordinance 99-10 on 4/20/1999. It is to consist of five (5) members; the Mayor, one (1) Common Council member and three (3) citizen members. **The appointments shall be made at the first regular meeting of a newly elected Council** (except for the Mayor's position). No mention of compensation was noted.*

JOINT LIBRARY BOARD	Original Appointment	Current Term	
		From	To
Noll, Dale	5/2/2016	5/21/2018	5/1/2021
Muchowski, Laura (<i>nominated by Pewaukee School District</i>)	2/21/2005	5/15/2017	5/1/2020
Wildman, Karen	7/15/2013	5/20/2019	5/1/2022
Clark, Ian - Alderman	6/7/2021	6/6/2021	Indefinitely
Village Resident			
Village Resident			
Village Trustee			

This Board was created by Ordinance 05-4 on 1/17/2005. The Board consists of (3) members appointed by the Village Board and (3) members appointed by the City Common Council. No more than (1) member from each municipality shall be an elected official. (1) additional member shall be a City of Pewaukee resident and shall be nominated by the Superintendent of the Pewaukee School District and appointed by the Common Council. Members shall serve a staggering 3-year term.

JOINT PARK & RECREATION BOARD	Original Appointment	Current Term	
		From	To
Majeskie, Gary	2/19/2018	5/20/2019	1/1/2022
Kaatz, Del	1/20/2003	7/20/2020	1/1/2023
Linsmeier, Dave	4/3/2006	8/6/2018	1/1/2021
Dziwulski, Brian - Alderman	7/17/2017	7/17/2017	Indefinitely
Village Resident			
Village Resident			
Village Trustee			

This Board was created by Ordinance 96-19 on 11/4/1996. The Board consists of (7) voting members and (2) non-voting ex-officio members. The breakdown of members is as follows: (1) Village Trustee, (2) Village citizens, (1) City Alderman, and (3) City residents. In addition the Administrators from the Village and City may attend meetings and take part in discussions. The terms are 3-years with appointments in January. Although no compensation was listed in the ordinance, citizen members are being paid \$20 for each meeting they attend.

ETHICS BOARD	Original Appointment	Current Term	
		From	To
Farley, Tom	2/7/2008	5/15/2017	4/30/2023
VACANCY			4/30/2022
VACANCY			4/30/2024
VACANCY - Alternate			4/30/2024

The Ethics Board was established by Ordinance 06-16 on 9/5/2006. It consists of (3) regular citizen members and (1) alternate. Once established there will be alternating 3-year terms. There is no compensation for this position

TOURISM COMMISSION	Original Appointment	Current Term	
		From	To
Bierce, Steve - Mayor	1/1/2017	1/1/2017	Indefinitely
Wamser, Jerry - Alderman	9/19/2017	5/20/2019	9/19/2020
Dziwulski, Brian - Alderman	9/13/2021	9/13/2021	9/19/2022
VACANT - Alderman			9/19/2020
Doresey, Frank - Hotel Representative	10/15/18	5/20/2019	9/19/2020

Created by Ordinance 16-22 on September 19, 2016. It is to consist of the Mayor and (3) Alderman and (1) member who shall represent the Wisconsin hotel & motel industry. **Commissioners shall serve for a one-year term**. Among the members they shall elect a chairperson, vice-chairperson and secretary.

FINANCE COMMITTEE	Original Appointment	Current Term	
		From	To
Dziwulski, Brian - Alderman	9/13/2021	9/13/2021	Indefinitely
Brown, Colleen - Alderman	5/6/2013	6/6/2016	Indefinitely
Kara, Jeff - Citizen Member	10/4/2021	10/4/2021	Indefinitely
Klein, Scott - Administrator	1/1/2017	1/1/2017	Indefinitely

Created by Ordinance 09-02 on January 19th, 2009. The Committee shall consist of the following: Two (2) Common Council Members & the City Administrator. The appointments are to be made by the first regular meeting of the newly elected Council. The Mayor shall designate the chairman and secretary of the committee. On November 16th, 2009 it was revised by Ordinance 09-18 to add one (1) resident preferably with a financial background and Administrator as staff representative.

EMPLOYEE SERVICES COMMITTEE	Original Appointment	Current Term	
		From	To
Clark, Ian - Alderman	9/13/2021	9/13/2021	Indefinitely
VACANT - Alderman			Indefinitely
Woldanski, Kelley - Director of People & Culture	1/19/2009	1/19/2009	Indefinitely

The Human Resource Committee was created by Ordinance 09-02 on January 19th, 2009. The Committee shall consist of the following: Two (2) Common Council Members & the Human Resource Director. The appointments are to be made at the first meeting of the newly elected Council. The Mayor shall designate the Chairman and Secretary of the Committee. Revised on November 16th, 2009 by Ordinance 09-18 to name the HR Director as staff representative. On 4/22/2019 via an email received by the Administrator, the Human Resource Director title changed to Director of People & Culture and the HR Department will be known as Employee Services.

PEWAUKEE LAKE PATROL ADVISORY COMMITTEE	Original Appointment	Current Term	
		From	To
Heier, Timothy - Police Chief	5/1/2019		
Twelmeyer, Lucas - Sergeant			
Heyrman, Greg Sergeant			
Clark, Ian - City of Pewaukee - Alderman	6/21/2021	6/21/2021	Indefinitely
Woelfle, J - Town of Delafield - Supervisor			
Hill, Ed - Village of Pewaukee - Trustee			
Koepp, Thomas - Lake Pewaukee Sanitary District	5/2/2011	5/2/2011	Indefinitely

Created upon discussion at the Common Council meeting on 2/2/2009. A termination needs to be made on the make-up of committee members and the purpose of the group. Town of Delafield has different opinion on the appointment of Thomas Koepp and doesn't believe he belongs on the committee. Whereas we wanted someone from the LPSD to serve on the committee for times when the water levels were too high to help determine safety.

BIKE & PEDESTRIAN PATH PLANNING COMMITTEE	Original Appointment	Current Term	
		From	To
VACANT - Alderman			Indefinitely
Blackwood, Jim	9/19/2016	9/19/2016	Indefinitely
Pascucci, Greg	8/6/2018	8/6/2018	Indefinitely
Ford, Ross	9/19/2016	9/19/2016	Indefinitely
Vitale, John	9/19/2016	9/19/2016	Indefinitely
Long, Courtney (Village Resident)			Indefinitely

After safety concerns were voiced from several area parents. The Committee was created at the Common Council meeting dated August 15, 2016. Alderman Bierce volunteered to head the committee.

LAKE MANAGEMENT PLAN ADVISORY COMMITTEE	Original Appointment	Current Term	
		From	To
City of Pewaukee - VACANT - Alderman			Indefinitely
Town of Delafield - Supervisor			Indefinitely
Village of Pewaukee - Trustee			Indefinitely
Koepp, Thomas - Lake Pewaukee Sanitary District			Indefinitely

Created upon discussion at the Common Council meeting on February 4, 2013. The committee shall consist of one (1) elected official from the City of Pewaukee, one (1) from the Village of Pewaukee and one (1) from the Town of Delafield. Also serving is a member of the Lake Pewaukee Sanitary District.

ALCOHOL COMMITTEE	Original Appointment	Current Term	
		From	To
Bierce, Steve - Mayor		6/6/2016	Indefinitely
<i>Origin Unknown</i>			

RESIDENCE BOARD	Original Appointment	Current Term	
		From	To
Wagner, K. Scott - District #1	8/6/2018	5/20/2019	5/1/2024
Tuttle, Debra - District #2	8/6/2018	8/6/2018	5/1/2021
VACANCY - District #3			5/1/2023
<i>Created by Ordinance 18-01 Approved on January 15, 2018. The Board shall consist of three (3) citizens residing in the City one (1) from each Aldermanic District. Members shall serve for a term of five (5) years and shall serve no more than two (2) consecutive terms. The terms for the initial members of the Residence Board shall be staggered with one member serving one (1) year, a second member serving three (3) years and the third member serving five (5) years.</i>			

R&R COMMITTEE	Original Appointment	Current Term	
		From	To
Vacant - Alderman			Indefinitely
Piper, Christine - Citizen Member			
Michaels, Brian - Mental Health Specialist			
Moonen, Marc - Lieutenant			
Fuchs, Nick - Director of Community Development, City Planner			
<i>Created....</i>			

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 15.**

DATE: September 19, 2022

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action to Establish the 2023 Garbage and Recycling Fee Rate [Wagner]

BACKGROUND:

Beginning in 2015 the City has contracted residential garbage and recycling collections with Johns Disposal. That contract contains seven billable services, four of which experience cost adjustments annually based Consumer Price Index (CPI) and Fuel Index (diesel) changes published in July. Under our contract the CIP index change of 7.72% (plus) accounts for 75% of the price adjustment and the Fuel Index change of 52.45% (plus) accounts for 25% of the price adjustment, for total price change of positive 18.903%; however, the contract provides for a maximum annual increase or decrease "cap" of no more than 2.65%. The 2.65% increase for all or portions of the four adjustment categories have been applied as shown on the attached spreadsheet. As we project and estimate the 2023 costs, it should be noted that several categories change annually: 1) the number of residential customers is estimated to increase from 5,134 homes (Dec 2021) served to 5,240 homes served (Dec 2023); 2) landfill disposal tons continues to increase at about 100 tons per year due to residential growth. However, it appears to be leveling off based on the last two years. The landfill disposal amounts in 2021 (4,060 tons) and first half (through June) of 2022 (1,946 tons) lead us to predict 4,400 tons again in 2023; 3) previously we received applied the County recycling "dividends" for carts, and recycling incentives to reduce the per house rate. However the County has suspended all dividend payments to the Communities due in large part to the commodity market conditions and repairs to the Material Recovery Facility (MRF) last year which will continue into 2023; 4) City recycling collection costs at City Hall have averaged \$55,000 for the last several years so this cost is now incorporated into the garbage rate; 5) John's Disposal has requested a rate increase of 2.65% for 2023.

All the above factors result in a rate of \$178.00 per home.

FINANCIAL IMPACT:

The requested residential recycling and garbage collection fee of \$178 per home would make the collections of garbage and recycling, both by Johns and City staff at the City Hall Campus 100% paid via the residential fee.

RECOMMENDED MOTION:

Common Council establish the 2023 Residential Recycling and Garbage Collection Fee at \$178.00 per home per the contract.

ATTACHMENTS:

Description

Garbage Rate Computation

2023 Budget Estimate

Garbage & Recycling Collections Rate

2.65% increase per contract

Assume: 213 up the drive; 5027 curbside.

5240 Total collection units

	Service Item	2022 per hm/month	2023 rate formula	No. units		
Garbage	Garbage Cart	\$ 0.70	\$ 0.70	5027	\$ 42,227	
	Gargage collections	\$ 4.51	\$ 4.63	5240	\$ 291,134	
	Bulky Items	\$ 0.99	\$ 1.02	5240	\$ 64,138	
	Landfill	\$ 46.49	\$ 47.38	4400	\$ 208,472	\$ 605,971 Garbage costs
Recycling	96 gal recycling cart	\$ 0.75	\$ 0.75	5027	\$ 45,243	
	32 gal recycling cart	\$ 0.40	\$ 0.40	213	\$ 1,022	
	recycling collections	\$ 3.50	\$ 3.59	5240	\$ 225,739	
	On site Recycling*				\$ 55,000	\$ 327,005 Recycling costs

\$ 932,975 \$ 932,975

County reimbursements for recycling

Per House/month	\$0.00	5100	\$ -
96 gal recycling cart	\$ -	5,027.00	\$ -
32 gal recycling cart	\$ -	213.00	\$ -
Total County Reimbursement	5,100 units		\$ -

\$ - \$ -

per home (7.23% increase) with County

\$ 932,975 \$ 178.05 Recycling Incentive of \$0.00

County Recycling Incentive (2022 June) \$ -

per home (7.23% increase) with County

\$ 932,975 \$ 178.05 Recycling Incentive of \$0.00

*Waukesha County will no longer sponsor the large recycling dumpsters at City Hall. Cost shown is 2021 expenses.

Year	Garbage Rate	Increase/Decrease %	
2014	195		per home
2015	155	-20.51	per home
2016	153	-1.29	per home
2017	144	-5.88	per home
2018	135	-6.25	per home
2019	139	2.96	per home
2020	150	7.91	per home
2021	161	7.33	per home (per John's Request)
2022	166	3.11	per home
2023	178	7.23	per home

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 16.**

DATE: September 19, 2022

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action to Approve the First Reduction of The Waters of Pewaukee Letter of Credit from \$1,309,209.84 to \$595,672.84 (A reduction of \$713,537.00) [Wagner]

BACKGROUND:

The Waters of Pewaukee development construction to date has involved grading, sanitary sewer, water main, and storm sewer. We recommend the requested reduction. The remaining letter of credit value of \$595,672.84 is sufficient to complete the project.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Council Approve the First Reduction of The Waters of Pewaukee Letter of Credit from \$1,309,209.84 to \$595,672.84 (A reduction of \$713,537.00).

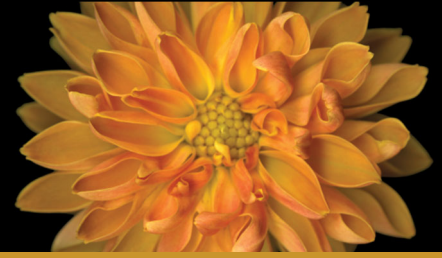
ATTACHMENTS:

Description

LOC Reduction Request

LOC Reduction Verification

THE WATERS



August 23, 2022

Magdelene Wagner
Director of Public Works / City Engineer
W240N3065 Pewaukee Road
Pewaukee, WI 53072

RE: The Waters of Pewaukee
N26W23966 Watertown Road, Pewaukee, WI 53072
Letter of Credit

Dear Ms. Wagner,

I am writing as it relates to renewing the Letter of Credit for The Waters of Pewaukee. Per Section X., Item D. of the Developer's Agreement dated May 3, 2021 by and between SHP VI WSLG Pewaukee JV LLC ("Developer") and the City of Pewaukee, as amended, the Developer is requesting a reduction in the amount of that certain \$1,309,209.84 Letter of Credit dated 11/18/2021 issued by Regions Bank. Please note that Regions Bank is standing by to issue a reduced Letter of Credit once the reduction contemplated by this letter is complete.

Attached are the pay applications to confirm the amounts paid and percentages complete for the following subcontractor(s):

1. DF Tomasini (Site Utility Contractor) dated through 6/23/2022, Total Completed to date \$1,780,063.10 (92%)

The G703 backup (attached to this letter) shows a line item breakdown for general scope percentages completed to date. Note that the final invoiced costs on the attached pay applications are different than the construction cost estimate provided to the City as of November 19, 2020 because of pandemic related supply chain issues which resulted in increased costs of construction and payment in 2021 and 2022.

Please issue a reduction of the Letter of Credit in the amount of \$856,244.27, resulting in a revised balance for the Letter of Credit of \$452,965.57. A detailed calculation is attached to this correspondence. Also attached is a PDF of the Letter of Credit dated 11/18/2021, and The Waters form of reduction in Word format which will be needed by Regions Bank to renew the Letter of Credit.

Please confirm receipt of this email and the date of the City Council Meeting to approve the reduction of the Letter of Credit.

Thank you.

John Q. Hunsicker
Authorized Signatory
Direct: (952) 358-5143

INFRASTRUCTURE IMPROVEMENTS

Breakout pricing below is for on site improvement work based on Stantec Site Plan (dated 09/11/20) and the Developer's Agreement with the City of Pewaukee. The scope includes infrastructure improvement work for the Waters Lane extension, indicated as 'Road A' on the plans, and the entrance driveway 'Road B' connection to Watertown Road.

ONSITE IMPROVEMENTS	QTY	UNIT	\$ / UNIT	SUBTOTAL
ROAD A' (WATERS LANE ROADWAY EXTENSION)				
Asphalt Paving at Waters Lane				\$ 128,022.00
Asphalt Paving	3,369.0	sqyd	\$38.00	\$ 128,022
Water Main at Waters Lane				\$ 176,900.00
8" PVC Watermain	1,120.0	Inft	\$95.00	\$ 106,400
8" Gate Valves	5.0	each	\$2,500.00	\$ 12,500
Hydrant Assemblies w/ 6" G.V & Box	4.0	each	\$5,900.00	\$ 23,600
6" PVC Hydrant Lead	42.0	Inft	\$125.00	\$ 5,250
1" Water Laterals	330.0	Inft	\$70.00	\$ 23,100
Curb Stop & Box	11.0	each	\$550.00	\$ 6,050
Sanitary Sewage System at Waters Lane				\$ 209,330.00
Connect to Existing Sanitary Manhole	1.0	each	\$4,500.00	\$ 4,500
48" Sanitary Sewer Manhole	8.0	each	\$5,000.00	\$ 40,000
8" SDR-35 PVC Sanitary Sewer	1028.0	Inft	\$120.00	\$ 123,360
4" PVC Sanitary Laterals	363.0	Inft	\$90.00	\$ 32,670
4" PVC Sanitary Riser	22.0	vft	\$400.00	\$ 8,800
Storm System at Waters Lane				\$ 182,871.89
Catch Basin w/ Frame & Grate	10.0	each	\$1,250.00	\$ 12,500
48" Storm Sewer Manhole	6.0	each	\$5,000.00	\$ 30,000
Pond Outlet Controls Structures	1.0	each	\$1,400.00	\$ 1,400
24" CL III RCP Storm Sewer	409.0	Inft	\$85.00	\$ 34,765
18" CL III RCP Storm Sewer	568.0	Inft	\$73.00	\$ 41,464
12" CL III RCP Storm Sewer	327.0	Inft	\$62.00	\$ 20,274
24" RCP End Section w/ Grate	3.0	each	\$420.00	\$ 1,260
18" RCP End Section w/ Grate	5.0	each	\$360.00	\$ 1,800
12" RCP End Section w/ Grate	2.0	each	\$340.00	\$ 680
Detention Basin #4 & #5	3,227.4	cuyd	\$12.00	\$ 38,729
Concrete at Waters Lane				\$ 113,620.00
Curb & Gutter	2,324.0	Inft	\$25.00	\$ 58,100
Sidewalks	5,690.0	sqft	\$8.00	\$ 45,520
ADA Ramps	4.0	each	\$2,500.00	\$ 10,000
SUBTOTAL FOR WATERS LANE				\$ 810,743.89
ROAD B' (ENTRANCE DRIVE CONNECTION TO WATERTOWN RD)				
Asphalt Paving at Entrance Drive				\$ 40,660.00
Asphalt Paving	1,070.0	sqyd	\$38.00	\$ 40,660
Water Main at Entrance Drive				\$ 71,730.00
Connect to Existing Water Main	1.0	each	\$2,500.00	\$ 2,500
12" x 8" Tapping Sleeve w/ 8" G.V. & Box	1.0	each	\$2,950.00	\$ 2,950
8" PVC Watermain	354.0	Inft	\$95.00	\$ 33,630
8" Gate Valves	3.0	each	\$2,500.00	\$ 7,500
Hydrant Assemblies w/ 6" G.V & Box	2.0	each	\$5,900.00	\$ 11,800
6" PVC Hydrant Lead	22.0	Inft	\$125.00	\$ 2,750
1" Water Laterals	120.0	Inft	\$70.00	\$ 8,400
Curb Stop & Box	4.0	each	\$550.00	\$ 2,200
Sanitary Sewage System at Entrance Drive				\$ 84,098.00
Connect to Existing Sanitary Manhole	1.0	each	\$4,500.00	\$ 4,500
48" Sanitary Sewer Manhole	3.0	each	\$5,000.00	\$ 15,000
10" SDR-35 PVC Sanitary Sewer	378.0	Inft	\$131.00	\$ 49,518
4" PVC Sanitary Laterals	132.0	Inft	\$90.00	\$ 11,880
4" PVC Sanitary Riser	8.0	vft	\$400.00	\$ 3,200

Storm System at Entrance Drive					\$	64,712.00
Pond Outlet Controls Structures	1.0	each	\$1,400.00	\$	1,400	
18" CL III RCP Storm Sewer	182.0	Inft	\$73.00	\$	13,286	
12" CL III RCP Storm Sewer	115.0	Inft	\$62.00	\$	7,130	
18" RCP End Section w/ Grate	4.0	each	\$360.00	\$	1,440	
12" RCP End Section w/ Grate	12.0	each	\$340.00	\$	4,080	
Detention Basin #2	3,114.7	cuyd	\$12.00	\$	37,376	
Concrete at Entrance Drive					\$	19,064.00
Sidewalks	1,758.0	sqft	\$8.00	\$	14,064	
ADA Ramps	2.0	each	\$2,500.00	\$	5,000	
SUBTOTAL FOR ENTRANCE DRIVE					\$	280,264.00

COMBINED INFRASTRUCTURE TOTAL	\$	1,091,007.89
CONTINGENCY (20%)	\$	218,201.95
INITIAL LETTER OF CREDIT VALUE	\$	1,309,209.84

SCOPES OF WORK COMPLETED

Water Main at Waters Lane	\$	176,900.00	
Sanitary Sewage System at Waters Lane		209,330.00	
Storm System at Waters Lane		144,142.89	Less values for Detention Basins #4 & #5
Water Main at Entrance Drive		71,730.00	
Sanitary Sewage System at Entrance Drive		84,098.00	
Storm System at Entrance Drive		27,336.00	Less values for Detention Basins #2
COMPLETED COMBINED INFRASTRUCTURE TOTAL	\$	713,536.89	
CONTINGENCY (20%)	\$	142,707.38	
TOTAL LETTER OF CREDIT REDUCTION	\$	856,244.27	

REVISED LETTER OF CREDIT TO BE ISSUED	\$	452,965.57
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APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 2

TO OWNER:

Continental Building Co.
395 East Waterford Drive, Suite 300
Homestead. PA 15120

PROJECT:

The Waters of Pewaukee
Pewaukee, WI 53188

APPLICATION NO:

1 Distribution to:

PERIOD TO:

2/28/22

FROM CONTRACTOR:

D.F. Tomasini Contractors, Inc.
N70 W25176 Indian Grass Lane
Sussex, WI 53089

VIA ARCHITECT:

Kaas Wilson National, Inc.
1301 American Blvd., East, Suite 100
Bloomington, MN 55425

PROJECT NOS:

20-09-902
DFT#2199

CONTRACT FOR: Site Improvements

CONTRACT DATE: 3/19/2021

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM

\$ 1,543,886.00

2. Net change by Change Orders

\$ 0.00

3. CONTRACT SUM TO DATE (Line 1 + 2)

\$ 1,543,886.00

4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)

\$ 77,000.00

5. RETAINAGE:

a. 10 % of Completed Work (Column D + E on G703)

\$ 7,700.00

b. % of Stored Material (Column F on G703)

\$ 0.00

Total Retainage (Lines 5a + 5b or Total in Column I of G703)

\$ 7,700.00

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)

\$ 69,300.00

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)

\$ 0.00

8. CURRENT PAYMENT DUE

\$ 69,300.00

9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)

\$ 1,474,586.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

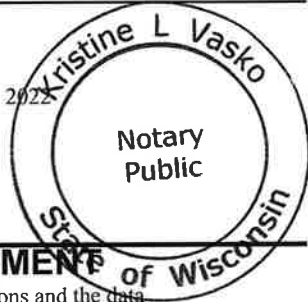
CONTRACTOR: D.F. TOMASINI CONTRACTORS, INC.

By:  Date: 2/22/22
Kirk Dexheimer, President

State of: Wisconsin County of: Waukesha
Subscribed and sworn to before me this 22nd day of February, 2022

Notary Public: 

My Commission expires: 09/25/24



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED\$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

ALA DOCUMENT G703

2 of 2

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

[illegible]

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 2

TO OWNER:

Continental Building Co.
395 East Waterford Drive, Suite 300
Homestead, PA 15120

PROJECT:

The Waters of Pewaukee
Pewaukee, WI 53188

APPLICATION NO:

2 Distribution to:



PERIOD TO:

3/31/22

FROM CONTRACTOR:

D.F. Tomasini Contractors, Inc.
N70 W25176 Indian Grass Lane
Sussex, WI 53089

VIA ARCHITECT:

Kaas Wilson National, Inc.
1301 American Blvd., East, Suite 100
Bloomington, MN 55425

PROJECT NOS:

20-09-902
DFT#2199

CONTRACT FOR: Site Improvements

CONTRACT DATE:

3/19/2021

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: D.F. TOMASINI CONTRACTORS, INC.

By:


Kirk Dexheimer, President

Date: 3/22/22

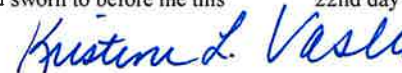
State of: Wisconsin

County of: Waukesha

Subscribed and sworn to before me this

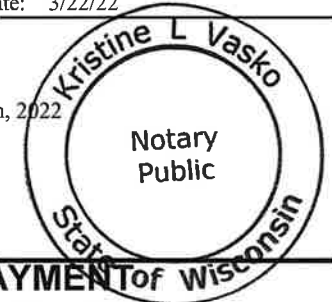
22nd day of March, 2022

Notary Public:



My Commission expires:

09/25/24



1. ORIGINAL CONTRACT SUM	\$	1,543,886.00
2. Net change by Change Orders	\$	116,330.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	1,660,216.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	289,450.00
5. RETAINAGE:		
a. 10 % of Completed Work (Column D + E on G703)	\$	28,945.00
b. % of Stored Material (Column F on G703)	\$	0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	28,945.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	260,505.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	69,300.00
8. CURRENT PAYMENT DUE	\$	191,205.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	1,399,711.00

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED\$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month	\$116,330.00	
TOTALS	\$116,330.00	\$0.00
NET CHANGES by Change Order	\$116,330.00	

CONTINUATION SHEET

AIA DOCUMENT G703

2 of 2

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

[illegible]

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 2

TO OWNER:

Continental Building Co.
395 East Waterford Drive, Suite 300
Homestead, PA 15120

PROJECT:

The Waters of Pewaukee
Pewaukee, WI 53188

APPLICATION NO:

3 Distribution to:



PERIOD TO:

4/30/22

FROM CONTRACTOR:

D.F. Tomasini Contractors, Inc.
N70 W25176 Indian Grass Lane
Sussex, WI 53089

VIA ARCHITECT:

Kaas Wilson National, Inc.
1301 American Blvd., East, Suite 100
Bloomington, MN 55425

PROJECT NOS:

20-09-902
DFT#2199

CONTRACT FOR: Site Improvements

CONTRACT DATE:

3/19/2021

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$	1,543,886.00
2. Net change by Change Orders	\$	302,104.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$	1,845,990.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	737,789.47
5. RETAINAGE:		
a. 10 % of Completed Work (Column D + E on G703)	\$	73,778.95
b. % of Stored Material (Column F on G703)	\$	0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	73,778.95
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	664,010.52
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	260,505.00
8. CURRENT PAYMENT DUE	\$	403,505.52
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	1,181,989.48

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$116,330.00	
Total approved this Month	\$185,784.00	
TOTALS	\$302,114.00	\$0.00
NET CHANGES by Change Order	\$302,114.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

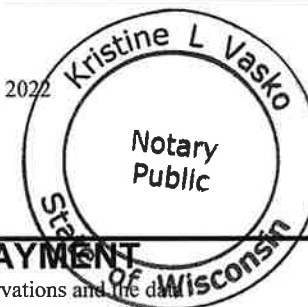
CONTRACTOR: D.F. TOMASINI CONTRACTORS, INC.

By:  Date: 4/18/22
Kirk Dexheimer, President

State of: Wisconsin County of: Waukesha
Subscribed and sworn to before me this 18th day of April, 2022

Notary Public: 

My Commission expires: 09/25/24



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

ALA DOCUMENT G703

2 of 2

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

[illegible]

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TO OWNER:

Continental Building Co.
395 East Waterford Drive, Suite 300
Homestead, PA 15120

PROJECT:

The Waters of Pewaukee
Pewaukee, WI 53188

DLW DOESN'T TIE BACK TO
AMOUNT ON LINE #8.

MISSING ILW FROM CONTRACT
DEWATERING \$44,100.00

4 Distribution to:



5/31/22

FROM CONTRACTOR:

D.F. Tomasini Contractors, Inc.
N70 W25176 Indian Grass Lane
Sussex, WI 53089

VIA ARCHITECT:

Kaas Wilson National, Inc.
1301 American Blvd., East, Suite 100
Bloomington, MN 55425

PROJECT NOS:

20-09-902

DFT#2199

CONTRACT FOR: Site Improvements

CONTRACT DATE:

3/19/2021

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM		\$	1,543,886.00
2. Net change by Change Orders	302,104.00	\$	302,114.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	1,845,990.00	\$	1,846,000.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)		\$	1,052,210.20
5. RETAINAGE:			
a. 10 % of Completed Work (Column D + E on G703)	\$	105,221.02	
b. % of Stored Material (Column F on G703)	\$	0.00	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	105,221.02	
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	946,989.18	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	664,010.52	
8. CURRENT PAYMENT DUE	\$	282,978.66	
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	899,010.82	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$302,114.00	
Total approved this Month	\$0.00	
TOTALS	\$302,114.00	\$0.00
NET CHANGES by Change Order	\$302,114.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: D.F. TOMASINI CONTRACTORS, INC.

By:

Kirk Dexheimer, President

Date: 5/23/22

State of: Wisconsin

County of: Waukesha

Subscribed and sworn to before me this

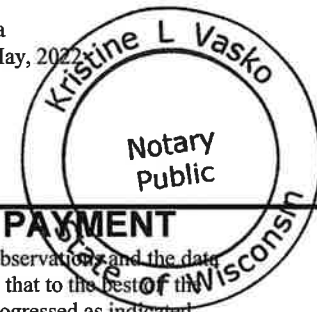
23rd day of May, 2022.

Notary Public:

Kristine L Vasko

My Commission expires:

09/25/24



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observation and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

ALA DOCUMENT G703

2 of 2

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

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[illegible]

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APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 2

TO OWNER:

Continental Building Co.
395 East Waterford Drive, Suite 300
Homestead, PA 15120

PROJECT:

The Waters of Pewaukee
Pewaukee, WI 53188

APPLICATION NO:

5 Distribution to:

PERIOD TO:

6/30/22

FROM CONTRACTOR:

D.F. Tomasini Contractors, Inc.
N70 W25176 Indian Grass Lane
Sussex, WI 53089

VIA ARCHITECT:

Kaas Wilson National, Inc.
1301 American Blvd., East, Suite 100
Bloomington, MN 55425

PROJECT NOS:

20-09-902
DFT#2199

CONTRACT FOR: Site Improvements

CONTRACT DATE:

3/19/2021

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

- | | | |
|---|----|--------------|
| 1. ORIGINAL CONTRACT SUM | \$ | 1,543,886.00 |
| 2. Net change by Change Orders | \$ | 390,027.00 |
| 3. CONTRACT SUM TO DATE (Line 1 ± 2) | \$ | 1,933,913.00 |
| 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) | \$ | 1,780,063.10 |
| 5. RETAINAGE: | | |
| a. 10 % of Completed Work (Column D + E on G703) | \$ | 178,006.31 |
| b. % of Stored Material (Column F on G703) | \$ | 0.00 |
| Total Retainage (Lines 5a + 5b or Total in Column I of G703) | \$ | 178,006.31 |
| 6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) | \$ | 1,602,056.79 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) | \$ | 946,989.18 |
| 8. CURRENT PAYMENT DUE | \$ | 655,067.61 |
| 9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) | \$ | 331,856.21 |

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$302,114.00	
Total approved this Month	\$87,913.00	
TOTALS	\$390,027.00	\$0.00
NET CHANGES by Change Order	\$390,027.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: D.F. TOMASINI CONTRACTORS, INC.

By:

Kirk Dexheimer, President

Date: 6/23/22

State of: Wisconsin

County of: Waukesha

Subscribed and sworn to before me this

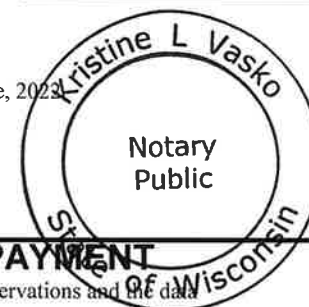
23rd day of June, 2022

Notary Public:

Kristine L. Vasko

My Commission expires:

09/25/24



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

2 of 2

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D+E+F)	%		
1	Sanitary Sewer	487,228.00	487,228.00	-	-	487,228.00	100.00%	-	48,722.80
2	Water Main	587,130.00	231,335.00	317,595.00	-	548,930.00	93.49%	38,200.00	54,893.00
3	Storm Sewer	443,952.00	52,827.00	304,055.00	-	356,882.00	80.39%	87,070.00	35,688.20
4	Alternates	10,290.00	-	-	-	-	0.00%	10,290.00	-
5	Bond	15,286.00	15,286.00	-	-	15,286.00	100.00%	-	1,528.60
6	Change Order #1	116,330.00	116,330.00	-	-	116,330.00	100.00%	-	11,633.00
7	Change Order #2	182,899.00	146,319.20	18,289.90	-	164,609.10	90.00%	18,289.90	16,460.91
8	Change Order #3	2,885.00	2,885.00	-	-	2,885.00	100.00%	-	288.50
9	Change Order #4	87,913.00	-	87,913.00	-	87,913.00	100.00%	-	8,791.30
		1,933,913.00	1,052,210.20	727,852.90	-	1,780,063.10	92%	153,849.90	178,006.31

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

The Waters of Pewaukee

Item	QTY	Unit	Cost/Unit	Cost	
Road A Improvements					
Asphalt Paving	3369	SY	\$38.00	\$128,022.00	
8" PVC Water main	1120	LF	\$95.00	\$106,400.00	\$106,400.00
8" Gate Valves	5	EA	\$2,500.00	\$12,500.00	\$12,500.00
Hydrant Assemblies w/ 6" G.V. & Box	4	EA	\$5,900.00	\$23,600.00	\$23,600.00
6" PVC Hydrant Lead	42	LF	\$125.00	\$5,250.00	\$5,250.00
1" Water Laterals	330	LF	\$70.00	\$23,100.00	\$23,100.00
Curb Stop & Box	11	EA	\$550.00	\$6,050.00	\$6,050.00
Connect to Existing Sanitary Manhole	1	EA	\$4,500.00	\$4,500.00	\$4,500.00
48" Sanitary Sewer Manhole	8	EA	\$5,000.00	\$40,000.00	\$40,000.00
8" SDR-35 PVC Sanitary Sewer	1028	LF	\$120.00	\$123,360.00	\$123,360.00
4" PVC Sanitary Laterals	363	LF	\$90.00	\$32,670.00	\$32,670.00
4" PVC Sanitary Riser	22	VF	\$400.00	\$8,800.00	\$8,800.00
Catch Basin w/ Frame & Grate	10	EA	\$1,250.00	\$12,500.00	\$12,500.00
48" Storm Sewer Manhole	6	EA	\$5,000.00	\$30,000.00	\$30,000.00
Pond Outlet Controls Structures	1	EA	\$1,400.00	\$1,400.00	\$1,400.00
24" CL III RCP Storm Sewer	409	LF	\$85.00	\$34,765.00	\$34,765.00
18" CL III RCP Storm Sewer	568	LF	\$73.00	\$41,464.00	\$41,464.00
12" CL III RCP Storm Sewer	327	LF	\$62.00	\$20,274.00	\$20,274.00
24" RCP End Section w/ Grate	3	EA	\$420.00	\$1,260.00	\$1,260.00
18" RCP End Section w/ Grate	5	EA	\$360.00	\$1,800.00	\$1,800.00
12" RCP End Section w/ Grate	2	EA	\$340.00	\$680.00	\$680.00
Detention Basin #4 and #5	3227.4	CY	\$12.00	\$38,728.80	
Curb & Gutter	2324	LF	\$25.00	\$58,100.00	
Sidewalks	5690	SF	\$8.00	\$45,520.00	
ADA Ramps	4	EA	\$2,500.00	\$10,000.00	
Subtotal				\$810,743.80	\$ 530,373.00

Road B Improvements					
Asphalt Paving	1070	SY	\$38.00	\$40,660.00	
12"x8" Tapping Sleeve w/ 8" G.V. & Box	1	EA	\$2,950.00	\$2,950.00	\$2,950.00
Connect to Existing Water Main	1	EA	\$2,500.00	\$2,500.00	\$2,500.00
8" PVC Water main	354	LF	\$95.00	\$33,630.00	\$33,630.00
8" Gate Valves	3	EA	\$2,500.00	\$7,500.00	\$7,500.00
Hydrant Assemblies w/ 6" G.V. & Box	2	EA	\$5,900.00	\$11,800.00	\$11,800.00
6" PVC Hydrant Lead	22	LF	\$125.00	\$2,750.00	\$2,750.00
1" Water Laterals	120	LF	\$70.00	\$8,400.00	\$8,400.00
Curb Stop & Box	4	EA	\$550.00	\$2,200.00	\$2,200.00
Connect to Existing Sanitary Manhole	1	EA	\$4,500.00	\$4,500.00	\$4,500.00
48" Sanitary Sewer Manhole	3	EA	\$5,000.00	\$15,000.00	\$15,000.00
10" SDR-35 PVC Sanitary Sewer	378	LF	\$131.00	\$49,518.00	\$49,518.00
4" PVC Sanitary Laterals	132	LF	\$90.00	\$11,880.00	\$11,880.00
4" PVC Sanitary Riser	8	VF	\$400.00	\$3,200.00	\$3,200.00
Pond Outlet Controls Structures	1	EA	\$1,400.00	\$1,400.00	\$1,400.00
18" CL III RCP Storm Sewer	182	LF	\$73.00	\$13,286.00	\$13,286.00
12" CL III RCP Storm Sewer	115	LF	\$62.00	\$7,130.00	\$7,130.00
18" RCP End Section w/ Grate	4	EA	\$360.00	\$1,440.00	\$1,440.00
12" RCP End Section w/ Grate	12	EA	\$340.00	\$4,080.00	\$4,080.00
Detention Basin #2	3114.7	CY	\$12.00	\$37,376.40	
Sidewalks	1758	SF	\$8.00	\$14,064.00	
ADA Ramps	2	EA	\$2,500.00	\$5,000.00	
Subtotal				\$280,264.40	\$ 183,164.00

Total	\$1,091,008.20	\$ 713,537.00
20%	\$218,201.64	No reduction fo
Final LOC Value	\$1,309,209.84	\$595,672.84

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 17.**

DATE: September 19, 2022

DEPARTMENT: PW - Engineering

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding the Highlands Subdivision Road Reconstruction and Related Improvements
[Wagner]

BACKGROUND:

The Highlands subdivision roads (Apple Tree Lane and Pear Tree Lane) are in need of road rehabilitation with storm drainage repairs and minor utility repairs. The City borrowed for this project in 2022. The Comfort Resolution allows for expenditures to be reimbursed by a future borrowing.

FINANCIAL IMPACT:

The 2023 Budget included \$650,000 for road rehabilitation and the City borrowed for this project in the 2022 borrowing.

RECOMMENDED MOTION:

Common Council approve the Preliminary Resolution and Comfort Resolution for the Highlands Subdivision Road Reconstruction and related improvements.

ATTACHMENTS:

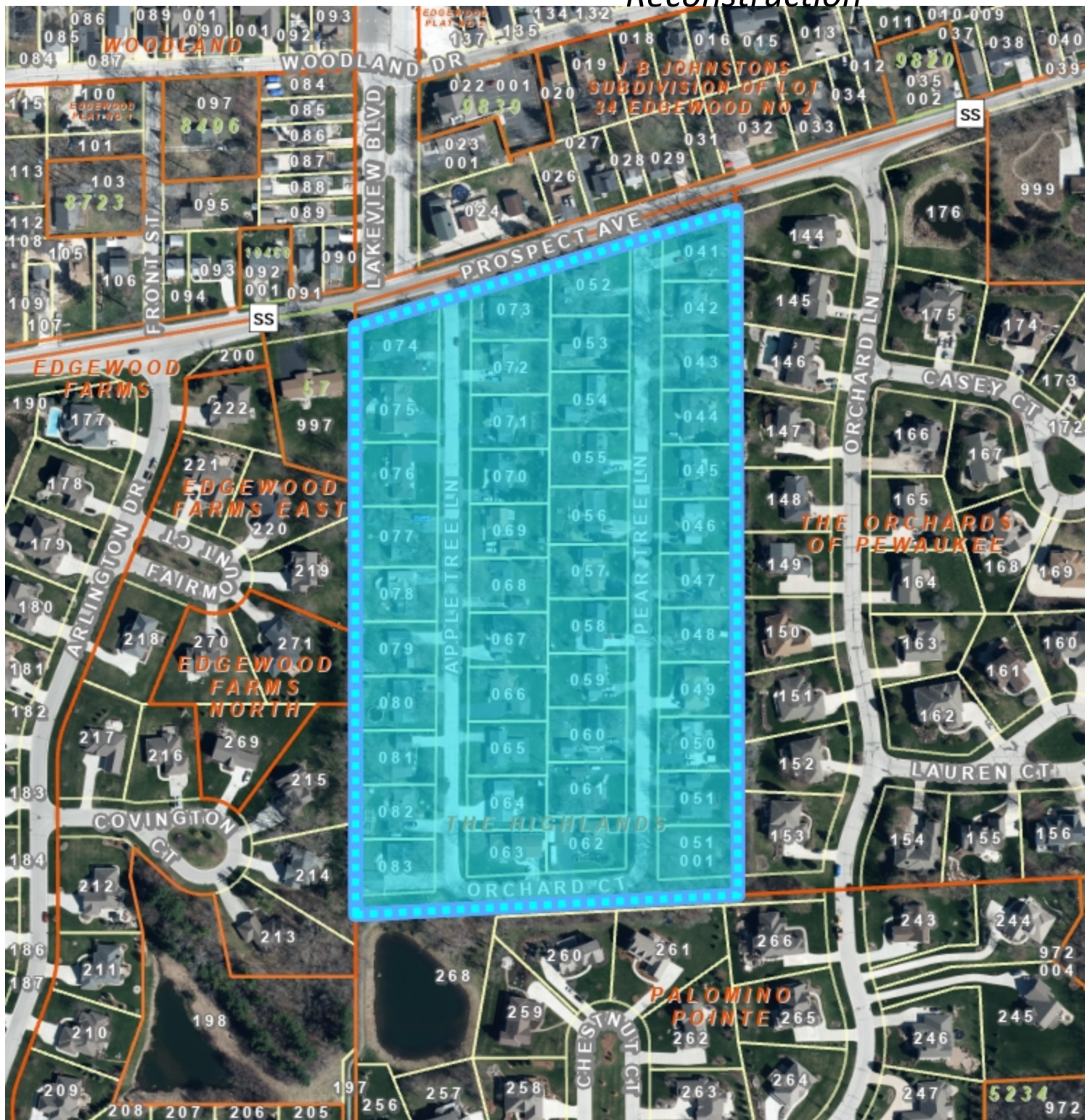
Description

Location Map

Resolution 22.09.30 Highlands Project

Resolution 22.09.31 Highlands Intent to Reimburse

The Highlands Road Reconstruction



0 217.68 Feet

Notes:

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.



**RESOLUTION 22-09-30
PRELIMINARY RESOLUTION**

**DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS
AUTHORIZING THE CONSTRUCTION OF APPLE TREE LANE, ORCHARD COURT,
AND PEAR TREE LANE PAVEMENT RECONDITIONING, WATER, DRAINAGE,
AND RELATED FACILITIES
UNDER SECTION 66.0703, WISCONSIN STATUTES**

WHEREAS, The Common Council of the City of Pewaukee has determined that the pavement within Apple Tree Lane, Orchard Court, and Pear Tree Lane are in need of reconditioning, water improvements, and drainage improvements; and

WHEREAS, The Common Council of the City of Pewaukee has determined that all property owners abutting Apple Tree Lane, Orchard Court, and Pear Tree Lane should share in the cost of such improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED, That the Common Council of the City of Pewaukee determined that it is in the best interest of the City and in the exercise of its police power under Section 66.0703, Wisconsin Statutes, to levy special assessments upon the following described property for special benefits conferred upon such properties by the improvements of the pavement reconditioning:

Apple Tree Lane, from Prospect Avenue (CTH "SS") southerly to Orchard Court, approximately 990 feet;
Orchard Court, from Apple Tree Lane easterly to Pear Tree Lane, approximately 300 feet;
Pear Tree Lane, from Prospect Avenue (CTH "SS") southerly to Orchard Court, approximately 1070 feet, and;

Before such improvements are made, the City Engineer is directed to prepare a report consisting of:

- A. Preliminary plans and specifications for said improvements.
- B. An estimate of the entire cost of the proposed reconstruction improvements.
- C. A schedule of the proposed assessment against each affected parcel and a statement that all property is benefited.
- D. The formula for assessing.

The exact amount of the assessment and the method of permitted payments will be determined at the public hearing prior to the Final Resolution.

Upon receiving the report of the City Engineer, the Clerk shall publish a Class I notice stating the nature of the proposed work, the general boundary lines of the proposed assessment district, a small map and the place and time at which the report can be inspected, and the time of the public hearing for interest parties to appear and comment. The Clerk shall also mail the notice to the

post office address of every interested party at least 10 days before the hearing. The public hearing shall be held at Pewaukee City Hall, W240N3065 Pewaukee Road, not less than 10 days and not more than 40 days after such publication.

SEVERABILITY

The several sections of this Resolution shall be declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this Resolution.

ADOPTED THIS 19th day of September, 2022.

CITY OF PEWAUKEE

X

Steve Bierce
Mayor

ATTEST:

X

Kelly Tarczewski
Clerk/Treasurer

RESOLUTION 22-09-31**RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES
THE HIGHLANDS SUBDIVISION ROAD RECONSTRUCTION PROJECT**

WHEREAS, The City of Pewaukee, Waukesha County, Wisconsin (the “City”) owns and operates a roadway system, a watermain system, and a drainage system (the “System”) as a public entity; and

WHEREAS, The City expects to receive a loan (the “Loan”) to finance the Highlands Road Reconstruction Project (the “Project”) and expects to issue tax exempt bonds (the “Bonds”) to the Program in evidence of the Loan; and

WHEREAS, It is necessary, and in the best interests of the City to seek interim financing to fund Project costs until the Loan becomes available and the Bonds can be issued, and

NOW, THEREFORE, BE IT HEREBY RESOLVED, By the Common Council of the City of Pewaukee, to adopt this resolution as follows:

Section 1. Expenditure of Funds. The City shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The City hereby officially declares its intent to reimburse said expenditures with proceeds of the Bonds for the Project.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonable expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the City Clerk’s office within 30 days after its approval in compliance with applicable state law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

ADOPTED THIS 19th day of September, 2022.

CITY OF PEWAUKEE

X

Steve Bierce
Mayor

ATTEST:

X

Kelly Tarczewski
Clerk/Treasurer