

Office of the Clerk/Treasurer

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

REVISED

**COMMON COUNCIL
MEETING NOTICE AND AGENDA**

Monday, August 7, 2023

6:30 PM

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

-
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. Discussion and Possible Action to Approve the Accounts Payable Listing Dated August 7, 2023
 4. Discussion and Possible Action Regarding Bids Received for Conversion of Ball Diamonds to Synthetic Field Turf at Pewaukee Sports Complex [Phalin].
 5. **PUBLIC HEARING**, Discussion and Possible Action to Approve the Class B - Beer and Class C - Wine Licenses for AGAM Restaurant Inc. Doing Business as the Crossings Located at N20W22951 Watertown Road and Naming Ramandeep Chanana as Agent [Tarczewski]
 6. Discussion Related to the Fire Protection Fee [Clark / Mueller / Wagner]
 7. Discussion and Possible Action Regarding an Amendment to the Professional Services Contract Between the City of Pewaukee and EPLEX, LLC (DBA E-Plan Exam) for Plan Review Services and the City Becoming a Delegated Agent of the Wisconsin Department of Safety and Professional Services for the Review of Variances [Fuchs]
 8. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for The Inn Bed and Breakfast Located at N4 W22496 Bluemound Road (PWC 0963-998) [Fuchs]
 9. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for Steny's Lake Country for Property Located at N29 W24483 Watertown Road (PWC 0922-987-001) for the Purpose of Operating a Restaurant and Bar [Fuchs]
 10. **PUBLIC HEARING**, Discussion and Possible Action Regarding **Ordinance 23-05** Amending Section 17.0435 F-1 Floodplain District, Creating of a New Floodplain Ordinance Section, and Adoption of the Updated Flood Insurance Study and Flood Insurance Rate Maps [Fuchs]
 11. Discussion and Possible Action Regarding The Water Development Request to Occupy the City's Right-of-Way with Lighting and Landscaping [Wagner]
 12. Discussion and Possible Action Regarding Utility Extension to Shady Lane and Shady Nook [Wagner].

13. Discussion and Possible Action Regarding Easements for the Cardinal Meadow Subdivision [Wagner].
14. Discussion and Possible Action Regarding Interstate Partners Green Road Developers Agreement and to Establish the Financial Guarantee Value for the Green Road and Redford Ramp Intersection Improvements [Wagner]
15. Discussion and Possible Action to Authorize Submittal of the Notice of Intent for the Quiet Zones at Green Road, Duplainville Road, Watertown Road, and Weyer Road [Wagner].
16. Discussion and Possible Action to Select the 2023 Trick or Treat Date and Time [Mayor Bierce]
17. Discussion Related to the Proposed 2024 Budget Schedule [Klein]
18. Notification of the First Meeting in September is Moved to Tuesday, September 5, 2023 at 6:30 p.m.
19. Discussion and Possible Action to Appoint a Member or Members to the Ethics Board [Mayor Bierce]
20. 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.
21. Adjournment

Kelly Tarczewski
Clerk/Treasurer

August 4, 2023

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.**

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Approve the Accounts Payable Listing Dated August 7, 2023

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

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

DATE: August 7, 2023

DEPARTMENT: Administration

PROVIDED BY: Nick Phalin

SUBJECT:

Discussion and Possible Action Regarding Bids Received for Conversion of Ball Diamonds to Synthetic Field Turf at Pewaukee Sports Complex [Phalin].

BACKGROUND:

Per previous discussion with Common Council we went to bid to complete this park improvement in the name of tourism that will improve Pewaukee Sports Complex baseball diamonds. We only received one bid which was significantly more than expected.

The Common Council previously agreed to move forward with bidding with the recommended premise from the Tourism Commission that the City would initially fund the project utilizing the below criteria:

- \$400,000 initial payment from Tourism Fund towards this project
- Annual payments from Tourism Fund to repay the City at up to \$200,000
- Annual payments to be made until entire project is paid, including ~4% interest on repayment
- Tourism Fund to begin a capital replacement plan once project is paid in full.

Recommendation to rebid this project per raSmith Engineers (attached file) as well as Parks and Recreation Director Phalin.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Motion to reject the existing bid and rebid this project once final City engineer recommendations are confirmed in the fall of 2023 for construction to begin after baseball season in the summer of 2024.

ATTACHMENTS:

Description

raSmith Recommendation

July 31, 2023

Mr. Nick Phalin (via email)
Director of Parks and Recreation
City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

Re: Pewaukee Sports Complex Synthetic Turf Project

Dear Mr. Phalin,

Bids were received at 11:00 a.m. on Thursday, July 27, 2023 at the Pewaukee City Hall for the above referenced project. Only one bidder submitted a bid for this project. The bid has been checked and tabulated as follows:

<u>BIDDER</u>	<u>BID</u>
1. Buteyn-Peterson Construction Co.	\$1,582,092.30

Although we did not prepare a formal estimate of probable construction costs, we anticipated that the bid would be in the range of \$1,000,000 to 1,200,000 based on previous similar projects.

The single bid provided is substantially over the anticipated cost and budget for the work. I recommend that the work be re-bid in September or October of this year, with a start date after July 29, 2024 and substantial completion date of November 1, 2024. We will evaluate whether items can be eliminated or reconsidered in order to reduce the cost. Re-bidding the work with a new bid date and completion time may result in contractors adjusting pricing on the project.

Sincerely,
R.A. Smith, Inc.



Timothy G. Barbeau, P.E., R.L.S.
Senior Project Manager

c: Dave Mortensen, P.E. raSmith (via email)

Attachment: Bid Tabulation

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

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action to Approve the Class B - Beer and Class C - Wine Licenses for AGAM Restaurant Inc. Doing Business as the Crossings Located at N20W22951 Watertown Road and Naming Ramandeep Chanana as Agent [Tarczewski]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Crossings Application

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 08/01/2023 ending: 06/30/2024
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of } Pewaukee
☐ Village of }
☒ City of }

County of Waukesha Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☐ Limited Liability Company
☐ Partnership ☒ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number <u>456-1031454956-04</u>	
FEIN Number <u>93-2360573</u>	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$
☒ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ N/A
☐ Class B liquor	\$
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$ <u>33.22</u>
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)

CHANANA, MILAN, SINGH AGAM RESTAURANT, INC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>CHANANA</u>	(First) <u>MILAN</u>	(Middle Name) <u>SINGH</u>	Home Address (Street, City or Post Office, & Zip Code) <u>BROOKFIELD, WI 53045</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>CHANANA</u>	(First) <u>RAMANDEEP</u>	(Middle Name) <u>KAUR</u>	Home Address (Street, City or Post Office, & Zip Code) <u>BROOKFIELD, WI 53045</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name THE CROSSINGS RESTAURANT Business Phone Number 262-513-2008

2. Address of Premises N 20 W 22951 WATERTOWN ROAD Post Office & Zip Code _____

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 414-324-0031

STORED IN KITCHEN AREA AND STORAGE.
SERVE & SOLD INSIDE THE RESTAURANT

4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No

(b) If yes, under what name was license issued? THE CROSSINGS RESTAURANT

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ☒ Yes ☐ No
Completed the training online already
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** ☐ Yes ☒ No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 07/13/2023 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
If yes, explain.
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>CHANANA, MILAN S.</u>	Title/Member <u>OWNER</u>	Date <u>7/14/2023</u>
Signature <u>M. CHANANA</u>	Phone Number	Email Address

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

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

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion Related to the Fire Protection Fee [Clark / Mueller / Wagner]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Email from Alderman Clark

Tarczewski, Kelly

From: Clark, Ian
Sent: Thursday, August 3, 2023 9:02 AM
To: Tarczewski, Kelly; Klein, Scott; Bierce, Steve; Stan Riffle; Mueller, Jane
Subject: Fire Hydrant Fee Discussion, Next Common Council

Dear all,

A resident in my district, Mr. Drollinger, requested that I bring up the current fire protection fee assessment and how it's apportioned.

His chief concern is that the fee currently affects property owners within 500 ft. of a hydrant, and not everyone in the City.

Notably, if a property is 501 ft from a hydrant, then they are still treated with water from the hydrant, as the department fills up its tanker trunks with water from our hydrants. As such, residents 501+ ft away still benefit from the hydrants, but they are not assessed for it.

I would like to bring this issue before the common council. I have already spoken to Jane, and she's happy to speak on the issue.

I will not ask for immediate action. If it's the Council's will, I will ask to direct staff to develop more equitable alternatives.

Please let me know if you have any questions or concerns.

Best,

Ian

Sent from my iPhone

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

DATE: August 7, 2023

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding an Amendment to the Professional Services Contract Between the City of Pewaukee and EPLEX, LLC (DBA E-Plan Exam) for Plan Review Services and the City Becoming a Delegated Agent of the Wisconsin Department of Safety and Professional Services for the Review of Variances [Fuchs]

BACKGROUND:

The attached amendment to the Professional Services Agreement with E-Plan Exam will allow the City to review building code applications for variances once delegated by DSPS. These reviews will be completed by E-Plan Exam as detailed within this amendment.

Staff will also follow up with an amendment to the Fee Schedule to include the Variance Review Fee.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the amendment to the Professional Services Contract with EPLEX, LLC.

ATTACHMENTS:

Description

E-Plan Exam Contract Amendment

Delegation Application

Amendment to Professional Services Contract
Plan Review

This Contract is by and between the City of Pewaukee, W240 N3065 Pewaukee Road, Pewaukee WI 53188, referred to as the City; and EPLEX, LLC, 12605 W North Ave., PMB 189, Brookfield, WI 53005, referred to as E-Plan Exam. Together the City and E-Plan Exam are referred to as the Parties

Recitals

On March 11, 2021 the Parties entered into a Professional Services Contract, referred to herein as the Contract, for E-Plan Exam to provide commercial plan review services to the City. The Parties now wish to add and/or modify the following provisions to the services outlined in that Contract.

Now, therefore, in consideration of the mutual promises of the Parties herein, the City and E-Plan Exam agree to amend the Contract as follows:

- **E-Plan Exam Services.** Section 1 of the contract, in addition to the language already present in the Contract shall have the following added:

E-Plan Exam Shall offer in addition to the commercial plan review services outlined in the agreement, E-Plan Exam, upon granting of permission and having been delegated by the State of Wisconsin, shall be permitted to undertake Variance reviews as outlined by the scope permitted by the Department of Safety and Professional Services.

- **Fees outlined in exhibit A section 2.** The following fees in section 2 shall be amended to include the following fee item for Variances:

Variance Review	When approved by the State of Wisconsin Department of Safety and Professional Services to approve and review variances of State code for equivalency, the fee for processing any variance at the time of application shall be \$2,000.00.
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- **Remainder Unchanged.** All other terms and conditions of the Contract remain unchanged and in effect.

Amendment effective as of September 1st, 2022.

By _____

Date: _____

By David Adam Mattox, President

Date: _____

Commercial Building (Structural and HVAC) Plan Review

STEP 1: Check one.

- ☐ 1. Plan review of small commercial buildings, as defined below. [Wis. Stat. § 101.12(3)(b)]
- A new building or structure containing less than 50,000 cubic feet of total volume.
 - An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.
- ☐ 2. **First- or Second-Class City Only:** Plan review for all size buildings within the City. [Wis. Stat. § 101.12(3m)(a)]
- ☐ 3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- Fill in the desired enforcement responsibilities below:**
- _____

STEP 2: Code Enforcement Information. Municipalities performing the above responsibilities must utilize certified commercial building inspectors to perform the plan examination functions. Include this information below.

Name of Certified Inspector: _____

Contracted Agency that Employs Certified Inspector (if applicable): _____

Commercial Building Inspector Credential #: _____

Phone: _____ Email: _____

Expanded Plan Review: Municipalities performing plan reviews of buildings larger than those defined as “small commercial buildings” must employ at least one individual that is a) registered as a Wisconsin architect or professional engineer, b) certified as a commercial building inspector, and c) performs or directly supervises the plan examinations. Include this information below.

Name of Wisconsin Architect or Professional Engineer: _____

Architect or Professional Engineer Credential #: _____

Commercial Building Inspector Credential #: _____

STEP 3: Required Documentation.

- ☐ Current ordinance showing a) adoption of the Wisconsin State Code applicable chapters, b) authorization of municipal code official to enforce, c) duty of owners to submit for permits, d) fee schedule or reference to fees to be set by resolution, e) appeals process, and f) fines and penalties. A [model ordinance](#) is available, if needed.

STEP 4: Proceed to Last Page.

Fire Suppression and Fire Alarm (FS/FA) Plan Review

STEP 1: Check one.

- ☐ 1. Plan review of small commercial buildings, as defined below. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- A new building or structure containing less than 50,000 cubic feet of total volume.
 - An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.

☐ 2. Plan review of all commercial buildings, without size limitations. [Appointed Agent per Wis. Stat. § 101.12(3g)]

☐ 3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)]
Fill in the desired enforcement responsibilities below:

STEP 2: Code Enforcement Information. Municipalities performing any of the above FSFA responsibilities must utilize certified commercial building inspectors and/or certified fire detection, prevention, and suppression inspectors to perform the plan examination functions. Include this information below.

Name of Certified Inspector: _____

Contracted Agency that Employs Certified Inspector (if applicable): _____

Commercial Building Inspector or Fire Detection, Prevention, and Suppression Inspector Credential #: _____

Phone: _____ Email: _____

STEP 3: Required Documentation.

- ☐ Current ordinance showing a) adoption of the Wisconsin State Code applicable chapters, b) authorization of municipal code official to enforce, c) duty of owners to submit for permits, d) fee schedule or reference to fees to be set by resolution, e) appeals process, and f) fines and penalties. A [model ordinance](#) is available, if needed.

STEP 4: Proceed to Last Page.

**CHANGES TO ENFORCEMENT STAFF LISTED ON ANY PAGE OF THIS APPLICATION SHALL BE
IMMEDIATELY REPORTED TO THE DEPARTMENT**

Municipality's Primary Contact. The Department will list the municipality's contact(s) on its public delegated municipality lists. List individual(s) **employed by (not contracted with)** the municipality that oversee the plan review and/or inspection program(s).

Name of Municipality's Primary Contact: _____

Position Title: _____

Programs Managed: _____

Phone: _____ Email: _____

Name of Municipality's Contact: _____

Position Title: _____

Programs Managed: _____

Phone: _____ Email: _____

Name of Municipality's Contact: _____

Position Title: _____

Programs Managed: _____

Phone: _____ Email: _____

Notes.

- Additional information may be requested to complete delegation application review.
- Fees per Wis. Admin. Code § SPS 302 are required to be remitted to our agency for commercial building, FS/FA, and conveyance projects, depending upon the delegation type authorized.

I understand the applicable responsibilities and expectations for the type of delegation we are requesting and that they are municipal responsibilities, regardless of how we provide staffing for our enforcement program. **I also understand that we will notify the DSPS of changes in enforcement staff and will adhere to reporting requirements of the specified program.** Further, I understand the Department of Safety and Professional Services has authority to audit and revoke delegation for failure to perform required duties.

Signature of authorized Municipal Official

Title

Date

Name (printed)

Municipality

Email Address

Phone Number

Address, City, Zip Code

Return completed form and required documentation to:
Etta Strey, Division of Industry Services, at Etta.Strey@wisconsin.gov

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

DATE: August 7, 2023

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Regarding the Conditional Use Permit for The Inn Bed and Breakfast Located at N4 W22496 Bluemound Road (PWC 0963-998) [Fuchs]

BACKGROUND:

At their July 20, 2023 meeting, the Plan Commission unanimously recommended approval of the Conditional Use Permit for The Inn bed and breakfast use, subject to obtaining a City of Pewaukee Hotel/Motel License from the City Clerk's Office, as well as any other applicable government license deemed necessary in order for the use to be in compliance with local, county, and state regulations.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the Conditional Use Permit for The Inn located at N4 W22496 Bluemound Road (PWC 0963998).

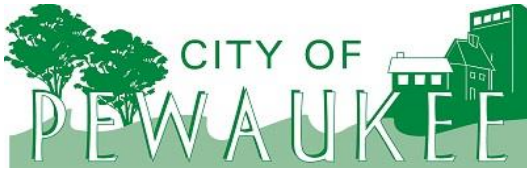
ATTACHMENTS:

Description

The Inn staff report 7.20.23

The Inn narrative

The Inn 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 July 20, 2023

Date: 7/5/2023

Project Name: The Inn Bed & Breakfast Conditional Use

Project Address/Tax Key No.: N4W22496 Bluemound Rd./PWC 0963998

Applicant: JOHN CAMERON AND KAREN MILLER

Property Owner: JOHN CAMERON AND KAREN MILLER

Current Zoning: B-3 General Business

2050 Land Use Map Designation: Manufacturing/Fabrication/Warehousing

Use of Surrounding Properties: B-4 to the west, Bluemound Rd to the south, and M-2 to the north and east.

Project Description/Analysis:

City staff recently became aware of a bed and breakfast use upon property located at N4W22496 Bluemound Road and reached out to the property owner requesting that they apply for the necessary permits and approvals needed for such a use. As such, the applicant has filed a Conditional Use application to operate the Inn bed & breakfast.

The subject property is just over 2-acres and contains various uses including a single-family residential home, Jack's café, Just a Little Bit Country Antique Store, and now the Inn bed and breakfast. The Inn is furnished in authentic 1800's style New England antiques and furniture. The operations of the Inn include three bedrooms, a small kitchen, dining room and living room which are all located within the original 1850's farmhouse. Additionally, there is a fourth bedroom located in the summer kitchen, which is a separate, adjacent building. There are no current plans for signage or site improvements.

Recommendation:

Staff recommends a motion to approve the Conditional Use application to operate a Bed & Breakfast establishment located at N4W22496 Bluemound Road, subject to the business owner obtaining a City of Pewaukee Hotel/Motel License from the City Clerk's Office as well as any other applicable government license deemed necessary in order for the use to be in compliance with local, county, and state regulations.

PETITION FOR CONDITIONAL USE

I, Karen Miller-Cameron, petition the City of Pewaukee to use the original 1850's farmhouse, located at N4 W22496 Bluemound Rd, Waukesha, Wisconsin for a Bed & Breakfast Inn with colonial historic lodging. The farmhouse was previously used for my antiques & retail shop since 1995. I downsized my shop & by moving the business to a smaller single level building on our property which is located across from Jack's Café, owned by my husband, John Cameron & myself. I want to preserve the past with this fine historic structure & put it to good use for the enjoyment of folks visiting our community and keep the history alive.

The wonderful farmhouse has 3 bedrooms. A tavern room/small kitchen (in the original kitchen area), a dining room and a living room are shared areas for guests. A very small building adjacent to the farmhouse, which I additionally used for retail, is the 4th unit for guests. It was originally the summer kitchen for the farmhouse. Due to this building being a house for 173 years, there was little to do but to put beds in the sleeping areas. The Inn completes the wonderful historic property that I refer to as the Olde Homestead for the enjoyment of our guests & the community. The Inn is furnished authentically in 1800's style New England antiques & furniture to create a step back in time by my shop, Just A Little Bit Country, which I have owned since 1984.

There are no further lighting plans or landscaping other than the usual replacement of shrubs or planting of flowers because that has already been done, maintained and improved where needed for the past 28 years that we have owned the property. No additional signage is to be done. Pictures of exterior are included with this petition.

Thank you,

Karen Miller-Cameron

N4W22496 Bluemound Rd

Waukesha, WI 53186

TheInn1850@gmail.com

414-915-7565

Date of this notice: 03-29-2021

Employer Identification Number:
86-2901674

Form: SS-4

Number of this notice: CP 575 G

For assistance you may call us at:
1-800-829-4933

OLDE HOMESTEAD LLC
KAREN LEE MILLER-CAMERON SOLE MBR
N4W22496 BLUEMOUND RD
WAUKESHA, WI 53186

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-2901674. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is OLDE. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.



WISCONSIN DEPARTMENT OF REVENUE
PO BOX 8902
MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
MADISON, WI 53708-8902
ph: 608-266-2776 fax: 608-224-5761
email: DORBusinessTax@wisconsin.gov
website: revenue.wi.gov

Letter ID L1305674448

KAREN MILLER-CAMERON
N4 W22496 BLUEMOUND RD
WAUKESHA WI 53186

Wisconsin Department of Revenue Seller's Permit

Legal/real name: KAREN MILLER-CAMERON
Business name: THE INN
N4W22496 BLUEMOUND RD
WAUKESHA WI 53186-1621

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type	Account Type	Account Number
Sales & Use Tax	Seller's Permit	456-1024079668-03

**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-23-7-2**

PWC 0963998

LEGAL DESCRIPTION:

CERT SURV 71 VOL 1/93 PT S1/2 SEC 25 T7N R19E COM AT
INTERSEC HWY CTR LI & S1/4 LI AT PT 1611.96 FT N OF S1/4
COR S88°36'W 76.66 FT N 410 FT N88°36'E 241 FT S 377 FT
S88°36'W 164.54 FT S 33 FT TO BGN EX HWY EX R1069/162
R2090/138

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

The Inn Bed & Breakfast/Karen Miller-Cameron

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 July 20, 2023; 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 August 7, 2023.

NOW, THEREFORE, let it be known that the City Common Council, by its action on August 7, 2023 has, hereby, granted a Conditional Use Permit for the following use(s):

Operating a bed and breakfast on the Jack's Café property.

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

1. Obtaining a City of Pewaukee Hotel/Motel License from the City Clerk's Office, as well as any other applicable government license deemed necessary in order for the use to be in compliance with local, county, and state regulations.

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 _____, 2023 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 9.**

DATE: August 7, 2023

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Regarding the Conditional Use Permit for Steny's Lake Country for Property Located at N29 W24483 Watertown Road (PWC 0922-987-001) for the Purpose of Operating a Restaurant and Bar [Fuchs]

BACKGROUND:

At their July 20, 2023 meeting, the Plan Commission unanimously recommended approval of Steny's Pewaukee Conditional Use Permit to operate a bar and restaurant use at N29 W24483 Watertown Road, subject to the conditions within the draft Conditional Use Permit as well as staff review and approval of final architectural plans.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the Conditional Use Permit for Steny's Pewaukee restaurant and bar use for property located at N29 W24483 Watertown Road.

ATTACHMENTS:

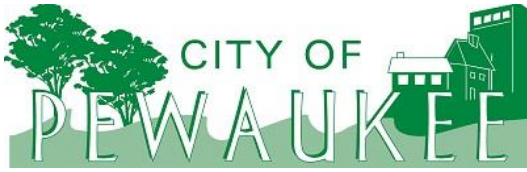
Description

Steny's staff report 7.20.23

Steny's revised narrative

Steny's revised site & building plans

Steny's 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 July 20, 2023

Date: 7/7/2023

Project Name: Steny's Lake Country Conditional Use and Site & Building Plans

Project Address/Tax Key No.: N29W24483 Watertown Rd./PWC 0922987001

Applicant: JEROME STENSTRUP

Property Owner: JEROME STENSTRUP

Current Zoning: B-6 Mixed Use

2050 Land Use Map Designation: Retail/Service Commercial

Use of Surrounding Properties: E. Wisconsin Ave to the north, Creekside subdivision to the east, A-2 to the south and west.

Project Description/Analysis:

The applicant, Jerome Stenstrup, submitted a Conditional Use Application and Site & Building Plans for a proposed bar and restaurant at the former Boomer's bar located at N29W24483 Watertown Road. The subject property is zoned B-6 Mixed Use Business District and designated as Retail/Service Commercial on the City's Year 2050 Land Use/Transportation Plan map.

Steny's is proposing a restaurant and bar with a focus on sports that will be a family-oriented establishment. The applicant projects a capacity of 250 people and anticipates 1,000 customers per week. Additionally, Steny's will create over 50 jobs. Lastly, the applicant estimates that the project value will \$750,000.

Conditional Use

The former business at this location, Boomers, received approval of a Conditional Use Grant in 2002 and a Business Plan of Operation was also issued in 2012. In accordance with Section 17.0209c., as the use has been discontinued for a period greater than 12 months, Steny's is required to apply for a new Conditional Use Permit.

The B-6 District refers to the B-4 and B-5 districts regarding uses. The B-6 District allows, as a Conditional Use, "Any retail, service or office use that is compatible with those uses listed above as determined by the Plan Commission." It can be noted that the B-5 District allows restaurants with no drive-thrus as a Permitted Use. Staff finds that a Conditional Use is appropriate as the proposed use is a bar and restaurant with outdoor activities.

The applicant has considered a drive through or drive-up window; however, are not moving forward with it at this time. If considered in the future, the drive-thru would be subject to an amendment to the conditional use along with approval of a Site & Building Plan Review Application.

Steny's will be open seven days a week and will run a volleyball league with games 5 nights a week from April to September. Games are anticipated to start at 6:00 p.m. and end at 10:00 p.m. Staff recommends the following hours of operation. Lighting related to any outdoor activities shall be shut off within 30 minutes following the end of the activity.

Indoor bar and restaurant:

- Sunday through Thursday – 10:00 a.m. to 2:00 a.m.
- Friday and Saturday – 10:00 a.m. to 2:30 a.m.

Outdoor volleyball and events:

- Daily - 10:00 a.m. to 10:00 p.m.

Outdoor dining, drinking, and music

- Sunday through Thursday – 10:00 a.m. to 9:00 p.m.
- Friday and Saturday – 10:00 a.m. to 10:00 p.m.

Site Plan

The subject property is 112,603 square feet and the project will result in a slight increase of greenspace due to proposed site improvements and building addition. The existing greenspace area is 42,021 square feet and the proposed greenspace area is 42,121 square feet. The applicant is removing various impervious surfaces around the site totaling 3,949 square feet in order to create new pervious surface.

The existing building is 5,772 square feet and the proposed addition is 3,286 square feet for a total building size of 9,058 square feet. The site changes include having one entrance in the center of the front that is only accessible via ramp, a new kitchen buildout on the west side of the building, expansion of dinning/bar area, new bathrooms, and removal of two existing volleyball courts. Staff would also like to note that the upstairs will continue to be used as an office space. For the two existing volleyball courts, staff recommends that the two volleyball courts being removed are returned to greenspace.

There are no changes proposed to access and the site will remain accessible from Watertown Road.

Parking

The parking lot consists of 121 spaces of which five are accessible with one being van accessible. Staff finds the existing parking to be sufficient for the proposed use. Besides the van accessible space, the rest of the parking spaces are 10' x 18' (180 square feet), which is in compliance with Zoning Code standards.

There may be overnight bus or shuttle parking onsite. As such, staff recommends that the location of bus parking onsite shall be diagramed on the site plan for Planning Staff review and approval. Parking of buses shall not be done in a manner to serve as signage.

Architecture

The proposed building exterior consists of fiber cement siding and split-face masonry to match the existing. The dumpsters will be enclosed in a galvanized steel pipe frame with wood horizontal space boards stained to match the building's exterior materials.

Landscaping

The applicant submitted a Landscape Plan which increases the number of plantings along Watertown Road as well as along the front of the building. Three planting beds that run parallel to Watertown Road consist of shrubs such as Russian Sage, Happy Returns Day Lilly and Firewitch Dianthus. A planter that lines the front of the building consists of Endless Summer Crush Hydrangea, Crimson Queen Japanese Maple, and Annabelle Hydrangea.

Lighting

The applicant is not proposing any changes to the existing lighting. Staff finds the existing lighting is sufficient for the use and site.

Utilities

Public sewer and water are available and will serve the development.

Recommendation:

A motion to recommend approval of the Conditional Use Permit for the proposed bar and restaurant upon property bearing Tax Key No. PWC 0922987001, subject to the condition within this report.

and

A motion to approve the Site & Building Plans for the building addition and site improvements upon property bearing Tax Key No. PWC 0922987001, subject to the conditions contained within this report.

Steny's Lake Country
N29W24483 Watertown Rd, Pewaukee, WI 53072

Steny's Lake Country is a restaurant and bar with a focus on sports. The driving forces of this business will include offerings of scratch made bar food, a sought-after beer selection, the capability of viewing sporting events on multiple televisions and outdoor volleyball leagues during the warmer months. Steny's will also be very family orientated catering to the demographic in Pewaukee and surrounding areas. We project the capacity will hold 250 people at a time. In a typical week, we project that 1,000+ customers will come in and out of our doors.

Hours of operation are the following:
Sunday through Thursday 11am – 2am
Friday and Saturday 11am – 2:30am

Our kitchen will be open from 11am to 11pm daily.

Just as the former bar Boomers had in the past, Steny's Lake Country plans on hosting outdoor volleyball leagues on the existing courts between the months of April and September. Leagues will run 5 nights a week Monday through Friday. Game times will start at 6pm and will go no later than 10pm at night for the respect of the neighbors and to abide by the noise ordinance. Any outdoor events that may occur in the back of the building, such as volleyball tournaments, will begin no earlier than 10am and go to no later than 10pm

We anticipate to use the field and potentially part of the parking lot for live music, community events and sport leagues/tournaments in the future. The use of lighting and music associated with these outdoor activities will begin no earlier than 10 am and go no later than 10pm.

Steny's Lake Country will be a positive influence on the community providing the following:

- 50+ job opportunities
- Updating and improving an existing structure in the community
- Providing another option for food and entertainment from a current successful business brand.
- Gathering place for large parties of families, friends and coworkers.

The current site will be updated and improved with a new kitchen build out on the west end of the building. There will be an addition onto the south end of the building for a larger dining/bar area. The existing bathrooms have been demolished and we plan to make them larger and include 3 woman's stalls, 2 men's stalls and 3 urinals. The main entrance will be moved to a more centralized point of the bar and will include a wheelchair accessible ramp for an improved and more inclusive entrance.

The tentative development schedule will include the following steps:

- Construction of installing the structure of the flooring and walls

- Installation of a NFPA13 sprinkler system, kitchen hoods, and fixtures such as toilets and urinals.
- Interior design of flooring, walls and serving stations including the physical bar.
- Installation of video surveillance and all other audio video components such as televisions.

We project that from start to finish it will take 5 to 6 months to complete construction as well as implement all other details needed to run our business. Our goal is to be fully operating between the months of December of 2023 and January of 2024.

We estimate that the project value of the building will be \$750,000.

Site Information

Site area -112,603 sf - 2.59 acres
Building area
Existing Building area 5,772 sf
Proposed Addition area 3,286 sf
Total proposed building area 9,058 sf

Building area Information

Existing Building area 5,772 sf
Proposed Addition area 3,286 sf
Total proposed building size (existing and proposed) 9,058 sf

Parking spaces

124 Parking spaces (Total including accessible)

Typical space is 9'-0" wide x 20'-0" deep = 180 SF

ADA parking space sizes are in compliance with ADA guidelines.

Greenspace area Information

Total site area
112,603 SF

Existing greenspace area
42,021 - 37.3%

Proposed greenspace area
42,171 - 37.5%

Impervious area Information

Existing Total impervious area
70,582 SF
Existing Impervious ratio (70582/112603) = .627 (62.7%)

Impervious area being added by building addition and walkways
3799 SF

Existing impervious area being removed
290 SF Area 1
287 SF Area 2
408 SF Area 3
2585 SF Area 4
379 SF Area 5
3949 SF Total

Proposed impervious area
70,432 SF
Proposed Impervious ratio (70432/112603) = .625 (62.5%)

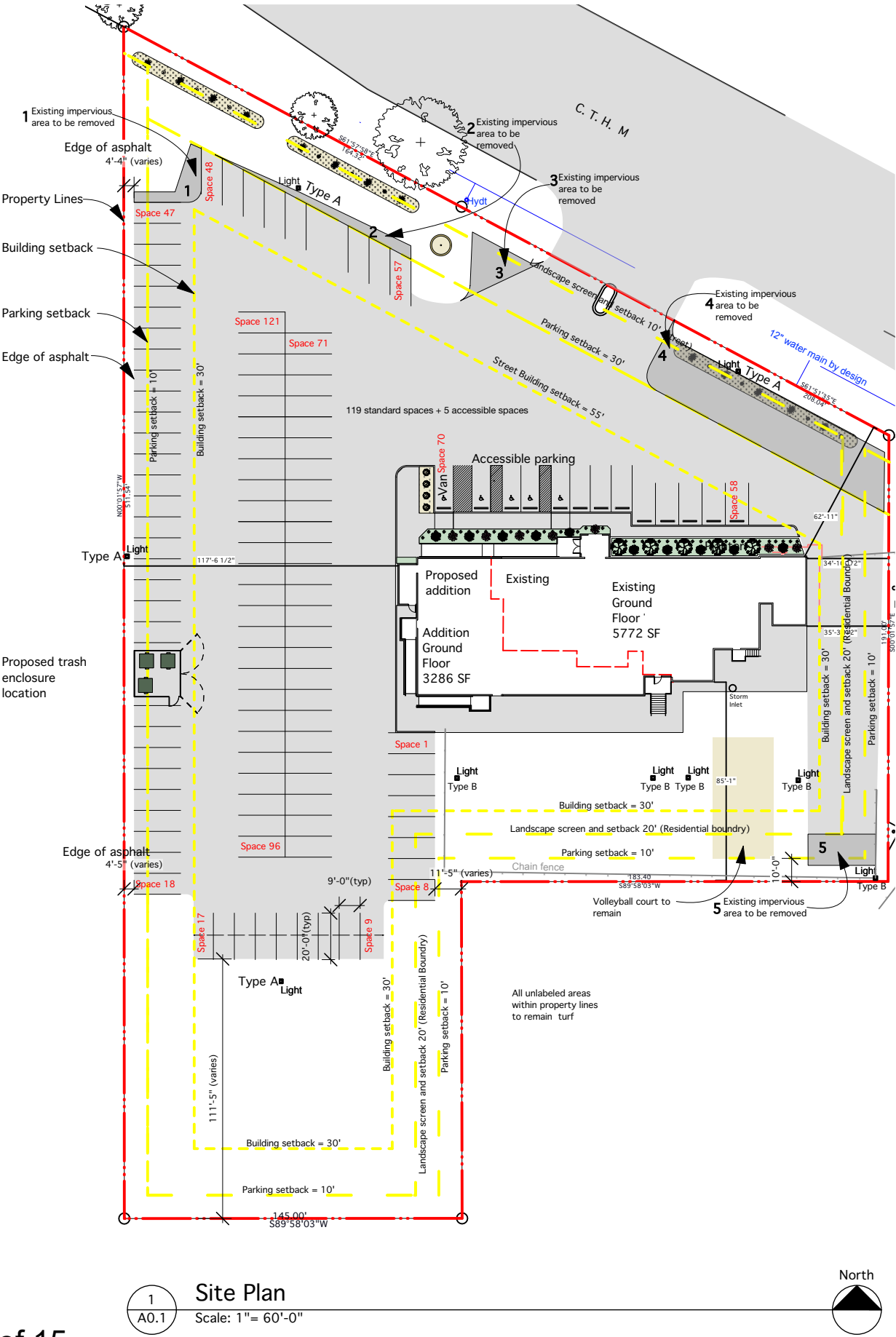
ADA Parking calculation

119 Parking spaces (Total non-accessible)

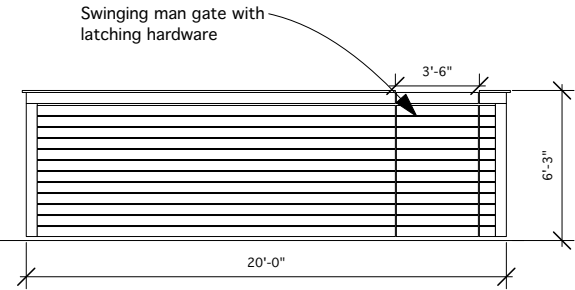
From table 11.06.1
5 accessible spaces required
1 of the 5 accessible spaces is required to be a van accessible space

Exterior Lighting - all existing site lighting to remain

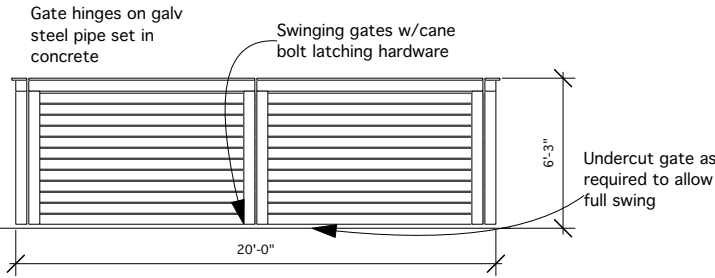
Existing exterior light fixtures:
at parking perimeter (type A) top of lighting element 25'-0"
at volleyball courts (type B) top of lighting element 20'-0"



1 Site Plan
A0.1 Scale: 1"= 60'-0"



2 Trash Enclosure - south elevation
A0.1 Scale: 1"= 30'-0" north and west similar



3 Trash Enclosure - east elevation
A0.1 Scale: 1/4"= 1'-0"

Trash enclosure description - Galvanized steel pipe frame with wood horizontal spaced boards (5" exp and 1/2" space) stained to match main building siding. Cornerboard wood trim and top trim to match main building

Michael Garber
Architecture LLC
855 East Birch Avenue
Whitefish Bay, Wisconsin
53217
tel: 414.748.3290
email:
mikegarber@wi.rr.com

PROJECT

Steny's Lake Country
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

OWNER

Steny's Lake Country
Real Estate LLC
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

CONTRACTOR

DATE
5/15/2023
Revised 7/6/2023

PROJECT NUMBER
189723

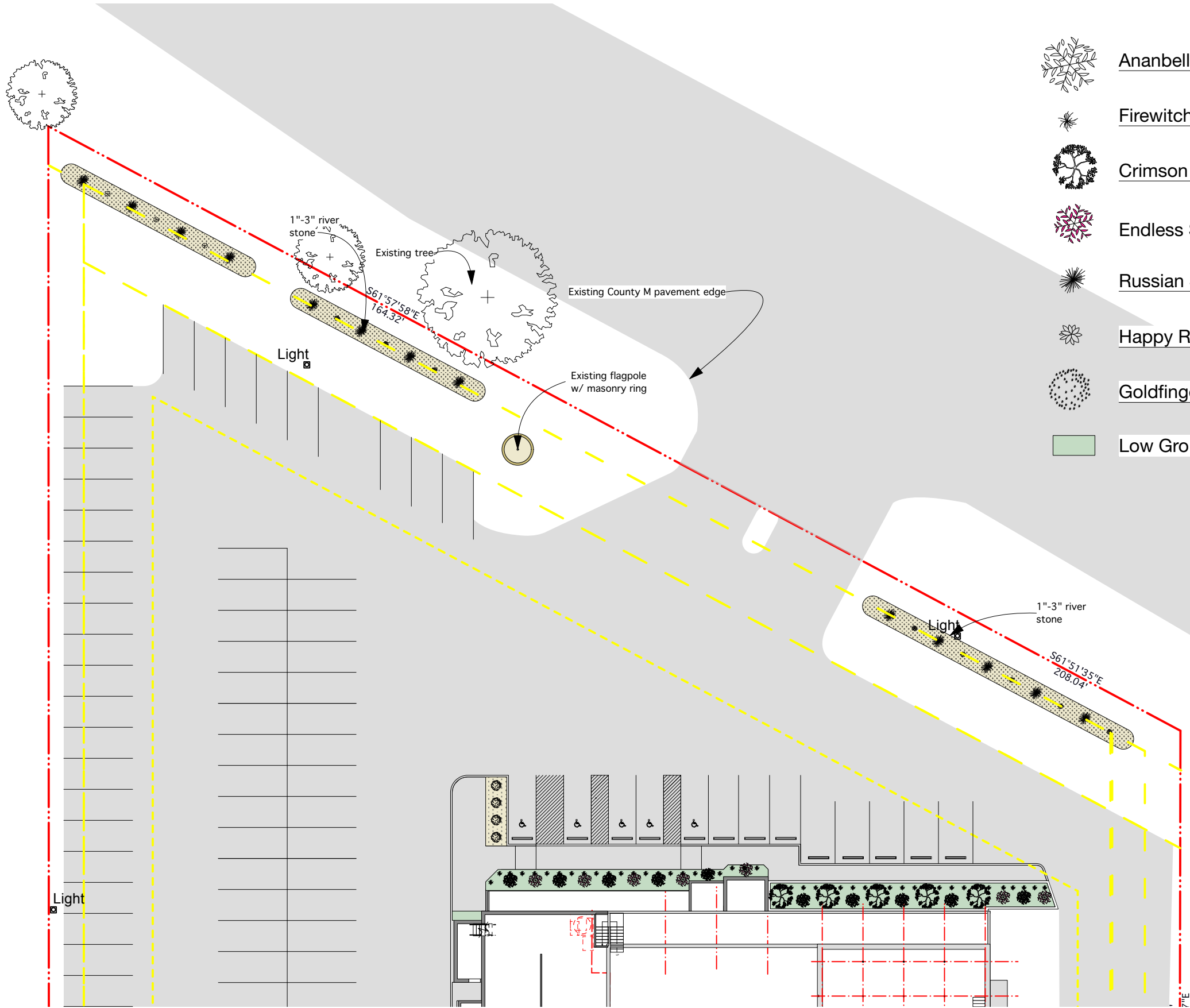
SEAL

SHEET TITLE

Site Plan

SHEET NUMBER

A0.1



- Anabelle Hydrangea
- Firewitch dianthus
- Crimson Queen Japanese maple
- Endless Summer Summer Crush Hydrangea
- Russian Sage
- Happy Returns Day lilly
- Goldfinger Potentilla
- Low Gro sumac



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mikegarber@wi.rr.com

PROJECT

Steny's Lake Country
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

OWNER

Steny's Lake Country
Real Estate LLC
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

CONTRACTOR

DATE
6/22/2023
Revised 7/6/2023

PROJECT NUMBER
189723

SEAL

SHEET TITLE

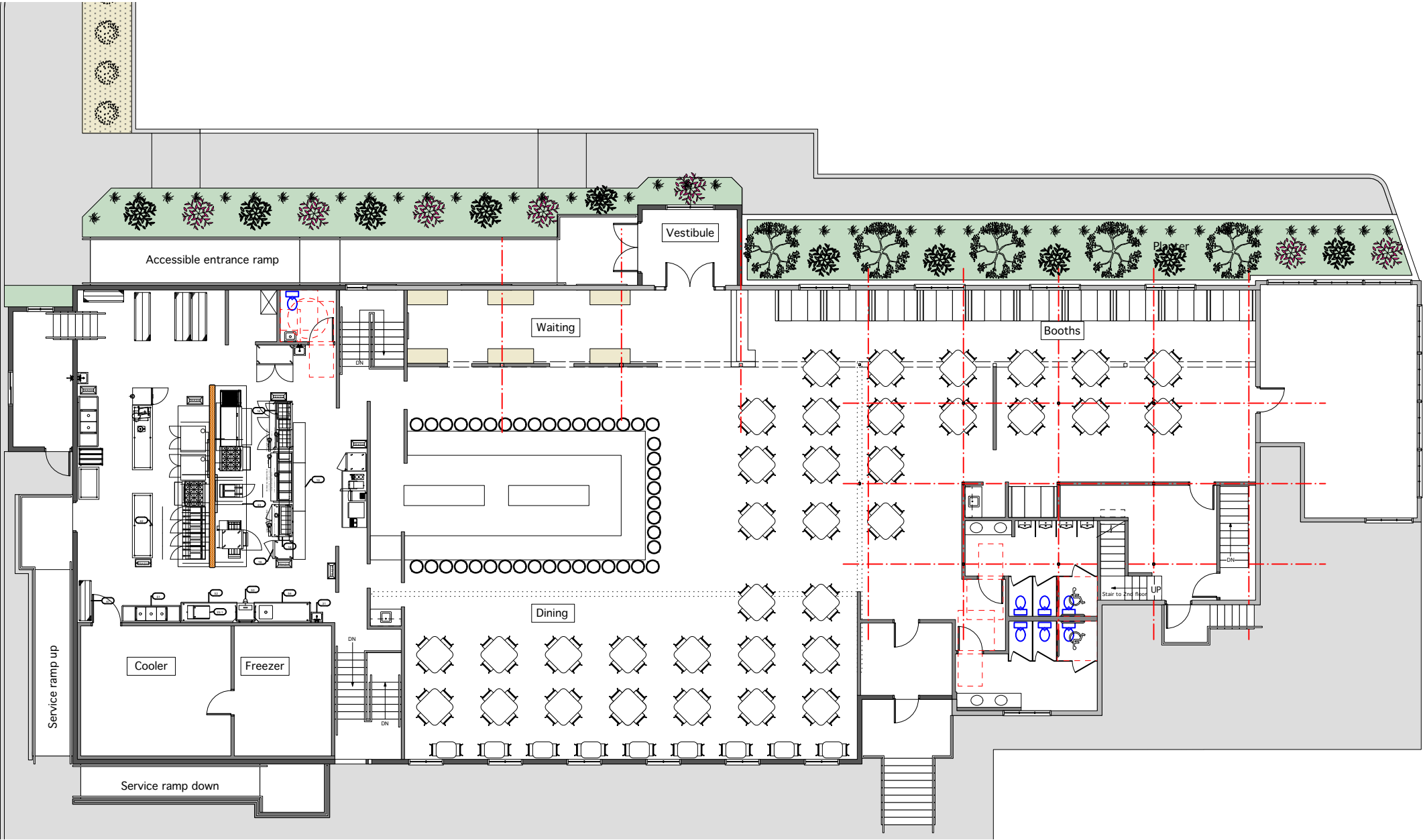
Plan

SHEET NUMBER

L1.0

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1
A1.0

Floor Plan
Scale: 1/16" = 1'-0"



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53217
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email:
mikegarber@wi.rr.com

PROJECT

Steny's Lake Country
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

OWNER

Steny's Lake Country
Real Estate LLC
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

CONTRACTOR

DATE
6/10/2023
Revised 7/6/2023

PROJECT NUMBER
189723

SEAL

SHEET TITLE

Plan

SHEET NUMBER

A1.0

Michael Garber
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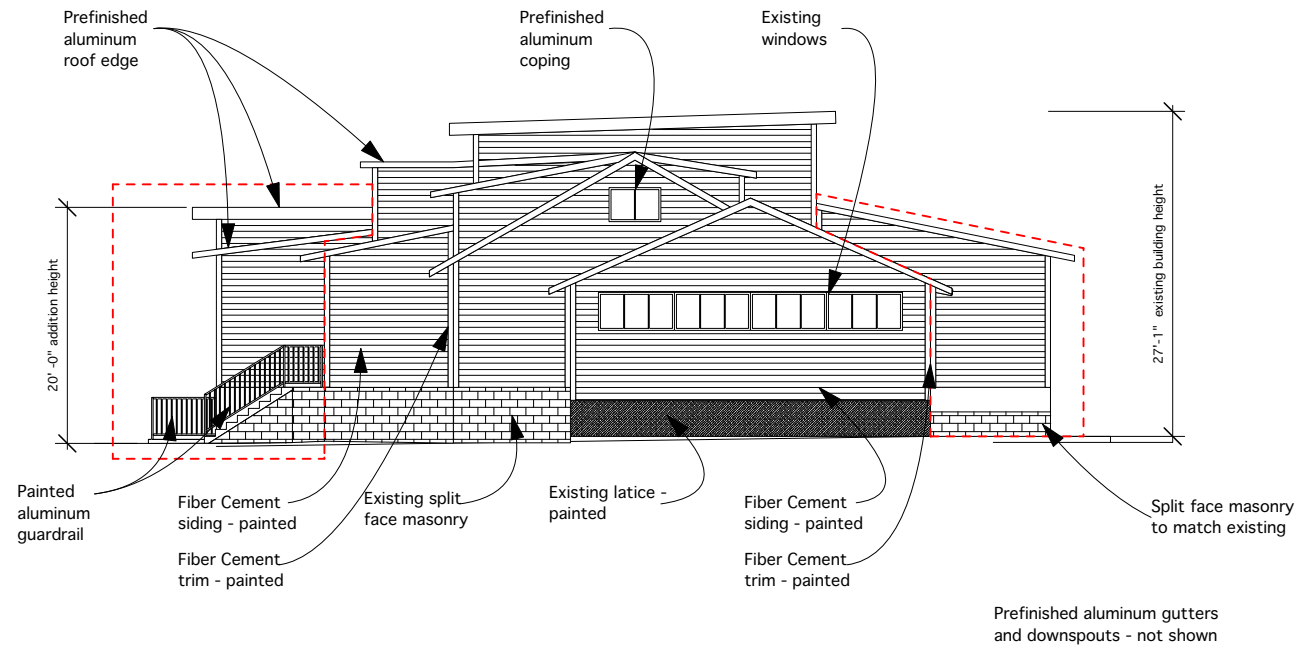
PROJECT

Steny's Lake Country
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

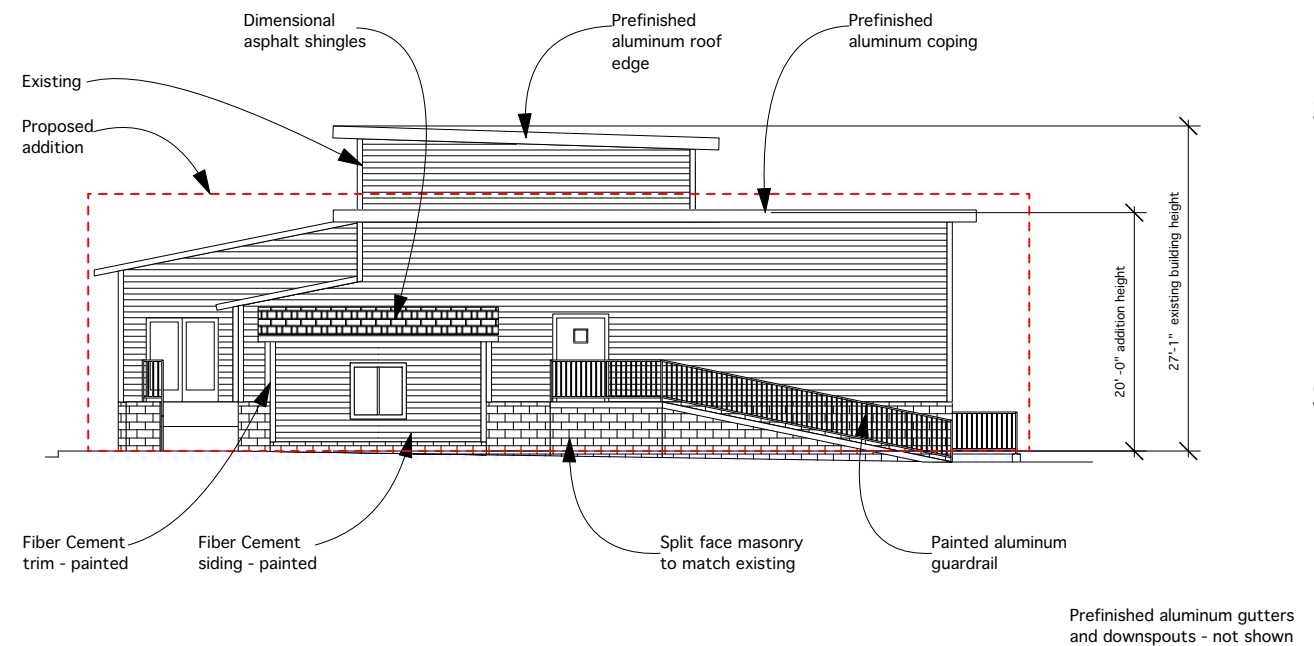
OWNER

Steny's Lake Country
Real Estate LLC
N29 W24483
Watertown Rd,
Pewaukee, WI 53072

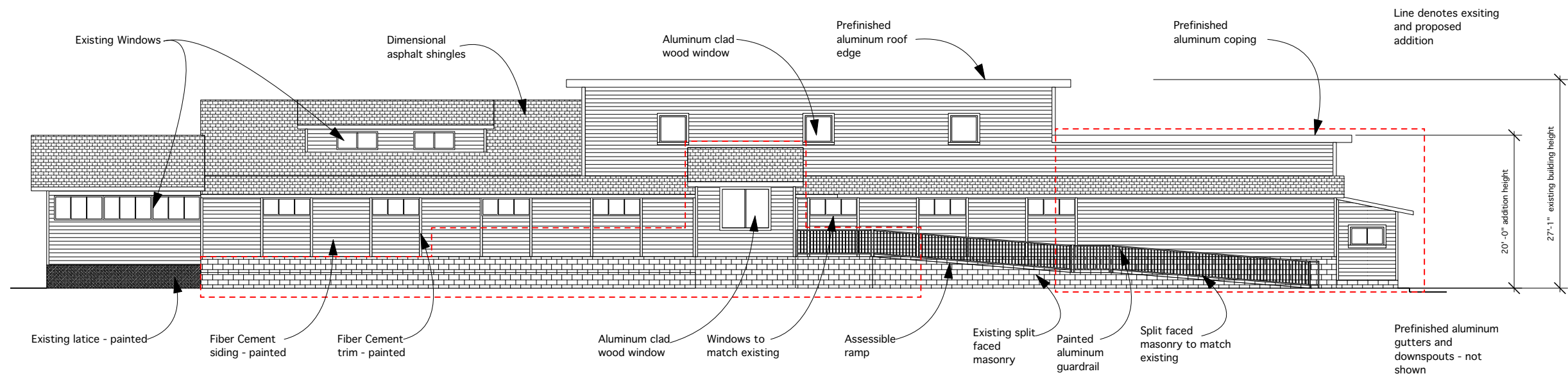
CONTRACTOR



2
A3.0
East Elevation
Scale: 1/16"= 1'-0"



3
A3.0
West Elevation
Scale: 1/16"= 1'-0"



1
A3.0
North Elevation
Scale: 1/16"= 1'-0"

DATE
5/15/2023
Revised 7/6/2023

PROJECT NUMBER
189723

SEAL

SHEET TITLE

Exterior Elevations

SHEET NUMBER

A3.0

Michael Garber
Architecture LLC

855 East Birch Avenue
Whitefish Bay, Wisconsin
53217
tel: 414.748.3290

email:
mikegarber@wi.rr.com

PROJECT

Steny's Lake Country

N29 W24483
Watertown Rd,
Pewaukee, WI 53072

OWNER

Steny's Lake Country

Real Estate LLC

N29 W24483
Watertown Rd,
Pewaukee, WI 53072

CONTRACTOR

DATE

5/5/2023

Revised 7/6/2023

PROJECT NUMBER

189723

SEAL

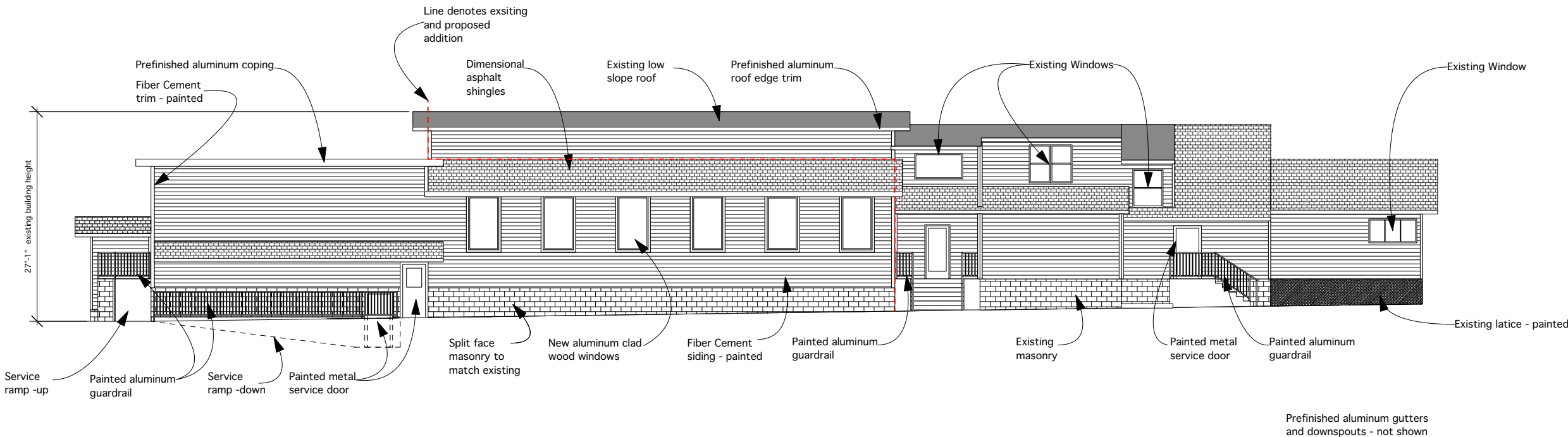
SHEET TITLE

South Elevation

SHEET NUMBER

A3.1

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1

South Elevation

Scale: 1/16"= 1'-0"

Page 11 of 15





**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-23-7-1**

PWC 0922987001

LEGAL DESCRIPTION:

PARCEL 1 CERT SURV 9500 VOL 87/43 2.585 AC PT NE1/4 & NW1/4
SEC 15 T7N R19E DOC# 2651200 & DOC# 2902277

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

Steny's Tavern & Grill

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 July 20, 2023; 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 August 7, 2023.

NOW, THEREFORE, let it be known that the City Common Council, by its action on August 7, 2023 has, hereby, granted a Conditional Use Permit for the following use(s):

Operating a restaurant and bar with outdoor volleyball courts.

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

1. Staff recommends the following hours of operation:

Indoor bar and restaurant:

- Sunday through Thursday – 10:00 a.m. to 2:00 a.m.

- Friday and Saturday – 10:00 a.m. to 2:30 a.m.

Outdoor dining, drinking, music, outdoor volleyball and events:

- Sunday through Thursday – 10:00 a.m. to 9:00 p.m.
- Friday and Saturday – 10:00 a.m. to 10:00 p.m.

2. Lighting related to any outdoor activities shall be shut off within 30 minutes following the end of the activity.
3. The two volleyball courts being removed shall be returned to greenspace.
4. The location of bus parking onsite shall be diagramed on the site plan for Planning Staff review and approval, prior to commence of such use on the property. Parking of buses shall not be done in a manner to serve as signage.

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 _____, 2023 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 10.**

DATE: August 7, 2023

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Regarding **Ordinance 23-05** Amending Section 17.0435 F-1 Floodplain District, Creating of a New Floodplain Ordinance Section, and Adoption of the Updated Flood Insurance Study and Flood Insurance Rate Maps [Fuchs]

BACKGROUND:

At their July 20, 2023 meeting, the Plan Commission unanimously recommended approval of the draft Floodplain Ordinance.

The staff report outlines four items related to the adoption of an updated Floodplain Ordinance that should be addressed by the Plan Commission and Common Council. Below are the Plan Commission recommendations related to these questions.

- Should the ordinance maintain a mitigation standard for filling within a floodplain? The current mitigation standard is 2:1.

The Plan Commission agreed that this mitigation standard should remain within the ordinance.

- Should the ordinance continue to require a minimum setback from the 100-year floodplain boundary of 75 feet?

The Plan Commission agreed that the 75-foot setback should remain in the ordinance.

- Should the ordinance include or exclude Act 175 language (see attached WDNR Act 175 guidance)?

The Plan Commission agreed to exclude Act 175 language, determining that the City would want any legal non-conforming structures removed if they become substantially damaged by any means.

- Should the ordinance include or exclude Community Rating System (CRS) language (see attached WDNR CRS At-A-Glance pdf)?

The Plan Commission agreed that the City should participate in the Community Rating System and include those higher standards within the ordinance.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to amend Section 17.0435 F-1 Floodplain District, create a new Floodplain Ordinance Chapter within the Municipal Code based upon the Plan Commission recommendations, and adopt the updated Flood Insurance Study and Flood Insurance Rate Maps.

ATTACHMENTS:

Description

Floodplain ordinance staff report 7.20.23

WI DNR floodplain ordinance ltr

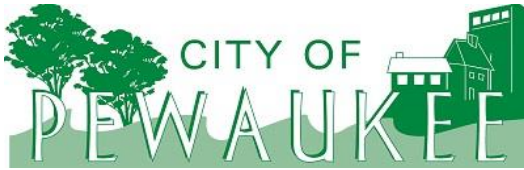
Floodplain ordinance tracked changes

Floodplain ordinance DNR working draft

Act 175

Floodplain ordinance CRS

Ordinance 23-05



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

REPORT TO THE PLAN COMMISSION

Meeting of July 20, 2023

Date: July 7, 2023

Project Name: Adoption of updated Floodplain Ordinance

Project Address/Tax Key No.: City-wide

Applicant: City of Pewaukee

Introduction

As part of the recent Flood Insurance Rate Map changes, the City of Pewaukee is required to update our floodplain zoning ordinance. This must be completed by October 19, 2023. If a new ordinance is not adopted by this date, the City will be suspended from the National Flood Insurance Program.

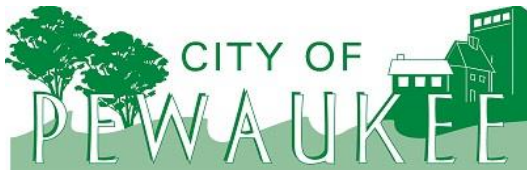
Staff has been working with the Wisconsin Department of Natural Resources on drafting a new ordinance. The City's current ordinance is substantially the same wording as the previous model ordinance and staff continues to recommend the adoption and use of the model ordinance.

The report will go into detail on the topics below, but it is important to note that the Plan Commission will be asked to consider and determine whether the following items should be included in the proposed ordinance. Again, further details on these items can be found in this report and attached within the Plan Commission packet.

1. Should the ordinance maintain a mitigation standard for filling within a floodplain? The current mitigation standard is 2:1.
2. Should the ordinance continue to require a minimum setback from the 100-year floodplain boundary of 75 feet?
3. Should the ordinance include or exclude Act 175 language (see attached WDNR Act 175 guidance)?
4. Should the ordinance include or exclude Community Rating System (CRS) language (see attached WDNR CRS At-A-Glance pdf)?

Analysis

Currently, the floodplain ordinance language is all contained within Section 17.0435, the F-1 Floodplain District. Staff is recommending that the new floodplain ordinance be adopted as a separate chapter of the Municipal Code or new section of the Zoning Code. The floodplain ordinance is a detailed document and staff feels that the zoning code is better organized and easier to administer with the floodplain ordinance separated out from the other zoning districts, opposed to the current organization.



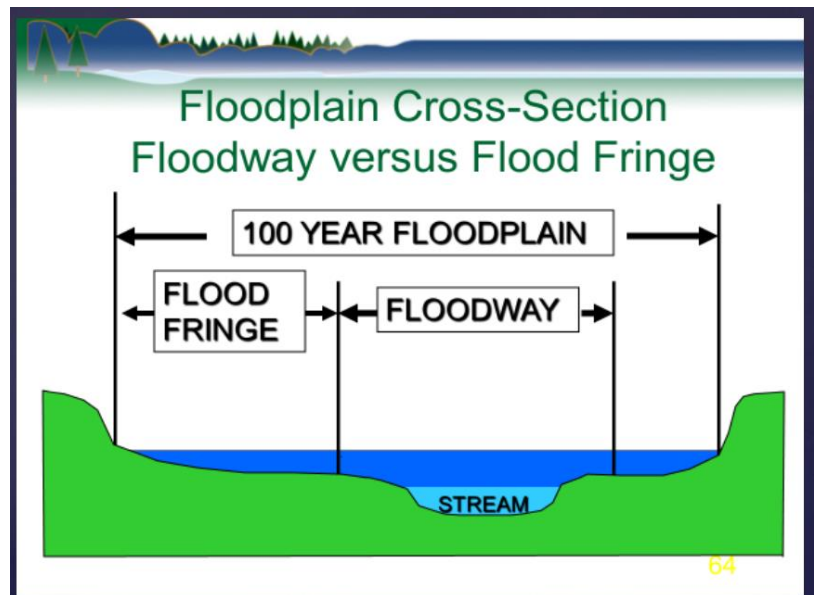
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fuchs@pewaukee.wi.us

Fax (262) 691-1798

The new model ordinance has much of the same language as the City's floodplain ordinance and previous model ordinance.

The model ordinance establishes the Floodway District (FW), the Floodfringe District (FF), and the General Floodplain District (GFP) as well as a Flood Storage District. Each of these districts contain separate regulations, including allowed uses, development standards, and regulations for nonconforming structures and uses.

The City would continue to include all of these districts as mapped by FEMA within the F-1 District on the City's zoning map. Below is an image that illustrates the location of a Floodway and Floodfringe area within the general 100-year Floodplain.

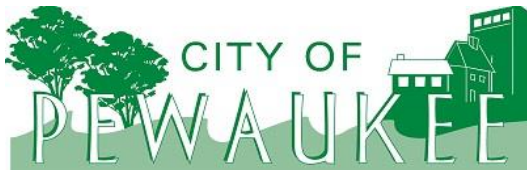


Note that Section 17.0435 F-1 Floodplain District would remain as a zoning district, but be revised to describe the intent of the zoning district and include a reference to the floodplain ordinance.

In general, staff finds the majority of changes to be minor in nature, unless further discussed within this report.

Mitigation and Floodplain Setback

Staff finds that the most significant standards the City has in place, which are not included in the model ordinance are the requirements for mitigation for filling within a floodplain and the requirement of a 75-foot setback from the 100-year floodplain boundary.



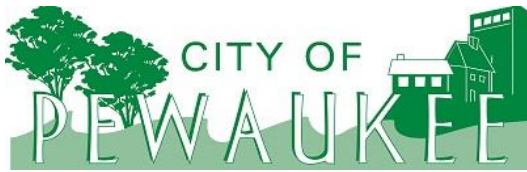
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The mitigation standard is part of Section 17.0435e.(7) Removal of Lands from Floodplain, which is below for review.

In addition, no floodplain may be filled and no walled structure built within the SFHA or FSDs with the exception of the construction of public utility and transportation facilities required by a unit/agency of government, or an approved structure requiring water frontage which would require adherence to regulations as set forth in section 'l' of this subsection and by FEMA and NR116. Compliance with the provisions of this ordinance shall not be grounds for removing land from the F-1, Floodplain District unless:

- (a) Said land has been previously filled prior to the effective date of the adoption on this amendment so that the elevation of the lowest floor (including basement) of any existing or proposed walled structure or building is at least two feet above the base flood elevation;
- (b) The proposed filled land does not form an island and can be accessed from other surrounding lands without entering the F-1, Floodplain District;
- (c) **There is an area of land outside the F-1, Floodplain District but adjacent to the proposed filled land equal to at least two (2) times the areal extent and volume of the proposed filled area that is added to the F-1, Floodplain District based on plans approved by the City Plan Commission;**
- (d) The height of the downstream base flood is not increased by proposed fill; (e) The floodplain boundaries shown on all official maps are amended pursuant to section 'n' of this sub-section; and
- (e) A study is prepared and certified by a state registered professional engineer, establishing that:
 - i. The fill, lowest floor and floodproofing elevation shall have no effect upon the base flood elevation either upstream or downstream and are in compliance with this ordinance; or
 - ii. The fill, lowest floor and floodproofing elevations may have the effect of raising the base flood elevation either upstream or downstream if otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Conditional Letter of Map Revision (CLOMR) prior to issuance of any local permit(s); or
 - iii. The fill, lowest floor and floodproofing elevations may have the effect of lowering the base flood elevation either upstream or downstream and are otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Letter of Map Change (LOMC) prior to issuance of any local permit(s). Please also see sub- section 17.1108b and Appendix 5.

The 75-foot floodplain setback is contained within Section 17.0435f. and is below for review. This setback is also included in Section 17.0436c.(5) of the Shoreland Overlay District.



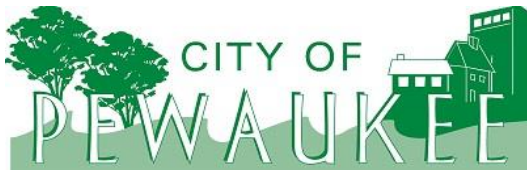
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- (f) **No new walled buildings or structures, including manufactured mobile homes and walled enclosures, shall be allowed within or within a distance of 75 feet from the boundary of a base flood floodplain as defined herein except as set forth in sections ‘k(3)’ and ‘l(2)’ of this sub-section, and sub- section 17.0436.** All new construction and permitted structural improvements to existing buildings/structures within a floodplain shall be designed or modified so as to adequately anchor such structure or building to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

In addition to the requirements of Chapter 18 (Land Division Ordinance) of City Codes and Ordinances, subdivision of land shall be reviewed for compliance with the above standards and no newly created building parcel less than ten (10) acres in size shall be located within a base flood floodplain. (see section ‘l (2)’ of this sub-section). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages. All proposed land development plans, including land divisions and manufactured mobile home parks shall include BFE data for any land division or development that meets the definition within this zoning ordinance or Chapter 18 of the City Codes and Ordinances. (See www.cityofpewaukee.us)

17.0436c.(5)

Structure Setbacks. No structure except necessary streets or access ways, utilities, navigational aids, piers and boat launch facilities, parking areas, approved boathouses, **and principal buildings shall be located within 75 feet of a designated 100 year recurrence interval (base flood) floodplain of any lake or navigable stream** or within 50 feet of an OHWM or officially designated wetland, unless there are existing principal use structures on adjoining parcels, in which case the setback from the OHWM or base flood elevation may be an average of setbacks on the adjoining parcels but no less than 35 feet. (See subsection 17.0435p for definition of ‘base flood’). In this subdivision, ‘principal building’ shall mean the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.



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For comparison purposes, below is a table that identifies other community's standards related to the requirement of mitigation and establishment of a setback from the floodplain boundary. Note that in June 2022, the City did amend the mitigation standard from 4:1 to 2:1.

Community	Mitigation ratio	Setback
City of Pewaukee	2:1	75 feet
Village of Hartland	State Model ORD	No setback
Village of Sussex	State Model ORD	15 feet
Town of Lisbon	State Model ORD	15 feet
City of Oconomowoc	State Model ORD	No setback
City of Muskego	State Model ORD	No setback
City of Waukesha	State Model ORD	No setback
City of Brookfield	State Model ORD	No setback
City of Monona	State Model ORD	No setback
City of Oak Creek	1.10:1	No setback
Village of Mount Pleasant	1:1	No setback
City of New Berlin	1:1	No setback

Act 175

Act 175 language can be added or excluded, and the proposed floodplain ordinance would meet federal standards regardless.

If the city wants any legal non-conforming structures removed if they become substantially damaged (by any means – not only flood) then it would be in the city's interest to leave the language out.

If the City wants currently existing legal non-conforming structures to remain, if they become substantially damaged, then it would be in the City's interest to keep the language in.

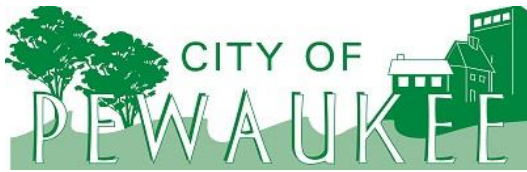
Attached is the DNR Act 175 guidance, which contains more details.

Community Rating System (CRS)

The Community Rating System is a voluntary FEMA floodplain program. The benefits of joining the program are that discounts on federal flood insurance premiums would be provided to City residents. In order to do this, there are higher floodplain zoning standards required such as having the lowest floor at the Base Flood Elevation (BFE), plus one foot, not just at the BFE.

If the City does not want to be a CRS member then these higher standards would not be included within the proposed ordinance.

Additional information about the CRS program, and other required activities are briefly described in the CRS attachment.



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Recommendation

It is recommended that the Plan Commission provide direction to the following questions and make a recommendation of approval to the Common Council.

1. Should the ordinance maintain a mitigation standard for filling within a floodplain? The current mitigation standard is 2:1.
2. Should the ordinance continue to require a minimum setback from the 100-year floodplain boundary of 75 feet?
3. Should the ordinance include or exclude Act 175 language (see attached WDNR Act 175 guidance)?
4. Should the ordinance include or exclude Community Rating System (CRS) language (see attached WDNR CRS At-A-Glance pdf)?



Wednesday, April 26, 2023

The Honorable Mr. Steve Bierce, Mayor
City Of Pewaukee
W240N3065 PEWAUKEE RD
PEWAUKEE WI 53072-4044

Electronic delivery via email: mayor@pewaukee.wi.us

Subject: Ordinance adoption notice for City of Pewaukee. FEMA Community ID: 550192.

Dear Mr. Steve Bierce,

Recently, the City of Pewaukee received a Letter of Final Determination (LFD) date of October 19, 2023, from the Federal Emergency Management Agency (FEMA) notifying the City that updated Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) for Waukesha County must be adopted into the local floodplain ordinance within six months. The City ordinance must be updated and approved by DNR and FEMA no later than **October 19, 2023, or your community will be suspended from the National Flood Insurance Program (NFIP).**

This letter, and the information listed below explain how to set up the ordinance and the ordinance adoption process. This information was provided as attachments to the same email that contained this letter.

- **FIRM and FIS Information** – lists out the FIRM panels, FIS numbers and the effective dates needed for the official maps section of the local floodplain ordinance.
- **Storage district maps for communities in Waukesha County** - Waukesha County, the cities of Brookfield, Delafield, Milwaukee, Muskego, New Berlin, Oconomowoc, Pewaukee, and Waukesha and villages of Big Bend, Chenequa, Elm Grove, Lac La Belle, Lannon, Menomonee Falls, Merton, Mukwonago, Nashotah, Oconomowoc Lake, Pewaukee, Summit and Sussex all have updated flood storage maps to add to their ordinance. DNR staff can assist with the wording in the ordinance. Local floodplain zoning staff from the affected communities can find and download copies of the updated flood storage map panels on the [DNR Risk Map Web page](#). When you click on the link, scroll to the Active Projects section and click on Milwaukee River Watershed. Then scroll to the bottom of the Waukesha County section to find the links to the flood storage maps. These maps need to be on file for regulatory purposes.
- **Checklist for standard model ordinance** – used to match local sections to state model sections, to ensure all applicable text is included. Completing this document is required if the local ordinance has language that varies from the state model. An editable version in Word format is attached.
- **WDNR current standard model ordinance** – to be used for the update of your community ordinance. The state standard model meets the minimum requirements of the NFIP and Chapter NR116, Wisconsin Administrative Code. An editable version in Word format is attached.
- [Adopting an ordinance](#)- a step-by-step guide quick guide outlining the adoption process.
- [Checklist for ordinance updates](#)– a checklist describing what is needed for the ordinance adoption process and to receive the DNR approval.
- **Ordinance adoption timeline** – an outline of steps, with timeframe for each, to receive the DNR approval before the FEMA deadline.

DNR staff are prepared to assist you in the ordinance review and adoption process, provide example public notices and explain state and federal regulatory requirements. Communities are encouraged to have DNR staff review the draft local floodplain ordinance well before the ordinance is presented to the local governing body for adoption in order to ensure

compliance with the NFIP and Chapter NR116, Wisconsin Administrative Code. We advise you to start on this process as soon as possible to allow for the time necessary to complete the adoption process and to allow for any unintentional delays. FEMA will not permit extensions beyond the October 19, 2023, deadline. **If the ordinance is not legally adopted by the community and approved by the DNR and FEMA, the community will be immediately suspended from the NFIP.**

The federal consequences of being suspended from the NFIP are:

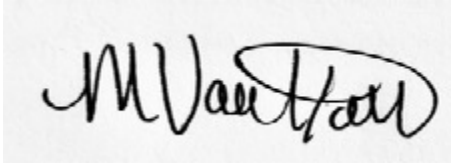
1. No resident will be able to purchase a federal flood insurance policy. Those that may have had policies will no longer have coverage after the current policy renewal date, however no flood claims would be paid out until the community rejoins the program.
2. Federal officers and agencies are prohibited from approving any financial assistance for acquisition, construction, repair, or maintenance purposes in an area of special flood hazard in the community.
3. Public facilities and citizen owned structures, during a federally declared flood disaster, are not eligible for the full assistance that normally would be available to communities that are members of the NFIP.
4. The community cannot apply for a Letter of Map Revision (LOMR) or a Letter of Map Revision based on fill (LOMR-F) because they cannot sign the community acknowledgement form because it would no longer be a participant in the NFIP. This would affect development potential in the community.

The process for amending a local floodplain ordinance is:

- **Ordinance amendment draft (recommended)**- submit draft ordinance to your DNR Floodplain Management contact for review 2-4 weeks prior to the public hearing to ensure it is compliant with the minimum standards of the NFIP and Chapter NR116, Wisconsin Administrative Code before adoption. We advise the Community to adopt the DNR model as it does meet current minimum standards for the NFIP and Chapter NR116. However, the community may be more restrictive than the minimum standards, if desired.
- **Notice of public hearing (Class2)** - the publication or posting of a public hearing notice for two consecutive weeks with the final notice being published or posted **no less than seven (7) days** prior to the public hearing. It is critical that the notice is published/posted correctly because if it is not, it may not be valid, and the community would be required to go through the adoption process again.
- **Decision of governing body**- once an amended floodplain ordinance has been adopted, please submit the following information in electronic format PDF to your DNR Floodplain Management contact within ten (10) days after adoption:
 1. A certified copy of the adopted ordinance.
 2. An affidavit of publication of the notice of public hearing from the newspaper with the notice. If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on the municipality internet site per s. 985.02(2)(a).
 3. An affidavit of publication of the notice of the enacted ordinance from the newspaper with the notice. If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on a municipality internet site per s. 985.02(2)(a).
- Upon receipt DNR staff will review the documents to issue the approval and coordinate the FEMA approval for the community.

If you have any questions concerning this letter or need further information on the ordinance adoption process or the Wisconsin model ordinance, please reach out to the Floodplain Management Program contact identified in the email sent to you.

Sincerely,

A handwritten signature in black ink, reading "M Van Horn". The signature is written in a cursive, flowing style with a large loop at the end.

Mia Van Horn
Floodplain Zoning Ordinance Coordinator
Wisconsin Department of Natural Resources
Madison office

Copy To : Mr. Nick Fuchs - City Of Pewaukee, via fuchs@pewaukee.wi.us
 Kelly Tarczewski - City Of Pewaukee, via TARCZEWSKI@PEWAUKEE.WI.US
 Michelle Hase, DNR Floodplain Engineer, Waukesha Office. Michelle.hase@wisconsin.gov

Amend 17.0435 F-1, Floodplain District

17.0435 F-1, FLOODPLAIN DISTRICT. (Rep. & Rec. 08-12, 12-12, 14-14)

The F-1, Floodplain District is intended to preserve in essentially open space and natural land use, through land use zoning regulation, lands which are unsuitable for intensive development purposes due to poor natural soil conditions and periodic flood inundation and shall include all land and water area lying within the designated Special Flood Hazard Area (SFHA) which encompasses the delineated forecast 100 - year recurrence interval (one percent chance in a year) floodplain as shown on Federal Emergency Management Agency (FEMA) maps (also called the 'regional flood' or 'base flood') and those land and water areas designated by FEMA as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs)-'Zone A' areas. Also included within the F-1, Floodplain are those areas adjacent to the base flood designated by the Wisconsin Department of Natural Resources (WisDNR) as Flood Storage Districts (FSDs). The proper regulation of these areas will serve to maintain and improve water quality, prevent flood damage, protect wildlife habitat, and prohibit the location of walled structures, as defined within the Floodplain Ordinance ~~herein~~, on lands, which are generally not suitable for such use due to possible flooding.

The F-1, Floodplain District includes the Floodway District (FW), Floodfringe District (FF), and the General Floodplain District (GFP) as defined within the Floodplain Ordinance, Section 17.1500, and are subject to those regulations.

a. FINDING OF FACT

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

b. STATEMENT OF PURPOSE

~~This ordinance is intended to regulate floodplain development to:~~

- ~~(1) Protect life, health and property;~~
- ~~(2) Minimize expenditures of public funds for flood control projects;~~
- ~~(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;~~
- ~~(4) Minimize business interruptions and other economic disruptions;~~
- ~~(5) Minimize damage to public facilities in the floodplain;~~
- ~~(6) Eliminate the occurrence of future flood blight areas in the floodplain;~~
- ~~(7) Eliminate the victimization of unwary land and homebuyers;~~
- ~~(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and~~
- ~~(9) Eliminate development in a floodplain, recognizing that there may be existing developed land lying within the delineated F-1, Floodplain District and there may be the need to locate public utilities or streets within the F-1, Floodplain District.~~

c. TITLE

~~This sub-section of the City Zoning Ordinance shall be commonly known as~~

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the 'Floodplain Ordinance' for the City of Pewaukee, Wisconsin.

d. STATUTORY AUTHORIZATION

This sub-section of the City Zoning Ordinance is adopted pursuant to the authorization in Sections 62.23 and 97.30 of Wisconsin Statutes as well as Ch. NR 116 of the Wisconsin Administrative Code which is included as Appendix 5 in this zoning ordinance.

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e. GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR such as the WisDNR Flood Storage Districts (FSDs). Base flood elevations (BFE) are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of the SFHA are designated on the maps listed in (3) below. Any change to the BFE or any changes to the boundaries of the floodplain or floodway in the FIS or on the FIRM must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see 17.0435t Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps, profiles and revisions are on file in the City Planning, Public Works or Building Inspection offices at Pewaukee City Hall and may also be available in the Waukesha County Park and Land Use Department offices in the Courthouse. If more than one map or revision is referenced for the same area, the most restrictive information shall apply.

(3) OFFICIAL MAPS AND PROFILES: Based on the FIS:

Official FIRMs and Profiles Encompassing the City of Pewaukee are FIRM panel numbers: 55133C0181G, 55133C0182G, 55133C0183G, 55133C0184G, 55133C0191G, 5133C0192G, 55133C0201G, 55133C0202G, 55133C0203G, 55133C0204G, 55133C0206G, 55133C0208G, 55133C0211G, 55133C0212G, 55133C0213G, 55133C0214G, 55133C0216G dated November 5, 2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 9, 2014, and numbered: 55133CV001C, 55133CV002C, 55133CV003C. (Approved by: WisDNR and/or FEMA)

(4) MAPS BASED ON OTHER STUDIES

Flood Storage Map. Also included within the City's F-1, Floodplain District, are the flood storage districts as depicted on Waukesha County Wisconsin Flood Storage District Map Panels 3, 5 and 6, based on a WisDNR study dated November 5, 2014. Prepared and Approved by WisDNR.

(5) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICT

The F-1, Floodplain as defined in this City Zoning Ordinance includes: All land and water area lying within the boundary of the SFHA as defined above plus any FSD.

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(6) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in (a) or (b) below. If a significant difference exists, the map shall be amended according to section 17.0435t Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to section 17.1007 and the criteria in (a) and

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~~(b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to section 'I' Amendments of this sub-section.~~

~~(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.~~

~~(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.~~

(7) REMOVAL OF LANDS FROM FLOODPLAIN

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

~~In addition, no floodplain may be filled and no walled structure built within the SFHA or FSDs with the exception of the construction of public utility and transportation facilities required by a unit/agency of government, or an approved structure requiring water frontage which would require adherence to regulations as set forth in section 'I' of this subsection and by FEMA and NR116. Compliance with the provisions of this ordinance shall not be grounds for removing land from the F-1, Floodplain District unless:~~

~~(a) Said land has been previously filled prior to the effective date of the adoption on this amendment so that the elevation of the lowest floor (including basement) of any existing or proposed walled structure or building is at least two feet above the base flood elevation;~~

~~(b) The proposed filled land does not form an island and can be accessed from other surrounding lands without entering the F-1, Floodplain District;~~

~~(c) There is an area of land outside the F-1, Floodplain District but adjacent to and on the same property as the proposed filled land equal to at least four (4) times the areal extent and volume of the proposed filled area that is added to the F-1, Floodplain District based on plans approved by the City Plan Commission;~~

~~(d) The height of the downstream base flood is not increased by proposed fill; (e) The floodplain boundaries shown on all official maps are amended pursuant to~~

~~section 'n' of this sub-section; and~~

~~(f) A study is prepared and certified by a state registered professional engineer, establishing that:~~

~~i. The fill, lowest floor and floodproofing elevation shall have no effect upon the base flood elevation either upstream or downstream and are in compliance with this ordinance; or~~

~~ii. The fill, lowest floor and floodproofing elevations may have the effect of raising the base flood elevation either upstream or downstream if otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Conditional Letter of Map Revision (CLOMR) prior to issuance of any local permit(s); or~~

~~iii. The fill, lowest floor and floodproofing elevations may have the effect of lowering the base flood elevation either upstream or downstream and are otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Letter of Map Change (LOMC) prior to issuance of any local permit(s). Please also see sub-~~

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section 17.1108b and Appendix 5.

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(8) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(9) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s.13.48(13) of Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s.30.2022 of Wisconsin Statutes applies.

(10) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any City ordinance enacted under s. 62.23 or s.87.30 of Wisconsin Statutes, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(11) INTERPRETATION

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

(12) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and scientific research related to a 100 year recurrence interval flood event (one percent change in any year). Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the city or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(13) SEVERABILITY

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

(14) ANNEXED AREAS

The Waukesha County floodplain zoning provisions in effect on the date of annexation of town lands shall remain in effect and shall be enforced by the city for all annexed areas until the city adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59.72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the city's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the city zoning administrator. All plats or maps of annexation shall show the regional or base flood elevation and the floodway location.

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f. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS (Also see section 17.0200 of this ordinance)

The City Plan Commission and planning staff shall review all applications for land development or land division pursuant to City codes and ordinances to determine whether proposed buildings and building sites will be reasonably safe from flooding. No new walled buildings or structures, including manufactured mobile homes and walled enclosures, shall be allowed within or within a distance of 75 feet from the boundary of a base flood floodplain as defined herein except as set forth in sections 'k(3)' and 'l(2)' of this sub-section, and sub-section 17.0436. All new construction and permitted structural improvements to existing buildings/structures within a floodplain shall be designed or modified so as to adequately anchor such structure or building to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

In addition to the requirements of Chapter 18 (Land Division Ordinance) of City Codes and Ordinances, subdivision of land shall be reviewed for compliance with the above standards and no newly created building parcel less than ten (10) acres in size shall be located within a base flood floodplain. (see section 'l (2)' of this sub-section). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages. All proposed land development plans, including land divisions and manufactured mobile home parks shall include BFE data for any land division or development that meets the definition within this zoning ordinance or Chapter 18 of the City Codes and Ordinances. (See www.cityofpewaukee.us)

g. HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No building or development shall:

- (a) Obstruct natural storm water flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional or base flood height; or
- (b) Cause any increase in the regional or base flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional or base flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of section 't' Amendments of this sub-section are met.

h. WATERCOURSE ALTERATIONS

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

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to section 't' Amendments of this sub-section, the City shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the WisDNR through the LOMC process.

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i. CHAPTER 30, 31 of WISCONSIN STATUTES DEVELOPMENT

Approved development which requires a permit from the Department, under chs. 30 and 31 of Wisconsin Statutes, such as docks, piers, wharves, bridges, utilities, public streets/highways, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and any amendments to the floodplain zoning ordinance are made according to section 'l' Amendments of this sub-section.

j. PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds, as defined herein, shall not be located within the F-1, Floodplain District.

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k. PERMITTED USES IN THE F-1, FLOODPLAIN DISTRICT

The following open space uses are allowed in the F-1, Floodplain District if they are not prohibited by any other ordinance; they meet the standards in sections 'l' and 'm' of this sub-section; and, all permits or certificates have been issued according to section 'p(1)' of this sub-section.

- (1) Non-structural agricultural uses, such as: general farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Non-structural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Non-structural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of section 'l(5)' of this sub-section.
- (4) Uses or non walled structures accessory to open space uses, or classified as historic structures that comply with sections 'l' and 'm' of this sub-section.
- (5) Extraction of sand, gravel or other earth materials that comply with section 'l(5)' of this sub-section.
- (6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids as well as river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 of Wisconsin Statutes.
- (7) Public utilities, streets/highways and bridges that comply with section 'l(4)' of this sub-section.

l. STANDARDS FOR DEVELOPMENT IN THE F-1, FLOODPLAIN DISTRICT

Any existing or proposed development within the SFHA and FSDs must adhere to the requirements of this ordinance.

(1) GENERAL

- (a) Any permitted development in the SFHA shall comply with section 'f' of this sub-section and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to sections 'g' and 'q' of this sub-section:

- i. ~~A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or~~
- ii. ~~An analysis performed by a state registered professional engineer calculating the effects of the proposal on regional or base flood height.~~

~~(c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for (b) above.~~

~~(2) STRUCTURES~~

~~Structures accessory to permanent open space uses or functionally dependent on a waterfront location such as an approved boathouse or boat dock may be allowed by permit if the structures comply with all the following criteria:~~

- ~~(a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;~~
- ~~(b) Has a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~
- ~~(c) Must be anchored to resist flotation, collapse, and lateral movement;~~
- ~~(d) Mechanical and utility equipment must be elevated or flood proofed above the flood protection elevation; and~~
- ~~(e) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional or base flood.~~

~~(3) FLOODPROOFING FOR NON-RESIDENTIAL STRUCTURES~~

~~Actions or measures designed to reduce or prevent flood damage must be taken for those buildings or structures which cannot be removed from the floodplain or, if substantially damaged, must be erected within the floodplain, including but not limited to the following: structural modification; installation of special equipment such as water extraction equipment; addition of operation and management safeguards; supplemental underpinning and reinforcement of floors; reinforcement of walls; sealing of doors and windows and other exterior openings; anchoring of buoyant tanks and material; erection of watertight bulkheads, windows and doors; waterproof treatment of exposed wood; elevation of flood vulnerable utilities and mechanical equipment; use of masonry construction with waterproof mortar; installation of submersible sump pumps; placement of backflow and automatic swing check valves; installation of wire reinforced glass; placement of drain plugs and flood drain pipes; and removal of anything that will float or be damaged by water or flood borne debris. These and any other floodproofing measures should be extended to at least two feet above the BFE. Most of the aforementioned measures require a building permit issued by the City Building Inspector. All floodproofing measures must be certified by a registered professional engineer or architect.~~

~~(4) PUBLIC UTILITIES, STREETS AND BRIDGES~~

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

- ~~(a) Adequate floodproofing measures are provided to the flood protection elevation; and~~

~~(b) Construction meets the development standards of section 'g' of this sub-section.~~

~~(5) FILL OR DEPOSITION OF MATERIALS~~

~~No floodplain may be filled and no walled structure built within the F-1, Floodplain as defined herein with the possible exception of the construction of required public utility and transportation facilities and structures requiring a waterfront location, which would require adherence to regulations as set forth in section 'l' of this subsection and by FEMA and NR116. Compliance with the provisions of this ordinance shall not be grounds for removing land from the F-1, Floodplain District. PLEASE SEE SUBSECTION 17.0435e(7), ABOVE as well as subsection 17.1108b and Appendix 5.~~

~~m. PROHIBITED USES~~

~~All uses not listed as permitted uses in section 'k' of this sub-section are prohibited, including the following uses:~~

- ~~(1) Walled structures, structures with high flood damage potential, or those not associated with permanent open-space uses, including mobile homes and recreation vehicles;~~
- ~~(2) Stored materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;~~
- ~~(3) Uses not in harmony with or detrimental to uses permitted in the adjoining zoning districts;~~
- ~~(4) Any private or public on-site wastewater treatment/disposal system, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383 of the Wisconsin Administrative Code;~~
- ~~(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812 of the Wisconsin Administrative Code;~~
- ~~(6) Any solid, liquid, or hazardous waste disposal sites;~~
- ~~(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b) of the Wisconsin Administrative Code;~~
- ~~(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations set forth herein;~~
- ~~(9) Storm water management retention or detention ponds;~~
- ~~(10) Any use requiring excavation or grading except those uses listed in section 'g' of this sub-section;~~
- ~~(11) Storage of materials such as compost, mulch, gravel, soil, fill (clean or unclean).~~

~~n. FLOOD STORAGE DISTRICT (FSDs) OF THE F-1, FLOODPLAIN~~

~~A 'FSD' is that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional or base flood discharge. The FSD protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.~~

(1) APPLICABILITY

The provisions of this section apply to all areas within the FSDs, as shown on the official floodplain zoning maps.

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in section 'I' of this sub-section.

e. NON-CONFORMING STRUCTURES AND USES IN THE F-1 FLOODPLAIN DISTRICT If these standards conform to s. 62.23(7)(h) of Wisconsin Statutes, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(1) GENERAL

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification and includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

For the purposes of this subsection of the zoning ordinance, the construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not a modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The city shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 'I' of this sub-section. The cost of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation is excluded from the 50% provisions of this paragraph;

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(e) — No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 'I' of this sub-section.

(f) — If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 'I' of this sub-section.

(g) — Except as provided in section 'I' of this sub-section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's current equalized assessed value.

(h) — For nonconforming buildings that are substantially damaged or destroyed by a non-flood event, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the requirements below are met and all required permits have been granted prior to the start of construction.

(2) — RESIDENTIAL STRUCTURES

(a) — Structures shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of section 'o(4)' of this sub-section.

(b) — Structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

(c) — Structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) — Owners of structures in the SFHA must obtain, review and utilize any flood data available from a federal, state or other source.

(e) — Structures in the SFHA with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 'I' of this sub-section and adequate drainage paths or swales shall be placed around the structures on slopes to guide flood waters around and away from the structure without being diverted to adjacent properties without permission.

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(3) NON-RESIDENTIAL STRUCTURES

(a) Structures shall meet the requirements of section 'o(2) a-e' of this sub-section.

(b) Structures shall either have the lowest floor, including basement, elevated to or above the regional or base flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in section 'o(4)(a) and o(4)(b)' of this sub-section. A registered professional engineer or architect must certify that the perimeter walls shall be constructed so as to protect the structure.

(c) Structures in AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 'I' of this sub-section.

(4) FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES - NON-RESIDENTIAL STRUCTURES

(a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional or base flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

- i. certified by a registered professional engineer or architect; or
- ii. meets or exceeds the following standards:

- 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- 2. the bottom of all openings shall be no higher than one foot above grade; and
- 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to:

- i. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- ii. Protect structures to the flood protection elevation;
- iii. Anchor structures to foundations to resist flotation and lateral movement;
- iv. Minimize or eliminate infiltration of flood waters; and
- v. Minimize or eliminate discharges into flood waters.

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~~(5) OFFICIALLY DESIGNATED HISTORIC STRUCTURES~~

~~A nonconforming historic structure may be altered if: the alteration will not preclude the structure's continued designation as a historic structure; the alteration will comply with section 'I' of this sub-section; flood-resistant materials are used; and construction~~

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practices and floodproofing methods that comply with section 'o' of this sub-section are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of section 'e(2)' of this sub-section if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

~~(6) STRUCTURES IN A FLOOD STORAGE DISTRICT (FSD)~~

~~No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in section 'n' of this sub-section are met.~~

~~p. ADMINISTRATION~~

~~(1) ZONING ADMINISTRATOR DUTIES AND POWERS (see 17.0203 & 17.1000)~~

~~The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:~~

~~(a) Attend all meetings of the Zoning Board of Appeals.~~

~~(b) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional or base flood elevation for the proposed development is shown on all permit applications.~~

~~(c) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.~~

~~(d) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.~~

~~(e) Keep records of all official actions such as:~~

- ~~i. All permits issued, inspections made, and work approved;~~
- ~~ii. Documentation of certified lowest floor and regional or base flood elevations;~~
- ~~iii. Issuance of Floodproofing Certificates.~~
- ~~iv. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.~~
- ~~v. All substantial damage assessment reports for floodplain structures.~~
- ~~vi. List of nonconforming structures and uses.~~

~~(f) Submit copies of the following items to the Department Regional office:~~

- ~~i. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;~~
- ~~ii. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.~~
- ~~iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.~~

~~(g) Investigate, prepare reports, and report violations of this ordinance to the City Planner and City Attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.~~

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~~(h) Submit copies of amendments to the FEMA Regional office.~~

~~(2) LAND USE PERMIT~~

~~A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application for a permit to the City planner or zoning administrator shall include:~~

~~(a) GENERAL INFORMATION~~

- ~~i. Name and address of the applicant, property owner and contractor;~~
- ~~ii. Legal description, proposed use, and whether it is new construction or a modification.~~

~~(b) A SITE DEVELOPMENT PLAN~~

~~A site development plan drawn to scale shall be submitted with the permit application form and shall contain:~~

- ~~i. Location, dimensions, area and elevation of the lot or parcel;~~
- ~~ii. Location of the ordinary high water mark (OHWM) of any abutting navigable waterways;~~
- ~~iii. Location of any structures with distances measured from the lot lines and street center lines;~~
- ~~iv. Location of any existing or proposed on-site sewage systems or private water supply systems;~~
- ~~v. Location and elevation of existing or future access roads;~~
- ~~vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;~~
- ~~vii. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study — either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);~~
- ~~viii. Data sufficient to determine the regional or base flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of sections 'k, l, or m' of this sub-section are met; and~~
- ~~ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional or base flood height or discharge according to section 'g' of this sub-section. This may include any of the information noted in section '(1)' of this sub-section.~~

~~(3) EXPIRATION~~

~~For the purposes of this subsection of this ordinance all permits issued for floodplain development shall expire no later than 180 days after issuance. The permit may be extended for up to 180 day for good and sufficient cause.~~

~~(4) OTHER PERMITS~~

~~Prior to obtaining a land use permit the applicant must obtain permits from all other federal, state, county and city permitting agencies, including but not limited to: the~~

U.S. Army Corp of Engineers under the s. 404 of the Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

q. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a state registered professional engineer. The registered professional engineer shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

(1) ZONE A FLOODPLAIN AREA

(a) HYDROLOGY

The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional or Base Flood Discharge*.

(b) HYDRAULIC MODELING

The regional or base flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional or Base Flood Elevation* and the following:

- i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. Channel sections must be surveyed.
- iii. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. The most current version of HEC RAS shall be used.
- vi. A survey of bridge and culvert openings and the top of road is required at each structure.
- vii. Additional cross sections are required at the downstream and upstream limits of the development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(c) MAPPING

A work map of the stream reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the development and whether the development is located in the floodway.

- i. If the development is located outside of the floodway, then it is determined to have no impact on the regional or base flood elevation.
- ii. If any part of the development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(2) ZONE AE FLOODPLAIN AREA

(a) HYDROLOGY

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional or Base Flood Discharge*.

(b) HYDRAULIC MODEL

The regional or base flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional or base Flood Elevation* and the following:

- i. ~~Duplicate Effective Model~~ — The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised stream reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- ii. ~~Corrected Effective Model~~ — The ~~Corrected Effective Model~~ shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
- iii. ~~Existing (Pre-Project Conditions) Model~~ — The ~~Existing Model~~ shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- iv. ~~Revised (Post-Project Conditions) Model~~ — The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the development. This model shall reflect proposed conditions.
- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of

the revised stream reach shall be identical to those in the effective model and

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— result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised stream reach as required. The Effective Model shall not be truncated.

(c) MAPPING

— Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1.0% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(3) CERTIFICATE OF COMPLIANCE

— For the purposes of this subsection, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until approved by either the Zoning Administrator, City Planner, Plan Commission, Common Council or combinations of these persons or bodies as stipulated in section 17.0200 or elsewhere in this zoning ordinance, and only after the owner has submitted a certification signed by a registered professional engineer, architect or land surveyor that any fill and lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of this subsection.

r. ZONING BOARD OF APPEALS (ZBA)

(PLEASE SEE SUBSECTION 17.1000 OF THIS ORDINANCE)

s. PUBLIC INFORMATION

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The Zoning Administrator and authorized assistants, the City Planner and other City staff involved in interaction with the public and the media shall provide any electronic, written or verbal information regarding floodplains upon request. In addition they shall:

- (1) Keep current records of local flooding;
- (2) Retain all available official floodplain maps and documents for ready use;
- (3) Provide flood information to other state, county and local agencies and, when possible, mark previously flood inundated structures to show the level of inundation.
- (4) Retain any real estate transfers showing in what floodplain district any real property is located.

t. AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this subsection of the zoning ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 't(2)' of this sub-section.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a CLOMR from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 't(2)' of this sub-section. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in section 't(3)' of this sub-section below. Actions which require an amendment to the ordinance and/ or submittal of a LOMC include, but are not limited to, the following:
 - (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional or base flood height;
 - (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - (c) Any changes to any other officially adopted floodplain maps listed in section 'c(4)' of this sub-section;
 - (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (e) Correction of discrepancies between the water surface profiles and floodplain maps;
 - (f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the city; and
 - (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a BFE from a FIRM requires prior approval by FEMA.

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(3) Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23 of Wisconsin Statutes. The petitions shall include all data required by section 'p(2)' of this sub-section. The Building and/or Land Use Permit shall not be issued until a LOMR is issued by FEMA for the proposed changes.

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(a) The proposed amendment shall be referred to the City Plan Commission for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23 of the Wisconsin Statutes.

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(b) No amendments shall become effective until reviewed and approved by the Department.

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

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u. ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the city attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the city a penalty of \$50.00 (fifty dollars) or the maximum allowed under ss.87.30(2) for each separate offense, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the city, the state, or any citizen thereof pursuant to s. 87.30 of Wisconsin Statutes.

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v. DEFINITIONS

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

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(1) A Zones Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional or base flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

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(2) AH Zone See "Area of Shallow Flooding".

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(3) AO Zone See "Area of Shallow Flooding".

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(4) Accessory Structure Or Use A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

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(5) Alteration An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

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(6) Area Of Shallow Flooding A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1.0 percent or greater annual

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chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(7) Base Flood—The flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. Also called the one hundred year recurrence interval flood.

(8) Basement—Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

(9) Building—See "Structure".

(10) Bulkhead Line—A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11 of Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary high water mark (OHWM), except where such filling is prohibited by the floodway provisions of this ordinance.

(11) Campground—Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

(12) Camping Unit—Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

(13) Certificate of Compliance—A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

(14) Channel—A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(15) Crawlways or Crawl Space—An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

(16) Deck—An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

(17) Department—The Wisconsin Department of Natural Resources.

(18) Development—Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

(19) Dryland Access—A vehicular access route which is above the regional or base flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional or base flood elevation and

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wide enough for wheeled rescue and relief vehicles.

(20) Encroachment Any fill, structure, equipment, use or development in the floodway.

(21) Federal Emergency Management Agency (FEMA) The federal agency that administers the National Flood Insurance Program.

(22) Flood Insurance Rate Map (FIRM) A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(23) Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(24) Flood Frequency The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

(25) Floodfringe That portion of the one hundred year recurrence interval floodplain outside of the floodway which is covered by flood waters during the regional or base flood and are usually represented or associated with standing or slow moving circulating water rather than straight flowing water.

(26) Flood Hazard Boundary Map A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional or base flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map (FIRM).

(27) Flood Insurance Study (FIS) A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional or base flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the FIS, form the basis for both the regulatory and the insurance aspects of the NFIP.

(28) Floodplain In the City of Pewaukee, lakes and streams and adjoining land which has been or may be covered by flood water during a regional or base flood, and which is comprised of the floodway, flood fringe, the FEMA 'A-zones' plus the WisDNR Flood Storage Districts (FSDs).

(29) Floodplain Island A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional or base flood.

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(30) Floodplain Management — Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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(31) Flood Profile — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

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(32) Floodproofing — Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

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(33) Flood Protection Elevation — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional or base flood. (Also see: "Freeboard".)

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(34) Flood Storage — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional or base flood discharge.

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(35) Floodway — The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the main flow of the regional or base flood discharge and represented or associated with fast moving water.

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(36) Freeboard — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

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(37) Habitable Structure — Any structure or portion thereof used or designed for human habitation.

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(38) Hearing Notice — Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

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(39) High Flood Damage Potential — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

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(40) Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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(41) Historic Structure — Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic

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preservation programs which have been approved by the Secretary of the Interior; or

- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

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(42) Increase In Regional or Base Flood Height—A calculated upward rise in the regional or base flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

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(43) Land Use—Any use consisting of unimproved or improved real estate. (Also see "Development".)

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(44) Lowest Adjacent Grade—Elevation of the lowest ground surface that touches any of the exterior walls of a building.

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(45) Lowest Floor—The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

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(46) Maintenance—The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

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(47) Manufactured Home—A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

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(48) Mobile/Manufactured Home Park or Subdivision—A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

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(49) Mobile/Manufactured Home Park or Subdivision, Existing—A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

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(50) Mobile/Manufactured Home Park, Expansion to Existing—The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

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(51) Mobile Recreational Vehicle (RV)—A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

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(52) — Model, Corrected Effective — A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(53) — Model, Duplicate Effective — A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(54) — Model, Effective — The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

(55) — Model, Existing (Pre-Project) — A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(56) — Model, Revised (Post-Project) — A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

(57) — Municipality or Municipal — The city governmental agencies enacting, administering and enforcing this zoning ordinance.

(58) — NAVD or North American Vertical Datum — Elevations referenced to mean sea level datum, 1988 adjustment.

(59) — NGVD or National Geodetic Vertical Datum — Elevations referenced to mean sea level datum, 1929 adjustment.

(60) — New Construction — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the City and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(61) — Nonconforming Structure — An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

(62) — Nonconforming Use — An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(63) — Obstruction to Flow — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional or base flood height.

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(64) Official Floodplain Zoning Map — That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

(65) Open Space Use — Those uses having a relatively low flood damage potential and not involving structures.

(66) Ordinary Highwater Mark — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(67) Person — An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(68) Private Sewage System — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(69) Public Utilities — Those utilities using underground or overhead transmission lines such as electric, telephone and communication cables, as well as liquid distribution and collection systems such as water mains, sanitary sewers and storm sewers.

(70) Reasonably Safe From Flooding — Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(71) Regional Flood — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE. (See BASE FLOOD)

(72) Special Flood Hazard Areas (SFHA) — Represent all the land and water areas that are prone to flooding, including: lakes and streams, the designated floodway, the designated flood fringe, the FEMA 'A' zone, and the WisDNR Flood Storage Districts (FSDs).

(73) Start of Construction — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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(74) 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.

(75) Subdivision Has the meaning given in s. 236.02(12) of Wisconsin Statutes.

(76) Substantial Damage Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

(77) Substantial Improvement Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(78) Unnecessary Hardship Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(79) Variance An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

(80) Violation The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(81) Watershed The entire region contributing runoff or surface water to a watercourse or body of water.

(82) Water Surface Profile A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional or base flood is used in regulating floodplain areas.

(83) Well means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

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FLOODPLAIN ORDINANCE FOR CITY OF PEWAUKEE

Effective **xxx**, 2023

Key for editing:

- Grey highlights are ordinance additions for communities that choose to implement Act 175
- Comment bubbles indicate CRS-required higher standards
- Blue highlights are instructional for the ordinance writer and can be deleted once the item is completed
- Yellow highlights are places where the ordinance needs to be filled in with community specific information

Adoption schedule tracking

1. **Date of Public Hearing:** _____
 - a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. **Date of Adoption:** _____
3. **Dates of Publication or Posting:** _____
 - a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. **Date of Publication or Posting of Notice of Enacted Ordinance:**
 - a. _____

STATUTORY APPROVAL REQUIREMENTS

****This whole page can be deleted. It is for informational purposes and does not need to remain in the ordinance**

The public hearing notice must be published twice, THE SECOND TIME AT LEAST 7 DAYS BEFORE THE HEARING, to meet statutory notice requirements to legally adopt any zoning ordinance or amendment. The community must also furnish a certified copy of the ordinance and proof of publication or posting of the amended ordinance.

There are places in this document where blanks must be completed. After filling in those blanks (and putting in proper map references), publishing a Class 2 public hearing notice, and conducting the hearing, this document may be adopted as is by the municipality's governing body.

This model ordinance includes both the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72. Section 87.30(1)(b), Stats., permits a county, city, village, or town to adopt a floodplain zoning ordinance that is more restrictive than the provisions required by the State, but not less restrictive. Other model ordinances are available from DNR, or we will help you develop alternative regulations to meet state and federal guidelines.

Submit the proposed ordinance to the DNR Regional Office zoning specialist for review at least 30 days before the public hearing to determine whether it meets all minimum standards. After public hearing and adoption, it is an added expense to change unacceptable ordinance language. No floodplain zoning ordinance amendment is effective until officially approved by DNR. All amendments must also be submitted to the Federal Emergency Management Agency.

Model ordinances and FEMA flood insurance maps are periodically revised. Contact the DNR before public hearing or adoption to assure you are using the most recent and accurate map and ordinance text available.

A handbook entitled *The Floodplain-Shoreland Management Guidebook* has been developed and distributed to all counties, cities and villages with floodplain or shoreland zoning ordinances. Look for publication in your municipal zoning office for answers to many questions about floodplain, wetland and shoreland zoning, dam safety, and the NFIP. The *Guidebook* is also available for download on the DNR website.

If possible, please submit your draft ordinance electronically. If you have made any changes to the model ordinance, please note the location of the changes in the draft.

!! Instructional Information Only !!

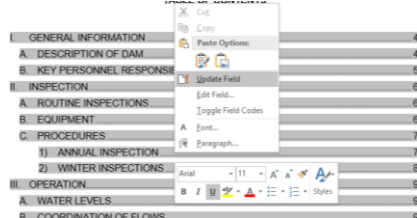
[Please delete THIS ENTIRE PAGE when ordinance update is complete.]

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

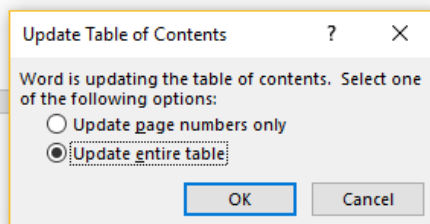
1. Click anywhere in the table of contents so that gray shows up behind the words.

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

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



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



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

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

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities; and the requirements in s. 87.30, Stats. as well as Ch. NR 116 of the Wisconsin Administrative Code which is included as Appendix 5A in this zoning ordinance.

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Commented [CA1]: This sub-section of the City Zoning Ordinance is adopted pursuant to the authorization in Sections 62.23 and 87.30 of Wisconsin Statutes as well as Ch. NR 116 of the Wisconsin Administrative Code which is included as Appendix 5 in this zoning ordinance.

1.2 FINDING OF FACT

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

Commented [FN2R1]: Note this is now Appendix A in the Zoning Code

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for City of Pewaukee, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or AE on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the Engineering Department, City Hall, W240N3065 Pewaukee Rd, Pewaukee, WI 53072.

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

1. Flood Insurance Rate Map (FIRM), panel numbers 55133C0181H, 55133C0182H, 55133C0183H, 55133C0184H, 55133C0191H, 55133C0192H, 55133C0201H, 55133C0202H, 55133C0203H, 55133C0204H, 55133C0206H, 55133C0208H, 55133C0211H, 55133C0212H, 55133C0213H, 55133C0214H and 55133C0216H, dated 10/19/2023;

2. Flood Insurance Study (FIS) volumes 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D for Waukesha County, dated 10/19/2023.

Approved by: The DNR and FEMA

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

1. Waukesha County and incorporated areas Flood Storage Districts Panel 7, dated 10/19/2023, approved by the DNR.

(3) **ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS**

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

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

(4) **LOCATING FLOODPLAIN BOUNDARIES**

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

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

(5) REMOVAL OF LANDS FROM FLOODPLAIN

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

a) In addition, no floodplain may be filled and no walled structure built within the Special Flood Hazard Area (SFHA) or Flood Storage District (FSDs with the exception of the construction of public utility and transportation facilities required by a unit/agency of government, or an approved structure requiring water frontage which would require adherence to regulations as set forth in section 11 of this subsection and by FEMA and NR116. Compliance with the provisions of this ordinance shall not be grounds for removing land from the F-1, Floodplain District.

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b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;

c) Removal of lands from the floodplain may occur if a study is prepared and certified by a state registered professional engineer establishing that:

1. The fill, lowest floor and floodproofing elevation shall have no effect upon the base flood elevation either upstream or downstream and are in compliance with this ordinance; or
2. The fill, lowest floor and floodproofing elevations may have the effect of raising the base flood elevation either upstream or downstream if otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Conditional Letter of Map Revision (CLOMR) prior to issuance of any local permit(s); or
3. The fill, lowest floor and floodproofing elevations may have the effect of lowering the base flood elevation either upstream or downstream and are otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Letter of Map Change (LOMC) prior to issuance of any local permit(s). Please also see sub-section 17.1108b and Appendix 5A.

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e)d) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

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

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

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

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

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

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The City of Pewaukee Plan Commission and planning staff community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law. No new walled buildings or structures, including manufactured mobile homes and walled enclosures, shall be allowed within or within a distance of 75 feet from the boundary of a base flood floodplain as defined herein except as set forth in sections 3.2(3), 3.3(2) of this sub-section and subsection 17.0436.

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

- be designed or modified so as adequately and anchor such structure or building ed to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- be constructed with flood-resistant materials;
- be constructed by methods and practices that minimize flood damages; and
- Mechanical and utility equipment must be elevated to or above the flood protection elevation.

- 2) In addition to the requirements of Chapter 18 (Land Division Ordinance) of City Codes and Ordinances, subdivision of land shall be reviewed for compliance with the above standards and no newly created building parcel less than ten (10) acres in size shall be located within a base flood floodplain.

- 2)3) If a subdivision or other proposed new development is in a flood-prone area, the City of Pewaukee community shall assure that:

- such proposed subdivision or other proposed new development is consistent with the

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In addition to the requirements of Chapter 18 (Land Division Ordinance) of City Codes and Ordinances, subdivision of land shall be reviewed for compliance with the above standards and no newly created building parcel less than ten (10) acres in size shall be located within a base flood floodplain. (see section 'l (2)' of this sub-section). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages. All proposed land development plans, including land divisions and manufactured mobile home parks shall include BFE data for any land division or development that meets the definition within this zoning ordinance or Chapter 18 of the City Codes and Ordinances. (See www.cityofpewaukee.us)

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need to minimize flood damage within the flood-prone area;

- b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

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

2.2 WATERCOURSE ALTERATIONS

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

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds, as defined herein, shall not be located within the F-1 Floodplain District, have a low flood damage potential and shall meet the following provisions:

- 1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- 2) A land use permit for the campground is issued by the zoning administrator;
- 3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

Commented [CA8]: Public or private campgrounds, as defined herein, shall not be located within the F-1, Floodplain District.

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4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

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5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in sub. (4) to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

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6) All mobile recreational vehicles placed on site must meet one of the following:

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a. Be fully licensed, if required, and ready for highway use; or

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b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or

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c. Meet the requirements in either s. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;

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

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7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;

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8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

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9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

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10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and

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11) Standards for structures in a campground:

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a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;

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b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

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~~c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.~~

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~~d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).~~

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~~e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).~~

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~~12) A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.~~

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1.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

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

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1.
- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
 - 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
 - 7) Public utilities, streets and bridges that comply with s. 3.3(3).

- 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

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

2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location such as an approved boathouse or boat dock may be allowed by permit if the structures comply with the following criteria:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;

- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
 - e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 - 1. The lowest floor must be elevated to or above the regional flood elevation;
 - 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - 4. The use must be limited to parking, building access or limited storage.
 - g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 - 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - 5. Placement of utilities to or above the flood protection elevation.
- 3) PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of s. 2.1.
- 4) FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:
- a. The requirements of s. 2.1 are met;
 - b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all

other requirements have been met;

- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

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

- 1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- 2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- 3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- 5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- 6) Any solid or hazardous waste disposal sites;
- 7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- 8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

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

4.2 PERMITTED USES

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

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

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

(1) RESIDENTIAL USES

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

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

Commented [CVH9]: Replace with "one (1) foot above the regional flood elevation" for CRS communities.
BFE +1 required for CRS.

(2) ACCESSORY STRUCTURES OR USES

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

(3) COMMERCIAL USES

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

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 2.0, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection

elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

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

(7) SEWAGE SYSTEMS

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

(8) WELLS

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

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

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

(11) MANUFACTURED HOMES

- a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse, or move laterally during a flood
- c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

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

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

5.0 OTHER FLOODPLAIN DISTRICTS

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) FLOODWAY BOUNDARIES

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

3) PERMITTED USES

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

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

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

Commented [CVH10]: Add: "plus one additional foot of freeboard."

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

Commented [CVH11]: Change to "above three (3) feet"

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

- d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

5) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 FLOOD STORAGE DISTRICT (WHEN APPLICABLE)

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) **APPLICABILITY**

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

(2) **PERMITTED USES**

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

(3) **STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS**

- a. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

- c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. 8.0 *Amendments* of this ordinance.
- d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

2.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
- The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.

- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
- 4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - c) The nonconforming building is permanently changed to conform to the applicable requirements of 2.0;
 - d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 6.2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);
 - e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 6.3;
 - f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;

Commented [VHMAD(12)]: OPTIONAL - Reserve for Communities who want to implement Act 175. This section is optional. If the Community is removing this language, please update the Table of Contents page references.

See guidance language

Commented [CVH13]: CRS requirement: Change to "one foot"

Commented [CVH14]: CRS requirement: Change to "one foot"

- g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
- i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 6.1(4)(g) above.
 - ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
- i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:

Commented [CVH15]: CRS requirement: Change to "one foot"

Commented [CVH16]: CRS requirement: Change to "one foot"

- i. Be on site for fewer than 180 consecutive days; or
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(l) above;
- l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss. 6.1(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

Commented [CVH17]: CRS Requirement: Change to "...one foot more than the depth number specified in feet on the FIRM (at least three feet if no depth number is specified)."

6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of s. 6.1;
 - c) Shall not increase the obstruction to flood flows or regional flood height;
 - d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.
- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- 2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - a) No floor is allowed below the regional flood elevation for residential or commercial structures;

- b) Human lives are not endangered;
 - c) Public facilities, such as water or sewer, shall not be installed;
 - d) Flood depths shall not exceed two feet;
 - e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
 - 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICTS

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

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

1.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

- d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
- e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of case-by-case analyses and other required information.
 - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g) Submit copies of amendments to the FEMA Regional office.

2) LAND USE PERMIT

A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a) GENERAL INFORMATION

- 1. Name and address of the applicant, property owner and contractor;
- 2. Legal description, proposed use, and whether it is new construction or a modification;

b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- 1. Location, dimensions, area and elevation of the lot;
- 2. Location of the ordinary highwater mark of any abutting navigable waterways;
- 3. Location of any structures with distances measured from the lot lines and street center lines;
- 4. Location of any existing or proposed on-site sewage systems or private water supply systems;
- 5. Location and elevation of existing or future access roads;

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

- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
2. Zone AE Floodplains
- a. Hydrology
- If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- b. Hydraulic model
- The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
- i. Duplicate Effective Model
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - ii. Corrected Effective Model.
The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to

establish more up-to-date models on which to base the Revised (Post-Project) Model.

- iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) EXPIRATION

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

3) CERTIFICATE OF COMPLIANCE

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

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

4) OTHER PERMITS

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

7.2 ZONING AGENCY

- 1) The City of Pewaukee Zoning Board of Appeals shall:
 - a) oversee the functions of the office of the zoning administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
 - c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The City of Pewaukee Zoning Board of Appeals shall not:

- a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF APPEALS

The Board of Appeals, created under s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

1) POWERS AND DUTIES

The Board of Appeals shall:

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

2) APPEALS TO THE BOARD

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

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

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

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

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

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

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairman or secretary of the Board;
- 4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 1. The variance shall not cause any increase in the regional flood elevation;
 2. The applicant has shown good and sufficient cause for issuance of the variance;
 3. Failure to grant the variance would result in exceptional hardship;
 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
 2. Be granted for a hardship based solely on an economic gain or loss;
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area;
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
- a. Permit application data listed in s. 7.1(2);
 - b. Floodway/floodfringe determination data in s. 5.1(5);
 - c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - d. Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- a. Follow the procedures of s. 7.3;
 - b. Consider zoning agency recommendations; and
 - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
 - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS

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

7.6 PUBLIC INFORMATION

7.6 The Zoning Administrator and authorized assistants, the City Planner and other City staff involved in interaction with the public and the media shall provide any electronic, written or verbal information regarding floodplains upon request. In addition they shall:

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

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

8.1 GENERAL

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

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

8.2 PROCEDURES

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

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

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

10.0 DEFINITIONS

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

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See "AREA OF SHALLOW FLOODING".
3. AO ZONE – See "AREA OF SHALLOW FLOODING".
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where

the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. Also called the one hundred year recurrence interval flood.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
10. BUILDING – See STRUCTURE.
11. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
12. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
13. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
14. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
15. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
16. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
17. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
18. DEPARTMENT – The Wisconsin Department of Natural Resources.
19. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
20. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

21. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
22. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
23. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
24. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
25. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
26. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
27. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
28. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
29. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
30. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
31. FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
32. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Commented [CA18]: In the City of Pewaukee, lakes and streams and adjoining land which has been or may be covered by flood water during a regional or base flood, and which is comprised of the floodway, flood fringe, the FEMA 'A zones' plus the WisDNR Flood Storage Districts (FSDs).

33. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
34. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
35. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
36. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
37. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
38. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
39. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
40. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
41. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
42. HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
43. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
44. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see

DEVELOPMENT.)

45. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
46. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).
47. MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
48. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
50. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
51. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
52. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
53. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
54. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
55. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
56. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

Commented [CA19]: An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

57. **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
58. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
59. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
60. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
61. **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
62. **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
63. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
64. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
65. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
66. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
67. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
68. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
69. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
70. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

71. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
72. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
73. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
74. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
75. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
76. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
77. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
78. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
79. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
80. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

- 81. VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 82. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.
- 83. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 84. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

ACT 175 (s. 87.30 (1d)(d) Stats.) Guidance

The WDNR floodplain model ordinance includes the acceptable regulatory standards required in Ch. NR116, Wis. Admin. Code with supplemental wording intended to ensure that the minimum requirements for participation in the National Flood Insurance Program (44 C.F.R. §§59-72) are met or exceeded in all circumstances. The floodplain model ordinance now includes language for communities choosing to adopt changes consistent with 2019 Act 175.

Act 175 was enacted March 2020 and created § 87.30 (1d) (d), Wis. Stats. This Act changes how Ch. NR116, Wis. Admin. Code may require local governments to regulate nonconforming structures in the floodplain. To participate in the National Flood Insurance Program, however, communities must still adopt and enforce regulations that meet the NFIP's minimum standards, which are unchanged. § 87.30 (1d) (d) creates an exception to the state's "50% rule" for structures in the floodplain. The state's "50% rule" says no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of the local floodplain ordinance.

Essentially, in a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Department is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). It is important to note that structures modified to meet the requirements of § 87.30 (1d) (d) are not transformed into conforming structures. They are still considered nonconforming structures and are subject to all other non-cost-based regulations and restrictions applicable to nonconforming structures.

The NFIP minimum standards require a participating community to regulate all development, including all improvements to all structures in special flood hazard areas. The appropriate minimum standards must be applied to substantial improvements, modifications, additions, and repair or other improvement of substantially damaged buildings, without regard for whether such buildings are "nonconforming" with regard to ordinances adopted to meet Ch. NR116 regulations or other state or local zoning regulations.

Act 175 did not change any city, village, or county floodplain ordinance authority and communities are able to maintain their current ordinance and incorporate higher standards into their floodplain zoning ordinance.

Communities should decide whether to incorporate Act 175 into the floodplain ordinance or maintain their current framework for regulating nonconforming structures based on an assessment of local flood risks. Once the local flood risks are identified and an appropriate zoning approach is determined, some communities may choose to maintain existing floodplain zoning and implement higher standards, while others may modify their ordinances to adopt this new minimum standard. (see [WDNR floodplain model ordinance.](#))

1. When Act 175 is incorporated into an ordinance there is a potential for the community to allow modifications, additions, substantial improvements, maintenance and repairs to existing nonconforming structures in excess of the State's 50% Rule once the minimum requirements of **Appendix A** are met. This creates two classifications of nonconforming structures:
 - a. Class 1: Nonconforming structures that do not meet Appendix A minimum requirements and continued to be subject to the State's 50% Rule.
 - b. Class 2: Nonconforming structures meeting Appendix A minimum requirements and no longer subject to the State's 50% Rule.
2. For ordinances without Act 175 – repair/maintenance/modification/substantial improvement of structures in the floodplain is limited by the 50% rule as expressed in NR116.
 - a. No modification, addition, maintenance, or repair can be made on a structure in the floodway if the cost exceeds 50% of the present equalized assessed value of the structure;
 - b. If a structure in the floodway is substantially damaged by a flood, it must be removed from the floodway;
 - c. No modification, addition, maintenance, or repair can be made on a structure in the floodfringe if the cost exceeds 50% of the present equalized assessed value of the structure unless the structure is modified to conform to the floodplain ordinance;
 - d. In addition all standards for nonconforming structures in the floodplain, listed in Nonconforming Uses in Section 6.0 of the state model, must be followed.

Appendix A

For communities incorporating Act 175 into its ordinance, non-conforming structures not subject to the State 50% Rule must meet the following minimum standards:

- (1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
- (2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
- (3) The nonconforming building is permanently changed to conform to the applicable requirements of the general standards applicable to all floodplain districts;
- (4) The building is permanently changed to conform to all applicable requirements in the community's floodplain zoning ordinance such as Hydraulic and Hydrologic Analyses (H & H), lowest floor elevations, anchoring, mechanical and utility equipment elevations, floodproofing standards, and must not obstruct flow of floodwater or cause any increase in flood levels.

NOTE: Incorporating Act 175 into the local ordinance still requires the zoning administrator to carefully review and apply applicable portions of Nonconforming Uses in section 6.0 of the model ordinance because the structure is still a nonconforming structure.

- (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of the floodfringe district.
- (6) New construction and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation.
- (7) New construction and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - a. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of paragraph vii above.
 - b. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed.
- (8) Fully enclosed areas below the lowest floor of new construction and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the

entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:

- a. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area;
 - b. The bottom of all openings must be no higher than one foot above the adjacent grade;
 - c. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters.
- 9) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 10) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 11) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either
- a. Be on site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - c. Meet the elevation and anchoring requirements for manufactured homes in paragraph ix above.
- 12) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including new construction, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 13) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring new construction, substantial improvement, and other development to meet paragraphs (6) through

- (12) (inclusive) above. If floodway data are available, the community must select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- 14) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, no new construction, substantial improvement, or other development (including fill) may be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - 15) Notwithstanding the requirements of paragraphs (12) and (14) above, the community may permit certain development in zones A1-30 and AE where a floodway has not been delineated, which will increase the water surface elevation of the base flood by more than one foot, or in a regulatory floodway, which will result in an increase in base flood elevations, if the community first obtains a Conditional Letter of Map Revision (CLOMR) from FEMA and fulfills the requirements of Section 65.12 of Title 44, Code of Federal Regulations.
 - 16) In zone AO, new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
 - 17) In zone AO, new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in paragraph vii above.

Community Rating System At-A-Glance



The **Community Rating System (CRS)** is a voluntary Federal Emergency Management Agency program that recognizes and rewards communities that go above and beyond the bare minimum requirements of the National Flood Insurance Program. There is no monetary cost to join; the only real “cost” is the time and effort of the staff person assigned as the CRS Coordinator.

Communities select activities to do voluntarily that earn that community points. The more points you have, the better rate class your community is in, which gets your community members a corresponding discount on federal flood insurance premiums. To be eligible to join, you must be in good standing with the National Flood Insurance Program.

What are the activities? There are 19 different possible activities you can participate in for CRS points that fall into four categories: Public information, Mapping and Regulations, Flood Damage Reduction and Flood Preparedness. More information on the specific activities can be found at the links below. Your community, when reviewing the creditable activities, will likely be pleasantly surprised to see that you’re already doing some of them.

To join, two items are needed to request a CRS classification: a letter of interest to the FEMA regional office, and a “CRS Quick Check” that shows the community is implementing some CRS activities. Please feel free to engage with the DNR’s floodplain program for assistance or if you have any questions by emailing dnrfloodplain@wisconsin.gov. Please note that as part of the process of joining, an audit will be necessary (a Community Assistance Visit). [A link to the template letter of interest and the quick check form can be found here.](#)

For More Information:

[FEMA Fact sheet on CRS \(2021\)](#)

[FEMA Local Official’s Guide \(2018\)](#)

BENEFITS:

- Discounted flood insurance premiums for community members, up to 45% off.
- Higher standards serve to enhance public safety, reduce damage to property and public infrastructure and avoid economic disruption and loss.
- Communities can evaluate their flood programs against a nationally recognized benchmark.
- Technical assistance in carrying out some activities is available to community officials at no charge.
- Citizens and property owners in CRS communities have enhanced opportunities to learn about their risk, evaluate their individual vulnerabilities and take action to protect themselves, as well as their home and businesses.

COSTS:

- There is no monetary cost to join.
- Time and effort on the part of staff:
 - ☐ A Community Assistance Visit;
 - ☐ Rectify any violations found;
 - ☐ Show that the community has a good permitting system, an organized system for recordkeeping;
 - ☐ And a community may need to update the ordinance, on a case-by-case basis
- It may take a while to complete the process to join.

ORDINANCE NO. 23-05

**AN ORDINANCE REPEALING SECTION 17.0435 F-1, FLOODPLAIN DISTRICT
AND RECREATING SECTION 17.0435 F-1, FLOODPLAIN DISTRICT AND CREATING A NEW CHAPTER
ENTITLED FLOODPLAIN ZONING OF THE MUNICIPAL CODE OF THE CITY OF PEWAUKEE, WAUKESHA
COUNTY, WISCONSIN**

BE IT ORDAINED by the Common Council of the City of Pewaukee, Waukesha County, Wisconsin, that Section 17.0435 of the Municipal Code of the City of Pewaukee is hereby amended to read as follows:

17.0435 F-1, FLOODPLAIN DISTRICT

The F-1, Floodplain District is intended to preserve in essentially open space and natural land use, through land use zoning regulation, lands which are unsuitable for intensive development purposes due to poor natural soil conditions and periodic flood inundation and shall include all land and water area lying within the designated Special Flood Hazard Area (SFHA) which encompasses the delineated forecast 100 - year recurrence interval (one percent chance in a year) floodplain as shown on Federal Emergency Management Agency (FEMA) maps (also called the 'regional flood' or 'base flood') and those land and water areas designated by FEMA as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs). Also included within the F-1, Floodplain are those areas adjacent to the base flood designated by the Wisconsin Department of Natural Resources (WisDNR) as Flood Storage Districts (FSDs). The proper regulation of these areas will serve to maintain and improve water quality, prevent flood damage, protect wildlife habitat, and prohibit the location of walled structures, as defined within the Floodplain Ordinance, on lands, which are generally not suitable for such use due to possible flooding.

The F-1, Floodplain District includes the Floodway District (FW), Floodfringe District (FF), and the General Floodplain District (GFP) as defined within the Floodplain Ordinance, Section 17.1500, and are subject to those regulations.

FURTHERMORE, BE IT ORDAINED by the Common Council of the City of Pewaukee, Waukesha County, Wisconsin, that a new chapter entitled Floodplain Zoning be created within the Municipal Code of the City of Pewaukee to read as follows:

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

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities; and the requirements in s. 87.30, Stats. as well as Ch. NR 116 of the Wisconsin Administrative Code which is included as Appendix A in this zoning ordinance.

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for City of Pewaukee, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or AE on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the Engineering Department, City Hall, W240N3065 Pewaukee Rd, Pewaukee, WI 53072.

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

1. Flood Insurance Rate Map (FIRM), panel numbers 55133C0181H, 55133C0182H, 55133C0183H, 55133C0184H, 55133C0191H, 55133C0192H, 55133C0201H, 55133C0202H, 55133C0203H, 55133C0204H, 55133C0206H, 55133C0208H, 55133C0211H, 55133C0212H, 55133C0213H, 55133C0214H and 55133C0216H, dated 10/19/2023;

2. Flood Insurance Study (FIS) volumes 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D for Waukesha County, dated 10/19/2023.

Approved by: The DNR and FEMA

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

1. Waukesha County and incorporated areas Flood Storage Districts Panel 7, dated 10/19/2023, approved by the DNR.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

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

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

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

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

(5) REMOVAL OF LANDS FROM FLOODPLAIN

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

In addition, no floodplain may be filled and no walled structure built within the Special Flood Hazard Area (SFHA) or Flood Storage District (FSD with the exception of the construction of public utility and transportation facilities required by a unit/agency of government, or an approved structure requiring water frontage which would require adherence to regulations as set forth in section 'I' of this subsection and by FEMA and NR116. Compliance with the provisions of this ordinance shall not be grounds for removing land from the F-1, Floodplain District.

- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- c) Removal of lands from the floodplain may occur if a study is prepared and certified by a state registered professional engineer establishing that:
1. The fill, lowest floor and floodproofing elevation shall have no effect upon the base flood elevation either upstream or downstream and are in compliance with this ordinance; or
 2. The fill, lowest floor and floodproofing elevations may have the effect of raising the base flood elevation either upstream or downstream if otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Conditional Letter of Map Revision (CLOMR) prior to issuance of any local permit(s); or
 3. The fill, lowest floor and floodproofing elevations may have the effect of lowering the base flood elevation either upstream or downstream and are otherwise in compliance with this ordinance, in which case the property owner must also contact FEMA to request and receive an approved Letter of Map Change (LOMC) prior to issuance of any local permit(s). Please also see subsection 17.1108b and Appendix A.
- d) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

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

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

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

(9) INTERPRETATION

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

ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES

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

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The City of Pewaukee shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law. No new walled buildings or structures, including manufactured mobile homes and walled enclosures, shall be allowed within or within a distance of 75 feet from the boundary of a base flood floodplain as defined herein except as set forth in sections 3.2(3), 3.3(2) of this subsection and subsection 17.0436.

- 1) If a proposed building site is in a flood-prone area, all new construction and permitted substantial improvements shall:
 - a. be designed or modified so as adequately anchor such structure or building to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. be constructed with flood-resistant materials;
 - c. be constructed by methods and practices that minimize flood damages; and
 - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- 2) In addition to the requirements of Chapter 18 (Land Division Ordinance) of City Codes and Ordinances, subdivision of land shall be reviewed for compliance with the above standards and no newly created building parcel less than ten (10) acres in size shall be located within a base flood floodplain.
- 3) If a subdivision or other proposed new development is in a flood-prone area, the City of

Pewaukee shall assure that:

- a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

1) No floodplain development shall:

- a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- b. Cause any increase in the regional flood height due to floodplain storage area lost.

2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

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

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds, as defined herein, shall not be located within the F-1 Floodplain District.

1.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

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

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1.
- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
 - 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
 - 7) Public utilities, streets and bridges that comply with s. 3.3(3).
 - 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
 - 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
 - 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

- a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).

2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location such as an approved boathouse or boat dock may be allowed by permit if the structures comply with the following criteria:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
 - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 - 1. The lowest floor must be elevated to or above the regional flood elevation;
 - 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - 4. The use must be limited to parking, building access or limited storage.

- g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

- 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
- 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
- 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
- 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
- 5. Placement of utilities to or above the flood protection elevation.

3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

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

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

4) **FILLS OR DEPOSITION OF MATERIALS**

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

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

3.4 PROHIBITED USES

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

- 1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- 2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- 3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 4) Any private or public sewage systems, except portable latrines that are removed prior to

flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

- 5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- 6) Any solid or hazardous waste disposal sites;
- 7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- 8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

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

4.2 PERMITTED USES

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

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

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

(1) RESIDENTIAL USES

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

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting

hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;

- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) ACCESSORY STRUCTURES OR USES

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

(3) COMMERCIAL USES

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

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 2.0, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

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

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

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

(7) SEWAGE SYSTEMS

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

(8) WELLS

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

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

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

(11) MANUFACTURED HOMES

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

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

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive
days and be either:

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

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

5.0 OTHER FLOODPLAIN DISTRICTS

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all
floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not
delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) FLOODWAY BOUNDARIES

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

3) PERMITTED USES

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within
the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and
Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according
to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1
have been issued.

4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT
Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

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

5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 FLOOD STORAGE DISTRICT (WHEN APPLICABLE)

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) APPLICABILITY

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

(2) PERMITTED USES

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

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

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

2.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully

established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

- b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
- The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.

- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
- 4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - c) The nonconforming building is permanently changed to conform to the applicable requirements of 2.0;
 - d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 6.2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);

- e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 6.3;
- f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
- g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
 - i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 6.1(4)(g) above.
 - ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
 - i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood,

must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

- j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
 - i. Be on site for fewer than 180 consecutive days; or
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(i) above;
- l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss. 6.1(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement,

or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

6.2 FLOODWAY DISTRICT

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

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.
- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

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

- 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICTS

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

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

1.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;
 2. Documentation of certified lowest floor and regional flood elevations;
 3. Floodproofing certificates.
 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 5. All substantial damage assessment reports for floodplain structures.
 6. List of nonconforming structures and uses.
- e) Submit copies of the following items to the Department Regional office:
 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of case-by-case analyses and other required information.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g) Submit copies of amendments to the FEMA Regional office.

2) LAND USE PERMIT

A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a) GENERAL INFORMATION

- 1.Name and address of the applicant, property owner and contractor;
- 2.Legal description, proposed use, and whether it is new construction or a modification;

b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- 1.Location, dimensions, area and elevation of the lot;
- 2.Location of the ordinary highwater mark of any abutting navigable waterways;
- 3.Location of any structures with distances measured from the lot lines and street center lines;
- 4.Location of any existing or proposed on-site sewage systems or private water supply systems;
- 5.Location and elevation of existing or future access roads;
- 6.Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- 7.The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC-RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.

- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

- a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

 - i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

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

- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) EXPIRATION

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

3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

- e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

4) **OTHER PERMITS**

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

7.2 ZONING AGENCY

- 1) The City of Pewaukee Zoning Board of Appeals shall:
 - a) oversee the functions of the office of the zoning administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
 - c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The City of Pewaukee Zoning Board of Appeals shall not:
 - a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF APPEALS

The Board of Appeals, created under s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

1) **POWERS AND DUTIES**

The Board of Appeals shall:

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

- c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

2) APPEALS TO THE BOARD

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

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

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

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

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

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

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairman or secretary of the Board;
- 4. State the specific facts which are the basis for the Board's decision;
- 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. The applicant has shown good and sufficient cause for issuance of the variance;
 - 3. Failure to grant the variance would result in exceptional hardship;
 - 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

- c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self-created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
 - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
 - a. Permit application data listed in s. 7.1(2);
 - b. Floodway/floodfringe determination data in s. 5.1(5);
 - c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - d. Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
 - a. Follow the procedures of s. 7.3;
 - b. Consider zoning agency recommendations; and
 - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:

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

7.5 FLOODPROOFING STANDARDS

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

the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

7.6 PUBLIC INFORMATION

The Zoning Administrator and authorized assistants, the City Planner and other City staff involved in interaction with the public and the media shall provide any electronic, written or verbal information regarding floodplains upon request. In addition they shall:

(1) Place marks on structures to show the depth of inundation during the regional flood.

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

(3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

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

(2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

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

(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b);

- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

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

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

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

10.0 DEFINITIONS

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

- 1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be

inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. Also called the one hundred year recurrence interval flood.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
10. BUILDING – See STRUCTURE.
11. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
12. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
13. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
14. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
15. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

16. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
17. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
18. DEPARTMENT – The Wisconsin Department of Natural Resources.
19. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
20. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
21. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
22. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
23. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
24. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
25. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
26. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
27. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the

regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

28. **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
29. **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
30. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
31. **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
32. **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
33. **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
34. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: **FREEBOARD**.)
35. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
36. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
37. **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
38. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
39. **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
40. **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that

includes any danger to life or health or any significant economic loss to a structure or building and its contents.

41. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
42. **HISTORIC STRUCTURE** – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
43. **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
44. **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
45. **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
46. **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement).
47. **MAINTENANCE** – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
48. **MANUFACTURED HOME** – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
49. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
50. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
51. **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

52. **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
53. **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
54. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
55. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
56. **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
57. **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
58. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
59. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
60. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
61. **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
62. **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
63. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
64. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the

floodplain which it occupies. (Such as a residence in the floodway.)

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

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

This Ordinance shall become effective upon passage and posting.

Adopted this ____ day of _____, 2023.

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: August 7, 2023

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner/Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding The Water Development Request to Occupy the City's Right-of-Way with Lighting and Landscaping [Wagner]

BACKGROUND:

Staff is reviewing The Waters Development for their final punchlist of repairs prior to the development dedicating Waters Lane and its right of way to the City of Pewaukee. Upon review, it was determined the development installed lighting and landscaping within the City's right of way without permission from the City. As such Staff required these items to be removed from the public right of way.

The Developer is requesting the landscaping and lighting remain in the City's right of way. See the attached request.

City Staff is requesting the Common Council deny this request for the following reasons:

1. Plan Commission approved a landscaping plan which has the trees and lighting outside of the public right of way. It is unclear why the plans changed from the time of Plan Commission approval to the building permit submission, but the building permit submission did not show the right of way so it would have been difficult to catch this location switch.
2. The location of the trees and light poles will interfere with our winter management activities. This terrace area is utilized for snow storage. In addition, in heavy snowfall years, Staff bench these terrace areas to allow for additional snow storage during regular plowing operations. The light poles and trees interfere with the benching operations and reduce the snow storage areas. In addition, they create a hazard for the plow operators.
3. By law, the City is required to mark out all utilities within its right of way. Diggers Hotline handles most utilities (gas, electric, phone, cable), but these electrical lines feeding the lights would need to be marked every time a hotline is called for this area by the City. The City does not have record of where these lines were installed nor do we have the Staff time to mark out these additional utilities. During peak construction season, our Staff struggle to keep up with our current Hotline requests for water, sanitary sewer, and storm sewer.
4. By law, the City must permit other utilities within the City's right of way. Most of these utilities are installed by boring. Staff has concerns that any damage to the light poles or trees will be the City's responsibility.
5. If these lights are damaged and they are located in the City's right of way, it will be our responsibility to repair and maintain. In addition, if the trees require maintenance or die, it will be the City who must complete this work. As you are aware, the City already has a large amount of trees in the right of way that require various levels of attention. Trees also create a maintenance concern when they grow out into the right of way and create hazards for the traveling public or damage vehicles. It has been the City's policy in all new developments to prohibit the placement of lighting and trees within the right of way with the exception of cul de sacs which are approved as part of Plan Commission approval and

additional language on the plats regarding maintenance and removal..

6. The private sidewalk was required to be located outside of the right of way. When there was a crossing within the City's right of way, the City required an easement document which outlined the maintenance responsibility of these encroachments and limited the City's liability for these crossings. It can be surmised that if the City had allowed the trees and lighting within the right of way, these would have been included in this agreement for many of the reasons listed above.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

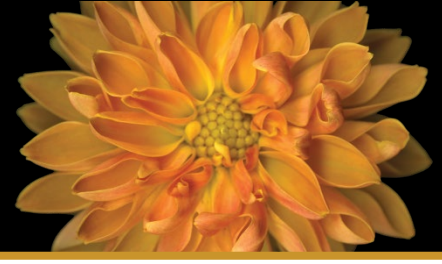
Council reject The Waters request and require the landscaping and lighting be removed from the City's right of way.

ATTACHMENTS:

Description

The Waters Request

Plan Commission Landscape Approval



August 1, 2023

Common Council
City of Pewaukee
Attn: Magdelene Wagner, P.E. - Director of Public Works/City Engineer
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

Subject Property: The Waters of Pewaukee, W239N2540 Dahlia Blvd, Waukesha, WI 53188

RE: Site Lighting and Landscaping in the Right-of-Way on Waters Ln

Dear Members of the Common Council,

We are contacting you on behalf of the owners of The Waters of Pewaukee, the 161-unit senior living property which opened earlier this summer and currently houses over 60 residents.

We are asking the Common Council to rescind a request made by City staff to remove the streetlights and landscaping installed within the right-of-way of our project. We understand and appreciate the City's concern for the management of the right-of-way; however, removing these essential improvements could introduce potential safety hazards to residents and the community at large, and detract from the environmental and neighborhood appeal of the project.

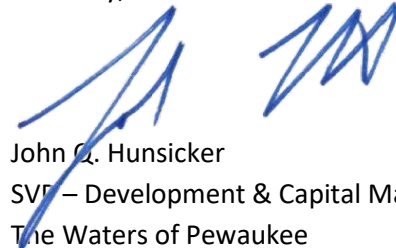
First, the streetlights serve as critical components to ensure adequate illumination along Waters Lane and the sidewalks, significantly reducing the risk of accidents, falls, and other unfortunate incidents, especially during the winter months. The light pole bases and associated wiring are in place and are compatible with the surrounding utilities, posing no threat of damage or difficult access. Furthermore, retaining the approved location of the street lights aligns with the principles of urban planning and infrastructure development that prioritizes the safety and well-being of residents. These street light improvements were included on the lighting plans submitted to and reviewed by City staff in November 2020, and were constructed per those plans under Building Permit #P21-0908B. Please see **Exhibit A**, attached, for plan submittals, lighting plans and building permit and **Exhibit B**, for site photos showing the installed items.

Second, we have a similar request from the City regarding the removal of the landscaping from the right-of-way, which includes about 25 trees. The presence of these trees not only adds aesthetic value to our community but also contributes to the overall well-being of our residents. These improvements were included on the plans submitted to and reviewed by the City staff in January 2021, and were installed under Building Permit #P21-0908B. See **Exhibit C** for landscape plan and City approvals.

The Waters of Pewaukee is dedicated to creating an environment that promotes the health, safety, and well-being of our residents. The design decisions were considered with their well-being at heart. We request that you rescind the two requests that were made to remove the streetlights and landscaping in the right-of-way on Waters Ln. It is of utmost importance these improvements remain in their current location for the benefit of the residents. And, they were explicitly approved on the plans by City staff during the development's extensive planning and permitting process. Additionally, removing or relocating the streetlights and landscaping would create an economic hardship for the property and create further project delays.

We appreciate your consideration of these requests. As always, we are happy to address any questions you may have as you review and resolve this matter. Thank you.

Sincerely,



John Q. Hunsicker
SVP – Development & Capital Markets
The Waters of Pewaukee
W239N2540 Dahlia Blvd
Waukesha, WI 53188
(612) 963-0109
jhunsicker@thewaters.com

cc: Nick Fuchs - Planner & Community Development Director

EXHIBIT A



TRANSMITTAL

Project: 19050 - Waters of Pewaukee
Date: November 13, 2020
To: City of Pewaukee
w240N3065 Pewaukee Rd
Pewaukee, WI 53072
Attention: **Shawn Olson**
Administrative Assistant for Community Development/Building Services
Copy To: file
Regarding: Drawings

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | | |
|--|---|---|----------------------------------|
| ☒ Attached | ☐ Under separate cover via _____ | | |
| ☒ Drawings | ☐ Graphics | ☐ Specifications | ☐ Samples |
| ☐ Copy of letter | ☐ Report | ☐ CD/Diskettes | ☐ Other: |

COPIES	DATE	NO.	DESCRIPTION
1	11.13.2020		1 copy of Senior Building Drawings
1	11.13.2020		1 copy of Cottage Drawings
2	11.13.2020		2 copies of both volumes of specs
1	11.13.2020		1 copy of Energy Calcs
1	11.13.2020		1 copy of DHS Stamped Drawings
1	11.13.2020		1 copy of Applications, unsigned. A signed copy will arrive under separate cover from the GC.
1	11.13.2020		1 Flash drive with digital files of all the above

- | | | | |
|---|---|-----------------------------------|-------------------------|
| ☒ For approval | ☐ Approved as submitted | ☐ Resubmit | copies for approval |
| ☒ For your use | ☐ Approved as noted | ☐ Submit | copies for distribution |
| ☐ As requested | ☐ Returned for corrections | ☐ Return | corrected prints |
| ☐ For review/comment by: _____ | ☐ Other: | | |
| ☐ For bids due on: Click here to enter a date. | ☐ Return to us after loan | | |

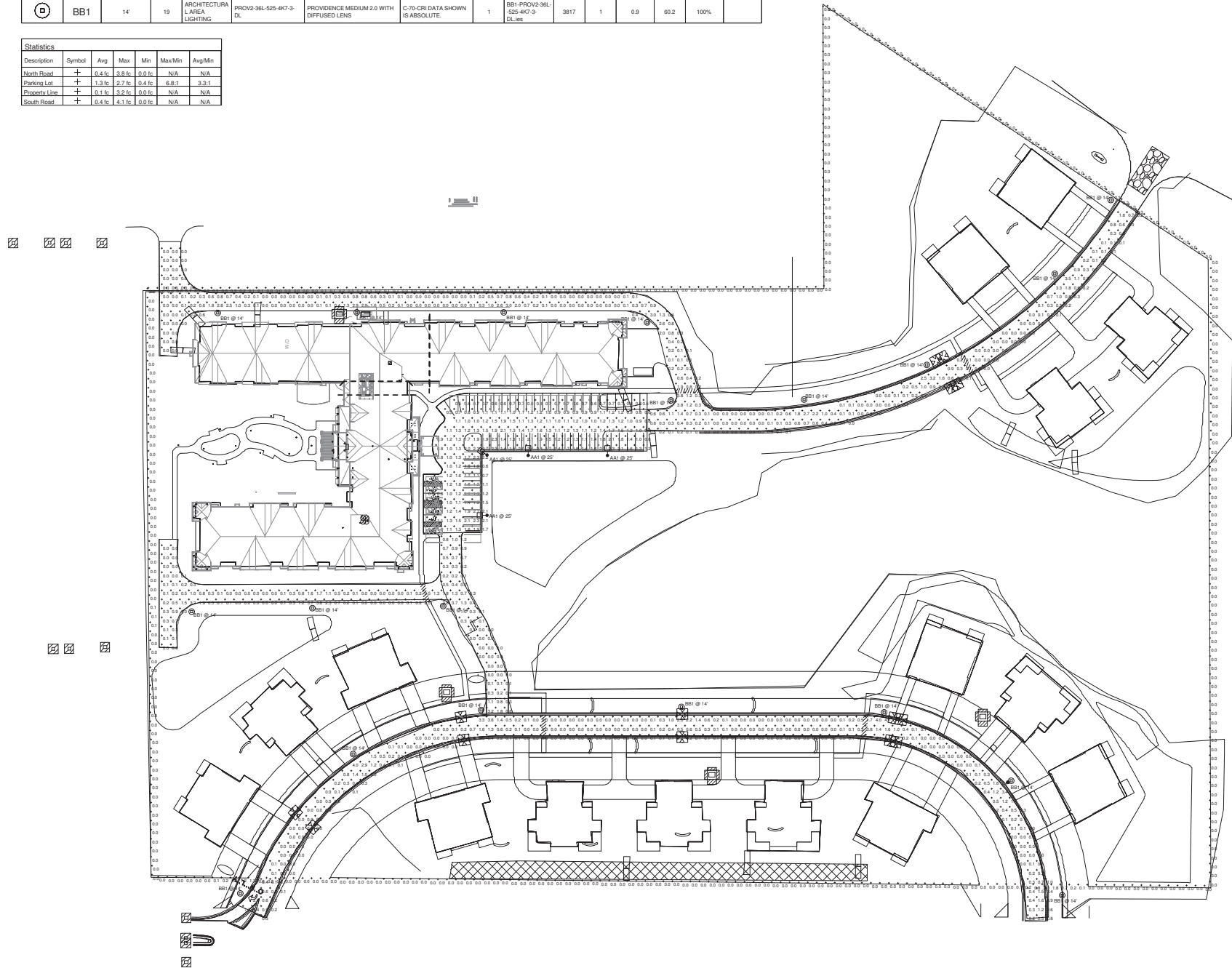
SIGNED: _____

PRINTED NAME: Mindy Michael

If enclosures are not as noted, kindly notify us at once.

Schedule													
Symbol	Label	Height	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	Lumen Multiple	LLF	Wattage
	AA1	25'	4	Beacon Products	VP-L-64L-135-4K7-4-BC	LARGE VIPER	X-70-CRI	1	AA1-VP-L-64L-135-4K7-4-BC.ies	9162	1	0.9	137.5
	BB1	14'	19	ARCHITECTURAL AREA LIGHTING	PROV2-36L-525-4K7-3-DL	PROVIDENCE MEDIUM 2.0 WITH DIFFUSED LENS	C-70-CRI DATA SHOWN IS ABSOLUTE	1	BB1-PROV2-36L-525-4K7-3-DL.ies	3817	1	0.9	60.2

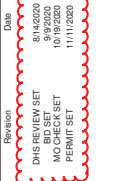
Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
North Road	+	0.4 fc	3.8 fc	0.0 fc	N/A	N/A
Parking Lot	+	1.3 fc	2.7 fc	0.4 fc	6.8 ft	3.3 ft
Property Line	+	0.1 fc	3.2 fc	0.0 fc	N/A	N/A
South Road	+	0.4 fc	4.1 fc	0.0 fc	N/A	N/A



① SITE LIGHT PHOTOMETRIC
1" = 40'-0"



Steven M. Young
11-11-2020



Mitchell Brimeyer

From: Mitchell Brimeyer
Sent: Tuesday, August 1, 2023 11:34 AM
To: Mitchell Brimeyer
Subject: FW: ishipdocs - Files uploaded in DropFiles

From: **Waukesha Orders** <waukesha.orders@e-arc.com>
Date: Mon, Nov 16, 2020 at 8:34 AM
Subject: RE: ishipdocs - Files uploaded in DropFiles
To: sarahh@kaaswilson.com <sarahh@kaaswilson.com>

Good morning Sarah,

We have received and are processing your request. Would you like the specs in a 3 ring binder. Volume 1 has 958 pages to it and will just barely fit into the 2" comb binder. We can do whichever you would prefer. Comb binder is going to be the lesser expensive option.

Thank you.

PLEASE NOTE:

Effective March 25th

Our hours will *temporarily* change to 8:00am-5:00pm.

**** Thank you for your order! If you could please follow this link -[Waukesha](#) – and rate your satisfaction with our service on your project today it would be greatly appreciated.****

[click here to order your health and wellness posters](#)

Dave Pulczinski

Service Center Manager

ARC

W227 N880 Westmound Dr.

Waukesha, WI 53186

O 262-542-8200

dave.pulczynski@e-arc.com

www.e-arc.com

NOTICE: This e-mail and any attachment contain confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, print, copy, use or disseminate it. Please immediately notify us by return e-mail and delete it.

From: donotreply@ishipdocs.com <donotreply@ishipdocs.com>

Sent: Saturday, November 14, 2020 12:01 AM

To: Waukesha Orders <waukesha.orders@e-arc.com>

Subject: ishipdocs - Files uploaded in DropFiles

Importance: High

The logo for ishipdocs, featuring the word "ishipdocs" in a bold, sans-serif font. The "i" is orange, and the rest of the letters are blue. The logo is centered within a white rectangular box, which is itself enclosed in a thick black border.

Hello **ARC Waukesha**,

Sarah Hayes (sarahh@kaaswilson.com) has placed files in your DropFiles.

Drop folder name: **19050**

Please [click here](#) to access the files.

Details are as follows:

File(s) purpose	For a b&w print order
Company	Kaas Wilson Architects
Name	Sarah Hayes
Email	sarahh@kaaswilson.com
Phone	612.879.6000
Description	Please deliver to City of Pewaukee by Monday Afternoon, if possible. See transmittal for address. Bill to: 1301 American Boulevard E, Suite 100 Bloomington, MN 55425

1 Copy of Senior Building Drawings
1 Copy of Cottage Drawings
2 Copies of each volume of specs
1 Copy of ComCheck file
1 Copy of each ResCheck file
1 Copy of DHS Stamped Drawings
1 Copy of each application Applications
1 FLASH DRIVE WITH DIGITAL FILES OF ALL THE ABOVE

All files to be printed in black and white, in their original file size, and bind each printed file separately.

If you have any questions or issues with ishipdocs, please call ishipdocs support at **1 855-464-7447 (1 855 Go iship)** or send an email to support@ishipdocs.com.

Thank you,
The ishipdocs team.

This email is auto generated by ishipdocs. Please do not reply to this email address.

45535 Northport Loop East, Fremont, CA 94538
[sign up](#) | [locations](#) | [blog](#) | [contact sales](#) | [privacy policy](#)

CITY/VILLAGE OF PEWAUKEE

It shall be unlawful to commence work before this placard is placed in a conspicuous place on the premises.

It shall be unlawful to occupy this building until an occupancy permit is issued in accordance with the Building Codes of The Pewaukee Building Services Department.

THIS CERTIFIES THAT

BUILDING PERMIT

Permit # 821-0908 B HAS BEEN ISSUED TO
SITE ADDRESS W239 N2540 Dahlia Blvd.

In compliance with the requirements of the
Ordinances of the City/Village of Pewaukee for

PROJECT Senior Building + Memory Care Wing
DATED 10-14-2021 80

Services Director/Building Inspector

EXHIBIT B



EXHIBIT C

Mitchell Brimeyer

From: Fuchs, Nick <fuchs@pewaukee.wi.us>
Sent: Wednesday, January 27, 2021 8:19 AM
To: Mitchell Brimeyer; John Hunsicker
Cc: Joe Kresl; Steve Wegner; Lori Strommen
Subject: RE: Pewaukee - FINAL Landscaping Plans
Attachments: Waters of Pewaukee Landscape Plan 1.18.21.pdf

[EXTERNAL SENDER]

Staff hereby approves The Waters Landscape Plan dated 1-18-2021 (attached).

Thanks.

Nick Fuchs
Planner & Community Development Director
[City of Pewaukee](#)
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-6007
fuchs@pewaukee.wi.us



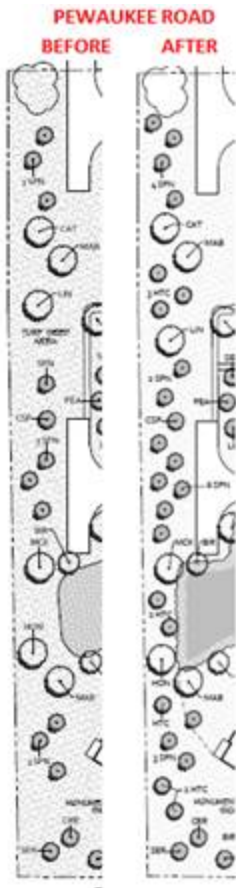
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From: Mitchell Brimeyer [mailto:mbrimeyer@thewaters.com]
Sent: Thursday, January 21, 2021 7:54 AM
To: Fuchs, Nick <fuchs@pewaukee.wi.us>; John Hunsicker <JHunsicker@thewaters.com>
Cc: Joe Kresl <joe@kresl@gmail.com>; Steve Wegner <steve@wegner@hawkslandscape.com>; Lori Strommen <lstrommen@thewaters.com>
Subject: Pewaukee - FINAL Landscaping Plans

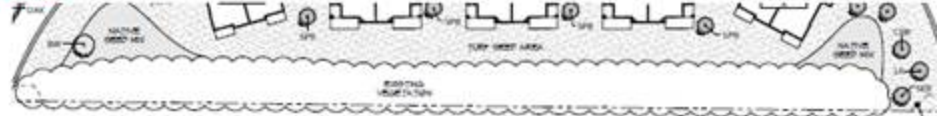
Nick,

Attached are the Final Landscaping Plans prepared by Hawks addressing your questions below.

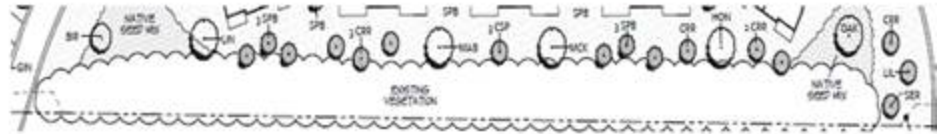
- Landscape Plan
 - How many shrubs are proposed? I did not see a planting schedule for shrubs. **Planting schedule is included top-left of page 1**
 - Additional, more dense landscaping is recommended along Pewaukee Road. **See below**
 - It's recommended that plantings be added to the existing tree line along the south property line behind the senior cottages. **See below**
 - Depending on the impacts to the existing trees, there is likely area to plant trees along the south side of the private driveway as well as the north. **See below**



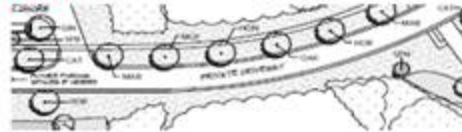
SOUTH PROP LINE
BEFORE



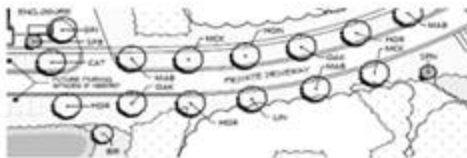
AFTER



SOUTH PRIVATE DRIVE
BEFORE



AFTER



Please let me know if you have any additional questions.

Thank you.

Mitchell Brimeyer | Senior Analyst - Development
Direct (952) 358-5124 | **Main** (952) 358-5100

1600 Hopkins Crossroad, Minnetonka, MN 55305

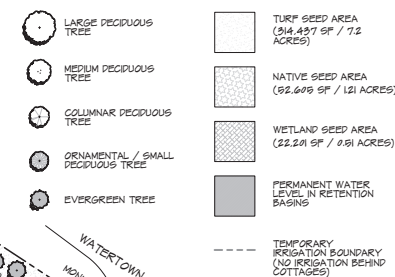
SHELTER
Corporation
www.sheltercorp.com

THE WATERS
www.thewaters.com

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GENERAL PLANTS FOR COTTAGES:	QTY.	SIZE
UPRIGHT EVERGREEN	20	4'
MEDIUM DECIDUOUS SHRUB	50	60
SPECIMEN EVERGREEN SHRUB	10	60
SMALL DECIDUOUS SHRUB	60	50
SMALL EVERGREEN SHRUB	60	50
ORNAMENTAL GRASS	40	1 GAL

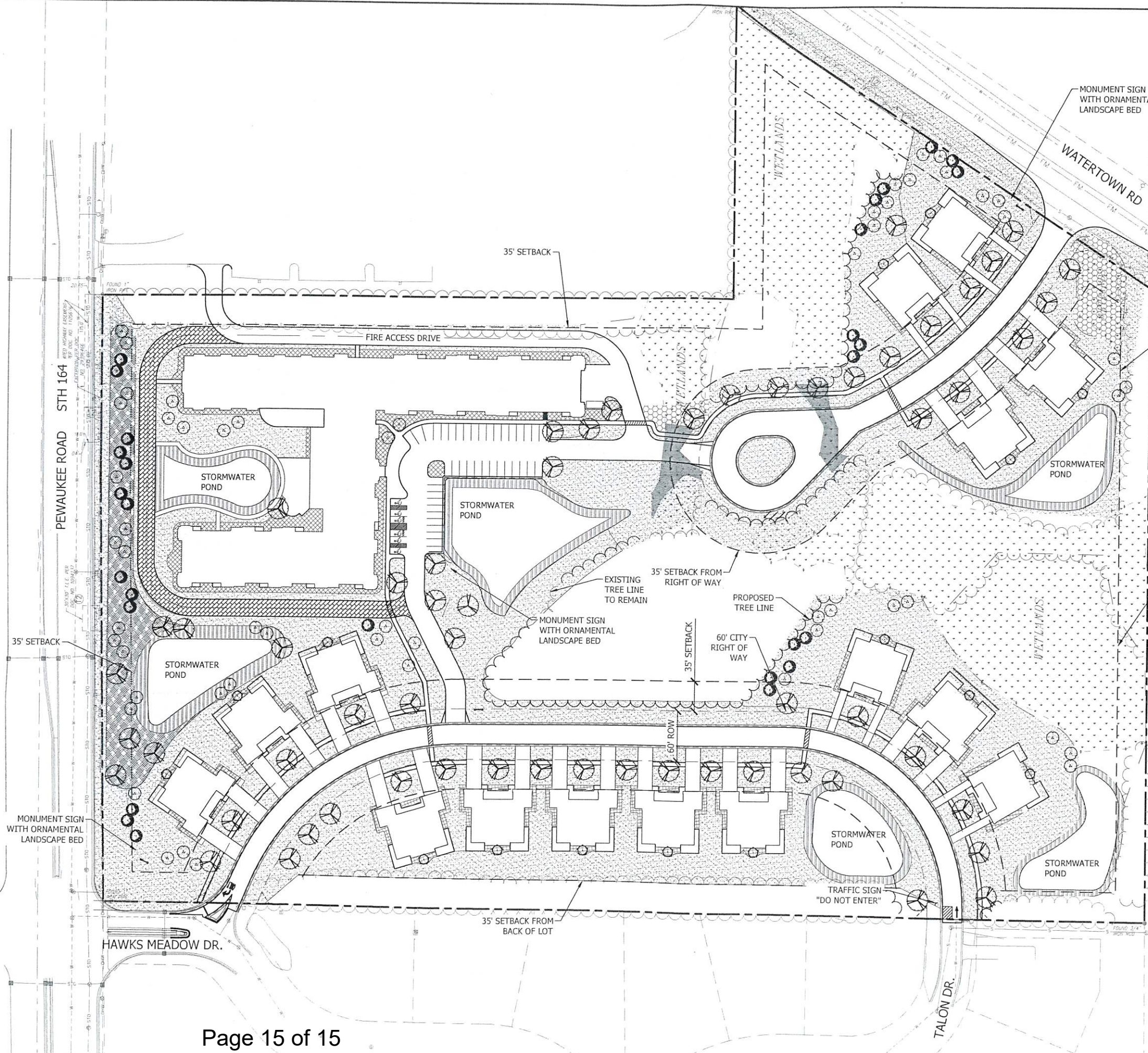


The Waters of Pewaukee
STH 164 / PEWAUKEE RD - PEWAUKEE, WI 53188

Sheet #: 1 of 4
Project: _____

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DATA, INFORMATION AND RECORDS REPORTED TO STATE, LOCAL OR FEDERAL AGENCIES AND SHALL BE RESPONSIBLE FOR THE CORRECTION OF ALL ERRORS AND OMISSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC & ASSOCIATES, INC.

10/1/2019 11:17:32 AM
Drawing name: V:\193805844\CA\DWG\193805844\100.dwg
User: J. Borden
193805844.XSD, 193805844.XST, 193805844.XSN, 193805844.XSF



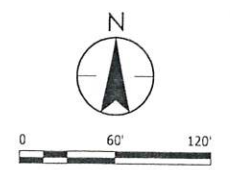
LANDSCAPE CALCULATIONS	
DECIDUOUS STREET TREES	44
DECIDUOUS TREES	15
CONIFER TREES	28
ORNAMENTAL TREES	59
LARGE ORNAMENTAL SHRUBS	15
ENTRY SIGN ORNAMENTAL PLANTING BED AREA	300 SF/EA
SENIOR BUILDING ORNAMENTAL PLANTING BED AREA	14,610SF
SENIOR COTTAGE (2 CAR GARAGE)	1,025 SF/EA
SENIOR COTTAGE (1 CAR GARAGE)	990 SF/EA
RETENTION POND SEED MIX	29,301 SF
PRAIRIE SEED MIX	21,140 SF
MOIST MEADOW RAIN GARDEN MIX FOR WETLANDS	9,192 SF

LEGEND

	ORNAMENTAL PLANTING BEDS: MIX OF DECIDUOUS AND EVERGREEN SHRUBS, GRASSES AND PERENNIALS
	RETENTION POND SEED MIX
	MOIST MEADOW RAIN GARDEN MIX FOR WETLANDS
	PRAIRIE SEED MIX
	TURF
	SHADE TREE
	CONIFER TREE
	ORNAMENTAL TREE
	LARGE ORNAMENTAL SHRUB

PEWAUKEE LANDSCAPE CODE:

UNDER CHAPTER 17 ZONING OF THE PEWAUKEE MUNICIPAL CODE, 17.0210 PRINCIPLES AND STANDARDS FOR THE AESTHETIC EVALUATION OF SITE AND BUILDING PROJECTS, B. (7) SITE PLANNING AND DESIGN PRINCIPLES AND C. BUILDING, DESIGN, LAYOUT AND CONSTRUCTION PRINCIPLES DESCRIBE QUALITATIVE BUT NOT QUANTITATIVE EXPECTATIONS FOR LANDSCAPING OF RM-3.



12075 N. Corporate Parkway, Suite 200
Mequon, WI 53092
www.stantec.com

NOT FOR CONSTRUCTION
PLAN COMMISSION REVIEW SET

LANDSCAPE PLAN

THE WATERS OF PEWAUKEE
THE WATERS SENIOR LIVING MANAGEMENT, LLC
PEWAUKEE, WISCONSIN

DATE OF ISSUANCE	October 22, 2019
NO/REVISION	DATE
1	NOVEMBER 13, 2019
SURVEY	CHAPUT
DRAWN	SMM
DESIGNED	SMM
CHECKED	MAC
APPROVED	MAB
PROJ. NO.	193805844
SHEET NUMBER	L1.01

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 12.**

DATE: August 7, 2023

DEPARTMENT: PW - Engineering

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding Utility Extension to Shady Lane and Shady Nook [Wagner].

BACKGROUND:

Common Council concur with the Public Works Committee recommendation of option #2 Bid Road Construction only below.

From Public Works Committee Packet:

The last two years we have bid out water main extension, sanitary sewer extension, and road reconstruction to the Shady Lane/Shady Nook area. The first year we rejected all bids due to the prices, believing the high costs to be related to COVID residuals and the late bidding. We bid the project in 2022 which yielded almost identical costs. After discussion with the Common Council, it was determined to move forward to the public hearing for the assessments. The assessments were approximately \$41,000 for sewer and lateral, \$26,000 for water and service, and \$3,206 for road which was capped. After the public hearing, the Council did not award the project.

The roads in Shady Lane/Shady Nook are failing and need a complete reconstruction. Prior to doing this, it is recommended that utilities be extended to achieve the longest life out of the pavement. About 10 years ago, the City placed a temporary cap on the roadway to allow time to bid the sewer and water as part of the project. This cap is now starting to fail as well.

In addition, there is known groundwater contamination in the area. The ongoing testing in the area still reflect the contaminate is above the allowable limit.

Finally, this is an old subdivision on septic. Since the municipal sewer is available, it should be extended for septic relief.

After the last bid was rejected, we reviewed the design. The sewer was fairly deep in a few locations to serve basements of existing properties that are much lower than the roadway. This is an area that can be redesigned to require homes to pump up to the sewer which would shallow up the sewer by 10+ feet. The location of the sewer can also be shifted to be along one side of the roadway to assist with access during construction. The final item to address the concerns we heard back from the contractors is a concern with soil contamination. While we have been assured by the Wisconsin Department of Natural Resources that the groundwater contamination does not translate to soil contamination, it was a concern for some contractors. We could complete some soil testing and include those results in the bid to alleviate this concern. Estimated cost for this testing is \$35,000.

If the road is reconstructed without these utilities, we will not revisit this area for 20+ years (the expected life of the asphalt road).

Staff is looking for direction from the Committee to potentially recommend to the Council. Options include:

1. Do nothing. The roadway will continue to fail, but we wait until it reaches critical failure and then rebid the whole package again (sewer, water, and road).
2. Bid the road reconstruction only. This does not provide sewer for septic relief or water to mitigation the groundwater contamination. When utilities are extended in the future, we would be removing any provisions used to rebuild the roadway for extended lift (such as geogrid).
3. Rebid the sewer, water, and road project with the redesigned sewer location and depth as early as possible to ensure a healthy bidding climate.
4. Rebid the water and road project. This eliminates the sewer and the potential for septic relief for this area. It will also make any future sewer extension more difficult due to the depth of the sewer, as we will need to worry about the operation of the water main.
5. Bid the project with road as the main project and the utility extensions as mandatory alternates that may or may not be awarded.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Common Council direct Staff to bid Shady Lane and Shady Nook as a road reconstruction project only for 2024 construction.

ATTACHMENTS:

Description

Engineers Report

Preliminary Report of the Engineer
On the Proposed Shady Lane and Shady Nook
Pavement Rehabilitation, Sanitary Sewer, and Water Main Assessments
In the City of Pewaukee

In accordance with the resolution passed by the Common Council of the City of Pewaukee, we herewith submit our report on assessments for the rehabilitation of Shady Lane and Shady Nook, sanitary sewer extensions, water main extension, and drainage improvements to be made in the City of Pewaukee. All data shown here is based on bid prices.

This report consists of the following Schedules:

- | | |
|---------------|--|
| Schedule “A”: | Summary of options for assessments and related costs. |
| Schedule “B”: | Legal descriptions and maps, dated May 2022 and March 2023, of all parcels within the assessment district. |
| Schedule “C”: | Estimated assessment for each parcel affected. |

The properties against which the assessments are proposed are benefited and the improvements constitute an exercise of Police Powers.

Magdelene J. Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
March 20, 2023

Prepared by:
Brian G. Leightner, P.E.
Civil Engineer
March 7, 2023

Schedule “A” – Shady Lane and Shady Nook

The City of Pewaukee is considering the pavement rehabilitation of Shady Lane and Shady Nook. The improvements consist of road rehabilitation, drainage repair, sewer extension, water extension, and related facilities.

The cost of the road improvements will be apportioned to all property owners abutting the street with direct or indirect access. The City of Pewaukee shall cap the road assessments to the single family, duplex residential, and residential condominium properties. All other properties shall pay the full road assessment.

Drainage improvements will be paid by the Storm Water Management Utility.

Sanitary Sewer extensions will be apportioned to all property owners with access to the sewer extensions.

Water Main extensions will be apportioned to all property owners with access to the water main extension.

It is recommended that the costs for the improvements in Shady Lane and Shady Nook be determined on a unit basis.

UNIT RATE COMPUTATIONS

Road Rehabilitation Unit Rate – Shady Lane and Shady Nook

Estimated Road Reconstruction Costs (see attached breakdown)	\$ 499,064.00
Engineering, Administration, & Contingencies	\$ 149,719.20
Total Estimated Road Reconstruction Costs	\$ 648,783.20

$$\frac{\$ 648,783.20}{37 \text{ units}} = \$ 17,534.68/\text{unit}$$

Use \$ 17,534.68/unit as the Road Rehabilitation Unit Rate¹.

Sanitary Sewer Extension Unit Rate – Shady Lane and Shady Nook

Estimated Sanitary Sewer Costs (see attached breakdown)	\$ 786,271.27
Engineering, Administration, & Contingencies	\$ 235,881.38
Total Estimated Sanitary Sewer Costs	\$1,022,152.65

$$\frac{\$ 1,022,152.65}{35 \text{ units}} = \$ 29,204.36/\text{unit}$$

Use \$ 29,204.36/unit as the Hill N Dale Circle Sanitary Sewer Extension Unit Rate.

Sanitary Lateral Unit Rate – Shady Lane and Shady Nook

Estimated Sanitary Lateral Costs (see attached breakdown)	\$ 180,178.20
Engineering, Administration, & Contingencies	\$ 54,053.46
Total Estimated Sanitary Lateral Costs	\$ 234,231.66

$$\frac{\$ 234,231.66}{21 \text{ units}} = \$ 11,153.89/\text{unit}$$

Use \$ 11,153.89/unit as the Sanitary Lateral Unit Rate.

¹ A maximum assessment of \$ 3,206.00 (2023 Pavement Cap) will be assessed to single family, duplex, and condominium residential properties.

Water Main Extension Unit Rate – Shady Lane and Shady Nook

Estimated Assessable Water Main Costs (see attached breakdown)	\$ 388,821.23
Engineering, Administration, & Contingencies	\$ 116,646.37
Total Estimated Assessable Water Main Costs	\$ 505,467.60

$$\frac{\$ 505,467.60}{28 \text{ units}} = \$ 18,052.41/\text{unit}$$

Use \$ 18,052.41/unit as the Water Main Extension Unit Rate.

HDPE Water Service Unit Rate – Shady Lane and Shady Nook

Estimated Assessable 1 1/4" HDPE Water Service Costs (see attached breakdown)	\$ 127,531.48
Engineering, Administration, & Contingencies	\$ 38,259.44
Total Estimated Assessable 1 1/4" HDPE Water Service Costs	\$ 165,790.92

$$\frac{\$ 165,790.92}{21 \text{ units}} = \$ 7,894.81/\text{unit}$$

Use \$ 7,894.81/unit as the HDPE Water Service Unit Rate.

Copper Water Service Unit Rate – Shady Lane and Shady Nook

Estimated Assessable 1 1/2" Copper Water Service Costs (see attached breakdown)	\$ 8,595.35
Engineering, Administration, & Contingencies	\$ 2,578.60
Total Estimated Assessable 1 1/2" Copper Water Service Costs	\$ 11,173.95

$$\frac{\$ 11,173.95}{1 \text{ unit}} = \$ 11,173.95/\text{unit}$$

Use \$ 11,173.95/unit as the Copper Water Service Unit Rate.

Storm Water Management – Shady Lane and Shady Nook

Estimated Storm Water Utility Costs (see attached breakdown)	\$ 169,218.48
Engineering, Administration, & Contingencies	\$ 50,765.54
Total Estimated Storm Water Utility Costs	\$ 219,984.02

COST SUMMARY

Cost Summary

Total Project Costs	\$2,807,584.00
Total Road Assessable Costs (Deduct)	\$(105,601.36)
Total Sanitary Sewer Assessable Costs (Deduct)	\$(642,495.92)
Total Sanitary Lateral Assessable Costs (Deduct)	\$(234,231.69)
Total Water Main Assessable Costs (Deduct)	\$(379,100.61)
Total Water Service Assessable Costs (Deduct)	\$(176,964.96)
Total Storm Water Utility Costs (Deduct)	\$(219,984.02)
Total Deferred Road Assessable Costs (Deduct)	\$(227,950.84)
Total Deferred Sanitary Sewer Assessable Costs (Deduct)	\$(379,656.68)
Total Deferred Water Main Assessable Costs (Deduct)	\$(126,366.87)
Net Non-assessable & City Costs	\$ 315,231.05

Computation of Costs
Total Rehabilitation Project Costs

<u>Item</u>		<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>
1	Mobilization	L.S.	1	\$72,000.00
2	Traffic control	L.S.	1	\$ 3,000.00
3	Tree removal	I.D.	255	\$ 36.20
4	Shrub removal	I.D.	480	\$ 3.00
5	Clearing and grubbing	S.Y.	4,360	\$ 2.70
6	Rock and boulder excavation	C.Y.	40	\$ 100.00
7	Manufactured ditch check	EA.	30	\$ 125.00
8	Silt fence	L.F.	1,400	\$ 2.00
9	Tracking pad	S.F.	1,310	\$ 2.20
10	Full depth saw cutting	L.F.	435	\$ 3.00
			1,000	
11	Dust control using water	GAL	30	\$ 60.00
	8-inch sanitary sewer in granular			
12	backfill, PVC SDR 35	L.F.	1,385	\$ 250.00
	8-inch sanitary sewer in granular			
13	backfill, PVC SDR 18	L.F.	325	\$ 400.00
	8-inch Sanitary sewer in spoil			
14	backfill	L.F.	795	\$ 106.00
15	48-inch Sanitary sewer manhole	V.F.	178	\$ 500.00
16	Connection to existing manhole	EA.	1	\$ 5,000.00
17	Manhole vacuum test	EA.	13	\$ 250.00
18	Bentonite clay dam	EA.	4	\$ 3,500.00
	6-inch Sanitary sewer lateral in			
19	granular backfill	L.F.	435	\$ 250.00
	6-inch Sanitary sewer lateral in			
20	spoil backfill	L.F.	300	\$ 215.00
21	6-inch Sanitary sewer riser	V.F.	42	\$ 200.00
	Televised Sanitary sewer			
22	inspection	L.F.	2,500	\$ 2.00
	Internal/external manhole chimney			
23	seal	EA.	13	\$ 750.00
	8-inch Water main in granular			
24	backfill	L.F.	1,680	\$ 155.00
	6-inch Water main in granular			
25	backfill	L.F.	15	\$ 150.00
	6-inch Hydrant Lead in granular			
26	backfill	L.F.	56	\$ 150.00
	Hydrant assembly with anchor tee			
27	and 6-inch valve	EA.	5	\$ 8,750.00
28	8-inch Water main valve	EA.	5	\$ 3,000.00

Total Rehabilitation Project Costs – Continued

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
29	1 1/4-inch HDPE Water service in granular backfill	L.F.	475	\$ 115.00	\$ 54,625.00
30	1 1/4-inch HDPE Water service in spoil backfill	L.F.	315	\$ 95.00	\$ 29,925.00
31	1 1/4-inch Tap and corporation stop for HDPE	EA.	22	\$ 750.00	\$ 16,500.00
32	1 1/4-inch Curb valve and curb box for HDPE	EA.	22	\$ 600.00	\$ 13,200.00
33	1 1/2-inch Copper Water service in spoil backfill	L.F.	60	\$ 110.00	\$ 6,600.00
34	1 1/2-inch Tap and corporation stop for copper	EA.	1	\$ 850.00	\$ 850.00
35	1 1/2-inch Curb valve and curb box for copper	EA.	1	\$ 700.00	\$ 700.00
36	Pipe insulation	S.F.	660	\$ 12.50	\$ 8,250.00
37	12-inch × 18-inch CMCA	L.F.	616	\$ 75.00	\$ 46,200.00
38	12-inch × 18-inch CMCA end section	EA.	56	\$ 210.00	\$ 11,760.00
39	14-inch × 23-inch HERCP CL IV	L.F.	44	\$ 144.00	\$ 6,336.00
40	14-inch × 23-inch HERCP CL IV end section	EA.	2	\$ 1,075.00	\$ 2,150.00
41	Pavement pulverizing, shaping, and grading	S.Y.	5,125	\$ 6.80	\$ 34,850.00
42	Full depth asphaltic concrete patch	S.Y.	225	\$ 33.00	\$ 7,425.00
43	Construct road to subgrade	L.S.	1	\$64,000.00	\$ 64,000.00
44	Excavation below subgrade	C.Y.	1,200	\$ 25.00	\$ 30,000.00
45	Excavation below subgrade (EBS) backfill	TON	2,400	\$ 23.25	\$ 55,800.00
46	Geogrid in EBS area	S.Y.	3,545	\$ 5.80	\$ 20,561.00
47	1 1/4-inch Crushed TB aggregate base course	TON	1,645	\$ 14.50	\$ 23,852.50
48	3/4-inch Crushed TB aggregate base course	TON	1,645	\$ 17.50	\$ 28,787.50
49	3 1/4-inch Asphaltic concrete binder course	TON	1,105	\$ 69.40	\$ 76,687.00
50	Tack Coat	GAL	415	\$ 3.00	\$ 1,245.00
51	1 3/4-inch Asphaltic concrete surface course	TON	595	\$ 81.20	\$ 48,314.00

Total Rehabilitation Project Costs – Continued

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
52	4-inch Asphaltic concrete driveway replacement at W223N3251 Shady Lane	S.F.	2,055	\$ 5.00	\$ 10,275.00
53	4-inch Asphaltic concrete driveway replacement	S.F.	6,305	\$ 3.00	\$ 18,915.00
54	6-inch H.E.S. Concrete driveway replacement	S.F.	1,800	\$ 17.00	\$ 30,600.00
55	Gravel driveway replacement (10-inch depth)	TON	35	\$ 50.00	\$ 1,750.00
56	Ditching	L.F.	3,430	\$ 18.00	\$ 61,740.00
57	Removal of decorative culvert walls	EA.	14	\$ 238.00	\$ 3,332.00
58	Topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	2,600	\$ 8.50	\$ 22,100.00
59	Topsoil, seed, fertilizer, mulch, and erosion mat (channel)	S.Y.	2,600	\$ 8.50	\$ 22,100.00
60	Temporary access road grading	S.Y.	2,420	\$ 10.00	\$ 24,200.00
61	Temporary access road geogrid	S.Y.	1,800	\$ 7.00	\$ 12,600.00
62	Temporary access road 1 1/4-inch crushed TB aggregate base course	TON	1,910	\$ 15.50	\$ 29,605.00
63	Temporary access road topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	2,420	\$ 3.50	\$ 8,470.00
64	Removal of temporary access road, STA 30+50 to STA 32+50	L.S.	1	\$ 4,300.00	\$ 4,300.00
65	Temporary mailbox relocation and reinstallation	EA.	23	\$ 125.00	\$ 2,875.00
66	Repair sprinkler system if ordered by Engineer	EA.	5	\$ 750.00	\$ 3,750.00
67	Repair dog fence if ordered by Engineer	EA.	5	\$ 500.00	\$ 2,500.00
Subtotal of Contract					\$2,159,680.00
Engineering, Administration, & Contingencies					\$ 647,904.00
Total Project Costs					\$2,807,584.00

Total Estimated Project Costs = \$ 2,807,584.00

Total Road Rehabilitation & Assessment Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.23	\$72,000.00	\$ 16,560.00
2	Traffic control	L.S.	0.23	\$ 3,000.00	\$ 690.00
7	Manufactured ditch check	EA.	10.00	\$ 125.00	\$ 1,250.00
10	Full depth saw cutting	L.F.	435.00	\$ 3.00	\$ 1,305.00
		1,000			
11	Dust control using water	GAL	10.20	\$ 60.00	\$ 612.00
	Pavement pulverizing, shaping, and				
41	grading	S.Y.	5,125.00	\$ 6.80	\$ 34,850.00
43	Construct road to subgrade	L.S.	1.00	\$64,000.00	\$ 64,000.00
44	Excavation below subgrade	C.Y.	1,200.00	\$ 25.00	\$ 30,000.00
	Excavation below subgrade (EBS)				
45	backfill	TON	2,400.00	\$ 23.25	\$ 55,800.00
46	Geogrid in EBS area	S.Y.	3,545.00	\$ 5.80	\$ 20,561.00
	1 1/4-inch Crushed TB aggregate base				
47	course	TON	1,645.00	\$ 14.50	\$ 23,852.50
	3/4-inch Crushed TB aggregate base				
48	course	TON	1,645.00	\$ 17.50	\$ 28,787.50
	3 1/4-inch Asphaltic concrete binder				
49	course	TON	1,105.00	\$ 69.40	\$ 76,687.00
50	Tack Coat	GAL	415.00	\$ 3.00	\$ 1,245.00
	1 3/4-inch Asphaltic concrete surface				
51	course	TON	595.00	\$ 81.20	\$ 48,314.00
	4-inch Asphaltic concrete driveway				
	replacement at W223N3251 Shady				
52	Lane	S.F.	2,055.00	\$ 5.00	\$ 10,275.00
	4-inch Asphaltic concrete driveway				
53	replacement	S.F.	6,305.00	\$ 3.00	\$ 18,915.00
	6-inch H.E.S. Concrete driveway				
54	replacement	S.F.	1,800.00	\$ 17.00	\$ 30,600.00
	Gravel driveway replacement (10-inch				
55	depth)	TON	35.00	\$ 50.00	\$ 1,750.00
57	Removal of decorative culvert walls	EA.	14.00	\$ 238.00	\$ 3,332.00
	Topsoil, seed, fertilizer, mulch, and				
58	erosion mat (non-channel)	S.Y.	1,170.00	\$ 8.50	\$ 9,945.00
	Topsoil, seed, fertilizer, mulch, and				
59	erosion mat (channel)	S.Y.	1,248.00	\$ 8.50	\$ 10,608.00
	Temporary mailbox relocation and				
65	reinstallation	EA.	23.00	\$ 125.00	\$ 2,875.00
	Repair sprinkler system if ordered by				
66	Engineer	EA.	5.00	\$ 750.00	\$ 3,750.00

Total Road Rehabilitation & Assessment Costs – Continued

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
67	Repair dog fence if ordered by Engineer	EA.	5.00	\$ 500.00	\$ 2,500.00
Subtotal of Contract					\$499,064.00
Engineering, Administration, & Contingencies					\$149,719.20
Total Project Costs					\$648,783.20

Total Estimated Road Rehabilitation Costs = \$ 648,783.20

Total Potential Units abutting the Road = 37 units¹

Computation of Unit Cost: $\frac{\$ 648,783.20}{37 \text{ units}} = \$ 17,534.68/\text{unit}$

Use \$ 17,534.68/unit as the Road Rehabilitation Unit Rate².

¹ Includes potential units in deferred assessments.

² A maximum assessment of \$ 3,206.00 (2023 Pavement Cap) will be assessed to single family, duplex, and condominium residential properties.

Total Estimated Sanitary Assessable Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.45	\$72,000.00	\$ 32,400.00
2	Traffic control	L.S.	0.45	\$ 3,000.00	\$ 1,350.00
3	Tree removal	I.D.	89.25	\$ 36.20	\$ 3,230.85
4	Shrub removal	I.D.	158.4	\$ 3.00	\$ 475.20
5	Clearing and grubbing	S.Y.	1569.6	\$ 2.70	\$ 4,237.92
6	Rock and boulder excavation	C.Y.	40	\$ 100.00	\$ 4,000.00
7	Manufactured ditch check	EA.	10	\$ 125.00	\$ 1,250.00
8	Silt fence	L.F.	1400	\$ 2.00	\$ 2,800.00
9	Tracking pad	S.F.	1310	\$ 2.20	\$ 2,882.00
			1,000		
11	Dust control using water	GAL	9.9	\$ 60.00	\$ 594.00
	8-inch sanitary sewer in granular				
12	backfill, PVC SDR 35	L.F.	1385	\$ 250.00	\$ 346,250.00
	8-inch sanitary sewer in granular				
13	backfill, PVC SDR 18	L.F.	325	\$ 400.00	\$ 130,000.00
	8-inch Sanitary sewer in spoil				
14	backfill	L.F.	795	\$ 106.00	\$ 84,270.00
15	48-inch Sanitary sewer manhole	V.F.	178	\$ 500.00	\$ 89,000.00
16	Connection to existing manhole	EA.	1	\$ 5,000.00	\$ 5,000.00
17	Manhole vacuum test	EA.	13	\$ 250.00	\$ 3,250.00
18	Bentonite clay dam	EA.	3	\$ 3,500.00	\$ 10,500.00
	6-inch Sanitary sewer lateral in				
19	granular backfill	L.F.	435	\$ 250.00	\$ 108,750.00
	6-inch Sanitary sewer lateral in				
20	spoil backfill	L.F.	300	\$ 215.00	\$ 64,500.00
21	6-inch Sanitary sewer riser	V.F.	42	\$ 200.00	\$ 8,400.00
22	Televised Sanitary sewer inspection	L.F.	2500	\$ 2.00	\$ 5,000.00
	Internal/external manhole chimney				
23	seal	EA.	13	\$ 750.00	\$ 9,750.00
42	Full depth asphaltic concrete patch	S.Y.	225	\$ 33.00	\$ 7,425.00
	Topsoil, seed, fertilizer, mulch, and				
58	erosion mat (non-channel)	S.Y.	130	\$ 8.50	\$ 1,105.00
	Topsoil, seed, fertilizer, mulch, and				
59	erosion mat (channel)	S.Y.	52	\$ 8.50	\$ 442.00
60	Temporary access road grading	S.Y.	1210	\$ 10.00	\$ 12,100.00
61	Temporary access road geogrid	S.Y.	900	\$ 7.00	\$ 6,300.00
	Temporary access road 1 1/4-inch				
62	crushed TB aggregate base course	TON	955	\$ 15.50	\$ 14,802.50
	Temporary access road topsoil,				
	seed, fertilizer, mulch, and erosion				
63	mat (non-channel)	S.Y.	1210	\$ 3.50	\$ 4,235.00

Total Estimated Sanitary Assessable Costs – Continued

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
64	Removal of temporary access road, STA 30+50 to STA 32+50	L.S.	0.5	\$ 4,300.00	\$ 2,150.00
Subtotal of Contract					\$ 966,449.47
Engineering, Administration, & Contingencies					\$ 289,934.84
Total Project Costs					\$1,256,384.31

Total Estimated Sanitary Assessable Costs = \$ 1,256,384.31

Total Estimated Sanitary Sewer Extension & Assessable Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.37	\$72,000.00	\$ 26,640.00
2	Traffic control	L.S.	0.37	\$ 3,000.00	\$ 1,110.00
3	Tree removal	I.D.	89.25	\$ 36.20	\$ 3,230.85
4	Shrub removal	I.D.	158.4	\$ 3.00	\$ 475.20
5	Clearing and grubbing	S.Y.	1569.6	\$ 2.70	\$ 4,237.92
6	Rock and boulder excavation	C.Y.	40	\$ 100.00	\$ 4,000.00
7	Manufactured ditch check	EA.	10	\$ 125.00	\$ 1,250.00
8	Silt fence	L.F.	1400	\$ 2.00	\$ 2,800.00
9	Tracking pad	S.F.	1310	\$ 2.20	\$ 2,882.00
		1,000			
11	Dust control using water	GAL	9.9	\$ 60.00	\$ 594.00
	8-inch sanitary sewer in granular				
12	backfill, PVC SDR 35	L.F.	1385	\$ 250.00	\$ 346,250.00
	8-inch sanitary sewer in granular				
13	backfill, PVC SDR 18	L.F.	325	\$ 400.00	\$ 130,000.00
	8-inch Sanitary sewer in spoil				
14	backfill	L.F.	795	\$ 106.00	\$ 84,270.00
15	48-inch Sanitary sewer manhole	V.F.	178	\$ 500.00	\$ 89,000.00
16	Connection to existing manhole	EA.	1	\$ 5,000.00	\$ 5,000.00
17	Manhole vacuum test	EA.	13	\$ 250.00	\$ 3,250.00
18	Bentonite clay dam	EA.	3	\$ 3,500.00	\$ 10,500.00
21	6-inch Sanitary sewer riser	V.F.	42	\$ 200.00	\$ 8,400.00
	Televised Sanitary sewer				
22	inspection	L.F.	2500	\$ 2.00	\$ 5,000.00
	Internal/external manhole chimney				
23	seal	EA.	13	\$ 750.00	\$ 9,750.00
42	Full depth asphaltic concrete patch	S.Y.	225	\$ 33.00	\$ 7,425.00
	Topsoil, seed, fertilizer, mulch,				
58	and erosion mat (non-channel)	S.Y.	41.6	\$ 8.50	\$ 353.60
	Topsoil, seed, fertilizer, mulch,				
59	and erosion mat (channel)	S.Y.	31.2	\$ 8.50	\$ 265.20
60	Temporary access road grading	S.Y.	1210	\$ 10.00	\$ 12,100.00
61	Temporary access road geogrid	S.Y.	900	\$ 7.00	\$ 6,300.00
	Temporary access road 1 1/4-inch				
62	crushed TB aggregate base course	TON	955	\$ 15.50	\$ 14,802.50
	Temporary access road topsoil,				
	seed, fertilizer, mulch, and erosion				
63	mat (non-channel)	S.Y.	1210	\$ 3.50	\$ 4,235.00

Total Estimated Sanitary Sewer Extension & Assessable Costs – Continued

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price
64	Removal of temporary access road, STA 30+50 to STA 32+50	L.S.	0.5	\$ 4,300.00	\$ 2,150.00
Subtotal of Contract					\$ 786,271.27
Engineering, Administration, & Contingencies					\$ 235,881.38
Total Project Costs					\$1,022,152.65

Total Estimated Sanitary Sewer Extension & Assessable Costs = \$ 1,022,152.65

Total Potential Units benefiting from Sanitary Sewer Extensions = 35 units¹

Computation of Unit Cost: $\frac{\$ 1,022,152.65}{35 \text{ units}} = \$ 29,204.36/\text{unit}$

Use \$ 29,204.36/unit as the Sanitary Sewer Unit Rate.

¹ Includes potential units in deferred assessments.

Total Estimated Sanitary Lateral Installation & Assessable Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.08	\$72,000.00	\$ 5,760.00
2	Traffic control	L.S.	0.08	\$ 3,000.00	\$ 240.00
19	6-inch Sanitary sewer lateral in granular backfill	L.F.	435	\$ 250.00	\$108,750.00
20	6-inch Sanitary sewer lateral in spoil backfill	L.F.	300	\$ 215.00	\$ 64,500.00
58	Topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	88.4	\$ 8.50	\$ 751.40
59	Topsoil, seed, fertilizer, mulch, and erosion mat (channel)	S.Y.	20.8	\$ 8.50	\$ 176.80
Subtotal of Contract					\$180,178.20
Engineering, Administration, & Contingencies					\$ 54,053.46
Total Project Costs					\$234,231.66

Total Estimated Sanitary Lateral Installation & Assessable Costs = \$ 234,231.66

Total Potential Units receiving Sanitary Lateral Installations = 21 units

Computation of Unit Rate: $\frac{\$ 234,231.66}{21 \text{ units}} = \$ 11,153.89/\text{unit}$

Use \$ 11,153.89/unit as the Sanitary Lateral Installation Unit Rate.

Total Estimated Water Assessable Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.24	\$72,000.00	\$ 17,280.00
2	Traffic control	L.S.	0.24	\$ 3,000.00	\$ 720.00
3	Tree removal	I.D.	12.75	\$ 36.20	\$ 461.55
7	Manufactured ditch check	EA.	10	\$ 125.00	\$ 1,250.00
		1,000			
11	Dust control using water	GAL	9.9	\$ 60.00	\$ 594.00
18	Bentonite clay dam	EA.	1	\$ 3,500.00	\$ 3,500.00
	8-inch Water main in granular				
24	backfill	L.F.	1680	\$ 155.00	\$260,400.00
	6-inch Water main in granular				
25	backfill	L.F.	15	\$ 150.00	\$ 2,250.00
	6-inch Hydrant Lead in granular				
26	backfill	L.F.	56	\$ 150.00	\$ 8,400.00
	Hydrant assembly with anchor tee				
27	and 6-inch valve	EA.	5	\$ 8,750.00	\$ 43,750.00
28	8-inch Water main valve	EA.	5	\$ 3,000.00	\$ 15,000.00
	1 1/4-inch HDPE Water service in				
29	granular backfill	L.F.	475	\$ 115.00	\$ 54,625.00
	1 1/4-inch HDPE Water service in				
30	spoil backfill	L.F.	315	\$ 95.00	\$ 29,925.00
	1 1/4-inch Tap and corporation				
31	stop for HDPE	EA.	22	\$ 750.00	\$ 16,500.00
	1 1/4-inch Curb valve and curb				
32	box for HDPE	EA.	22	\$ 600.00	\$ 13,200.00
	1 1/2-inch Copper Water service in				
33	spoil backfill	L.F.	60	\$ 110.00	\$ 6,600.00
	1 1/2-inch Tap and corporation				
34	stop for copper	EA.	1	\$ 850.00	\$ 850.00
	1 1/2-inch Curb valve and curb				
35	box for copper	EA.	1	\$ 700.00	\$ 700.00
36	Pipe insulation	S.F.	660	\$ 12.50	\$ 8,250.00
	Topsoil, seed, fertilizer, mulch,				
58	and erosion mat (non-channel)	S.Y.	104	\$ 8.50	\$ 884.00
	Topsoil, seed, fertilizer, mulch,				
59	and erosion mat (channel)	S.Y.	26	\$ 8.50	\$ 221.00
60	Temporary access road grading	S.Y.	1210	\$ 10.00	\$ 12,100.00
61	Temporary access road geogrid	S.Y.	900	\$ 7.00	\$ 6,300.00
	Temporary access road 1 1/4-inch				
62	crushed TB aggregate base course	TON	955	\$ 15.50	\$ 14,802.50

Total Estimated Water Assessable Costs – Continued

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
63	Temporary access road topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	1210	\$ 3.50	\$ 4,235.00
64	Removal of temporary access road, STA 30+50 to STA 32+50	L.S.	0.5	\$ 4,300.00	\$ 2,150.00
Subtotal of Contract					\$524,948.05
Engineering, Administration, & Contingencies					\$157,484.42
Total Project Costs					\$682,432.47

Total Estimated Water Assessable Costs = \$ 682,432.47

Total Estimated Water Main Extension & Assessable Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.18	\$72,000.00	\$ 12,960.00
2	Traffic control	L.S.	0.18	\$ 3,000.00	\$ 540.00
3	Tree removal	I.D.	12.75	\$ 36.20	\$ 461.55
7	Manufactured ditch check	EA.	10	\$ 125.00	\$ 1,250.00
		1,000			
11	Dust control using water	GAL	9.9	\$ 60.00	\$ 594.00
18	Bentonite clay dam	EA.	1	\$ 3,500.00	\$ 3,500.00
	8-inch Water main in granular				
24	backfill	L.F.	1680	\$ 155.00	\$260,400.00
	6-inch Water main in granular				
25	backfill	L.F.	15	\$ 150.00	\$ 2,250.00
	6-inch Hydrant Lead in granular				
26	backfill	L.F.	56	\$ 150.00	\$ 8,400.00
	Hydrant assembly with anchor tee				
27	and 6-inch valve	EA.	5	\$ 8,750.00	\$ 43,750.00
28	8-inch Water main valve	EA.	5	\$ 3,000.00	\$ 15,000.00
	Topsoil, seed, fertilizer, mulch, and				
58	erosion mat (non-channel)	S.Y.	13.52	\$ 8.50	\$ 114.92
	Topsoil, seed, fertilizer, mulch, and				
59	erosion mat (channel)	S.Y.	1.56	\$ 8.50	\$ 13.26
60	Temporary access road grading	S.Y.	1210	\$ 10.00	\$ 12,100.00
61	Temporary access road geogrid	S.Y.	900	\$ 7.00	\$ 6,300.00
	Temporary access road 1 1/4-inch				
62	crushed TB aggregate base course	TON	955	\$ 15.50	\$ 14,802.50
	Temporary access road topsoil, seed,				
	fertilizer, mulch, and erosion mat				
63	(non-channel)	S.Y.	1210	\$ 3.50	\$ 4,235.00
	Removal of temporary access road,				
64	STA 30+50 to STA 32+50	L.S.	0.5	\$ 4,300.00	\$ 2,150.00
Subtotal of Contract					\$388,821.23
Engineering, Administration, & Contingencies					\$116,646.37
Total Project Costs					\$505,467.60

Total Estimated Water Main Extension & Assessable Costs – Continued

Total Estimated Water Main Extension & Assessable Costs = \$ 505,467.60

Total Potential Units benefiting from Water Main Extension = 28 units¹

Computation of Unit Cost: $\frac{\$ 505,467.60}{28 \text{ units}} = \$ 18,052.41/\text{unit}$

Use \$ 18,052.41/unit as the Water Main Unit Rate.

¹ Includes potential units in deferred assessments.

Total Estimated HDPE Water Service Installation & Assessable Costs

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.06	\$72,000.00	\$ 4,320.00
2	Traffic Control	L.S.	0.06	\$ 3,000.00	\$ 180.00
29	1 1/4-inch HDPE Water service in granular backfill	L.F.	475	\$ 115.00	\$ 54,625.00
30	1 1/4-inch HDPE Water service in spoil backfill	L.F.	315	\$ 95.00	\$ 29,925.00
31	1 1/4-inch Tap and corporation stop for HDPE	EA.	22	\$ 750.00	\$ 16,500.00
32	1 1/4-inch Curb valve and curb box for HDPE	EA.	22	\$ 600.00	\$ 13,200.00
36	Pipe insulation	S.F.	633.6	\$ 12.50	\$ 7,920.00
58	Topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	76.91	\$ 8.50	\$ 653.74
59	Topsoil, seed, fertilizer, mulch, and erosion mat (channel)	S.Y.	24.44	\$ 8.50	\$ 207.74
Subtotal of Contract					\$127,531.48
Engineering, Administration, & Contingencies					\$ 38,259.44
Total Project Costs					\$165,790.92

Total Estimated HDPE Water Service Installation & Assessable Costs = \$ 165,790.92

Total Potential Units receiving HDPE Water Service Installations = 21 units

Computation of Unit Cost: $\frac{\$ 165,790.92}{21 \text{ units}} = \$ 7,894.81/\text{unit}$

Use \$ 7,894.81/unit as the HDPE Water Service Unit Rate.

Total Estimated Copper Water Service Installation & Assessable Costs

<u>Item</u> <u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated</u> <u>Quantity</u>	<u>Bid Unit</u> <u>Price</u>	<u>Bid Price</u>
33	1 1/2-inch Copper Water service in spoil backfill	L.F.	60	\$ 110.00	\$ 6,600.00
34	1 1/2-inch Tap and corporation stop for copper	EA.	1	\$ 850.00	\$ 850.00
35	1 1/2-inch Curb valve and curb box for copper	EA.	1	\$ 700.00	\$ 700.00
36	Pipe insulation	S.F.	26.4	\$ 12.50	\$ 330.00
58	Topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	13.57	\$ 8.50	\$ 115.35
Subtotal of Contract					\$ 8,595.35
Engineering, Administration, & Contingencies					\$ 2,578.60
Total Project Costs					\$11,173.95

Total Estimated Copper Water Service Installation & Assessable Costs = \$ 11,173.95

Total Potential Units receiving Copper Water Service Installations = 1 unit

Computation of Unit Cost: $\frac{\$ 11,173.95}{1 \text{ unit}} = \$ 11,173.95/\text{unit}$

Use \$ 11,173.95/unit as the Copper Water Service Unit Rate.

Total Estimated Storm Water Utility Costs

<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>
1	Mobilization	L.S.	0.08	\$72,000.00	\$ 5,760.00
2	Traffic Control	L.S.	0.08	\$ 3,000.00	\$ 240.00
3	Tree removal	I.D.	153	\$ 36.20	\$ 5,538.60
4	Shrub removal	I.D.	321.6	\$ 3.00	\$ 964.80
5	Clearing and grubbing	S.Y.	2790.4	\$ 2.70	\$ 7,534.08
37	12-inch × 18-inch CMCA	L.F.	616	\$ 75.00	\$ 46,200.00
38	12-inch × 18-inch CMCA end section	EA.	56	\$ 210.00	\$ 11,760.00
39	14-inch × 23-inch HERCP CL IV	L.F.	44	\$ 144.00	\$ 6,336.00
40	14-inch × 23-inch HERCP CL IV end section	EA.	2	\$ 1,075.00	\$ 2,150.00
56	Ditching	L.F.	3430	\$ 18.00	\$ 61,740.00
58	Topsoil, seed, fertilizer, mulch, and erosion mat (non-channel)	S.Y.	1196	\$ 8.50	\$ 10,166.00
59	Topsoil, seed, fertilizer, mulch, and erosion mat (channel)	S.Y.	1274	\$ 8.50	\$ 10,829.00
Subtotal of Contract					\$169,218.48
Engineering, Administration, & Contingencies					\$ 50,765.54
Total Project Costs					\$219,984.02

Total Estimated Storm Water Utility Project Costs = \$ 219,984.02

May 25th, 2022

An Area of Assessment in the Southeast ¼ of Section 12, T7N, R19E, In the City of Pewaukee, Waukesha County, Wisconsin. Bound and Described as Follows:

Commencing at the SE Corner of the SE ¼ of Section 12, T7N, R19E, Thence N0°57'41"W Along the East Line of said SE 1/4 , 215.00 Feet; Thence S89°18'19"W, Along the Extension of the South Line of Hill n Dale Subdivision, 33.00 Feet, to the SE Corner of Lot 1 Block 1 of Said Subdivision, Also being the Point of Beginning of Area to Be Described; Thence N0°57'41"W Along the East Line of Said Lot 1, 294.33 Feet, to the NE Corner of Said Lot 1, Also Being a Point on the South R/W Line of Shady Lane; Thence N69°16'13"W, 162.10 Feet, to the SE Corner of Lot 34 Block 2 of Said Subdivision; Thence N0°59'32"W, 167.61 Feet, to the NE Corner of Said Lot 34; Thence S89°02'19"W, 135.00 Feet, to a Point on the East Line of CSM #8233; Thence N0°47'41"W, 167.76 Feet to the NE Corner of CSM #8233, Also Being a Point on the South R/W of Hill N Dale Circle; Thence Along said South R/W, 138.03 Feet Along the Arc of a Curve whose Center is to the North, Chord Bears N83°17'18W, 137.85 Feet, Whose Radius is 770.73 Feet; Thence S1°09'29"E Along the West Line of Said CSM, 186.16 Feet to the NE Corner of Lot 36 Block 2 of Said Subdivision; Thence N75°38'41"W, 206.44 Feet to the NE Corner of Lot 2 CSM #8880; Thence N59°01'41"W, 658.64 Feet, to the SW Corner of Lot 24 Block 2 of Said Subdivision; Thence S89°27'19"W, 108.50 Feet, to a point on the West Line of Said Subdivision; Thence N0°32'41"W Along Said West Line, 1440.39 Feet, to the NW Corner of Hill N Dale Subdivision, Also being a Point on the South R/W of Capitol Drive; Thence N88°51'08"W, Along Said South R/W, 206.20 Feet to a point on the East R/W Line of Canadian National Railroad; Thence Along Said East R/W, Along the Arc of a curve, 1078.28 Feet, Whose Center is to the West, Chord Bears S14°37'20"W, 1072.17 Feet, whose Radius is 2921.43 Feet; Thence S25°01'32"W Continuing Along Said East R/W, 932.81 Feet to the SW Corner of CSM #12247; Thence S74°33'16E Along the South Line of Said CSM, 925.03 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line, 234.94 Feet, To the SW Corner of Said Subdivision; Thence N89°18'19, Along the South Line of Said Subdivision, 1294.47 Feet, To the Point of Beginning.

Dave Geis
Senior Engineering Technician
City of Pewaukee

March 9th, 2023

An Area of Assessment in the Southeast $\frac{1}{4}$ of Section 12, T7N, R19E, In the City of Pewaukee, Waukesha County, Wisconsin. Bound and Described as Follows:

Commencing at the SE Corner of the SE $\frac{1}{4}$ of Section 12, T7N, R19E, Thence N0°57'41"W Along the East Line of said SE $\frac{1}{4}$, 215.00 Feet; Thence S89°18'19"W, Along the Extension of the South Line of Hill n Dale Subdivision, 33.00 Feet, to the SE Corner of Lot 1 Block 1 of Said Subdivision, Also being the Point of Beginning of Area to Be Described; Thence N0°57'41"W Along the East Line of Said Lot 1, 294.33 Feet, to the NE Corner of Said Lot 1, Also Being a Point on the South R/W Line of Shady Lane; Thence N69°16'13"W, 162.10 Feet, to the SE Corner of Lot 34 Block 2 of Said Subdivision; Thence N0°59'32"W, 167.61 Feet, to the NE Corner of Said Lot 34; Thence S89°02'19"W, 135.00 Feet, to the NW Corner of Said Lot 34; Thence S0°59'32"E, 167.69 Feet to the SW Corner of Said Lot 43, Also being a point on the North R/W Line of Shady Lane; Thence S89°00'19"W, Along Said North R/W Line, 135.00 Feet, to the SE Corner of Lot 36 Block 2 of Said Subdivision; Thence N1°09'29"W, 167.77' Feet to the NE Corner of said Lot 36; Thence N75°38'41"W Along the North Line of said Lot 36 and extended, 206.44 Feet, to the NW Corner of Lot 37 Block 2 of Said Subdivision; Thence N59°01'41"W, 658.64 Feet, to the SW Corner of Lot 24 Block 2 of Said Subdivision; Thence S89°27'19"W, 108.50 Feet, to a point on the West Line of Said Subdivision; Thence N0°32'41"W Along Said West Line, 1440.39 Feet, to the NW Corner of Hill N Dale Subdivision, Also being a Point on the South R/W of Capitol Drive; Thence N88°51'08"W, Along Said South R/W, 206.20 Feet to a point on the East R/W Line of Canadian National Railroad; Thence Along Said East R/W, Along the Arc of a curve, 1078.28 Feet, Whose Center is to the West, Chord Bears S14°37'20"W, 1072.17 Feet, whose Radius is 2921.43 Feet; Thence S25°01'32"W Continuing Along Said East R/W, 932.81 Feet to the SW Corner of CSM #12247; Thence S74°33'16E Along the South Line of Said CSM, 925.03 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line, 234.94 Feet, To the SW Corner of Said Subdivision; Thence N89°18'19"E, Along the South Line of Said Subdivision, 1294.47 Feet, To the Point of Beginning.

Dave Geis
Senior Engineering Technician
City of Pewaukee

May 25th, 2022

An Area of Assessment in the Southeast $\frac{1}{4}$ of Section 12, T7N, R19E, In the City of Pewaukee, Waukesha County, Wisconsin. Bound and Described as Follows:

Commencing at the SE Corner of the SE $\frac{1}{4}$ of Section 12, T7N, R19E, Thence N0°57'41"W Along the East Line of said SE $\frac{1}{4}$, 215.00 Feet; Thence S89°18'19"W, Along the Extension of the South Line of Hill n Dale Subdivision, 193.24 Feet, to the SE Corner of Lot 2 Block 1 of Said Subdivision, Also being the Point of Beginning of Area to Be Described; Thence N1°02'09"W along the East Line of Said Lot 2, 293.49 Feet to a point on the South R/W Line of Shady Lane; Thence N65°20'51"W, 138.62 Feet to a the SE Corner of Lot 1 CSM #8233; Thence N0°53'36"W, 335.45 Feet to the NE Corner of CSM #8233, Also Being a Point on the South R/W of Hill N Dale Circle; Thence Along said South R/W, 138.03 Feet Along the Arc of a Curve whose Center is to the North, Chord Bears N83°17'18W, 137.85 Feet, Whose Radius is 770.73 Feet; Thence S1°09'29"E Along the West Line of Said CSM, 186.16 Feet to the NE Corner of Lot 36 Block 2 of Said Subdivision; Thence N75°38'41"W, 206.44 Feet to the NE Corner of Lot 2 CSM #8880; Thence N59°01'41"W, 658.64 Feet, to the SW Corner of Lot 24 Block 2 of Said Subdivision; Thence S89°27'19"W, 108.50 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line 305.00 Feet; Thence S89°31'55"W Along a line of CSM #12247, 66.00 Feet; Thence N0°32'41"W, 305.75 Feet to the NE Corner of CSM #12247; Thence N89°42'21"W Along the North Line of Said CSM, 612.96 Feet to a point on the East R/W Line of Canadian National Railroad; Thence S25°01'32"W Along Said East R/W, 487.33 Feet to the SW Corner of Said CSM; Thence S74°33'16E Along the South Line of Said CSM, 925.03 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line, 234.94 Feet, To the SW Corner of Said Subdivision; Thence N89°18'19, Along the South Line of Said Subdivision, 1134.23 Feet, To the Point of Beginning.

Dave Geis
Senior Engineering Technician
City of Pewaukee

May 23rd, 2022

An Area of Assessment in the Southeast ¼ of Section 12, T7N, R19E, In the City of Pewaukee, Waukesha County, Wisconsin. Bound and Described as Follows:

Commencing at the SE Corner of the SE ¼ of Section 12, T7N, R19E, Thence N0°57'41"W Along the East Line of said SE 1/4 , 215.00 Feet; Thence S89°18'19"W, Along the Extension of the South Line of Hill n Dale Subdivision, 193.24 Feet, to the SE Corner of Lot 2 Block 1 of Said Subdivision, Also being the Point of Beginning of Area to Be Described; Thence N1°02'09"W along the East Line of Said Lot 2, 293.49 Feet to a point on the South R/W Line of Shady Lane; Thence N8°30'00"E, 60.83 Feet to a the SE Corner of Lot 34 Block 2 of Said Subdivision; Thence N0°59'32"W, 167.61 Feet to the NE Corner of Said Lot 34; Thence S89°02'19"W, 135.00 Feet to the NW Corner of said lot 34; Thence S0°59'32"E, 167.69 Feet, to a Point on the North R/W Line of Shady Lane; Thence S89°00'19"W, Along Said R/W Line, 135.00 Feet, to the SE Corner of Lot 36 Block 2 of Said Subdivision; Thence N1°09'29"W, Along the West Line of Said Lot 36, 167.77 Feet, to the NE Corner of Said Lot 36; Thence N75°38'41"W, 206.44 Feet to the NE Corner of Lot 2 CSM #8880; Thence N59°01'41"W, 658.64 Feet, to the SW Corner of Lot 24 Block 2 of Said Subdivision; Thence S89°27'19"W, 108.50 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line 305.00 Feet; Thence S89°31'55"W Along a line of CSM #12247, 66.00 Feet; Thence N0°32'41"W, 305.75 Feet to the NE Corner of CSM #12247; Thence N89°42'21"W Along the North Line of Said CSM, 612.96 Feet to a point on the East R/W Line of Canadian National Railroad; Thence S25°01'32"W Along Said East R/W, 487.33 Feet to the SW Corner of Said CSM; Thence S74°33'16"E Along the South Line of Said CSM, 925.03 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line, 234.94 Feet, To the SW Corner of Said Subdivision; Thence N89°18'19", Along the South Line of Said Subdivision, 1134.23 Feet, To the Point of Beginning.

Dave Geis
Senior Engineering Technician
City of Pewaukee

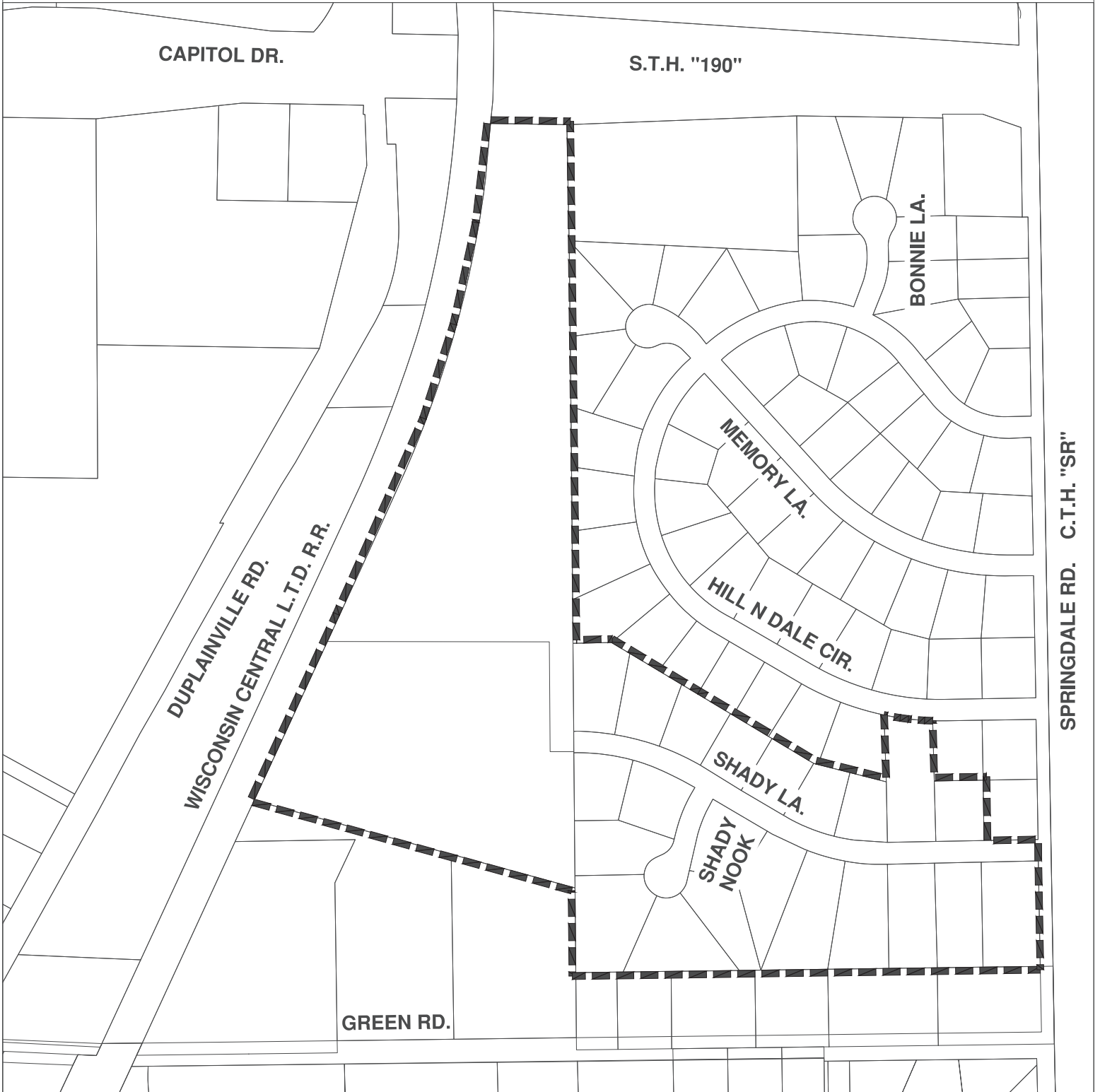
May 23rd, 2022

An Area of Assessment in the Southeast $\frac{1}{4}$ of Section 12, T7N, R19E, In the City of Pewaukee, Waukesha County, Wisconsin. Bound and Described as Follows:

Commencing at the SE Corner of the SE $\frac{1}{4}$ of Section 12, T7N, R19E, Thence N0°57'41"W Along the East Line of said SE $\frac{1}{4}$, 215.00 Feet; Thence S89°18'19"W, Along the Extension of the South Line of Hill n Dale Subdivision, 193.24 Feet, to the SE Corner of Lot 2 Block 1 of Said Subdivision, Also being the Point of Beginning of Area to Be Described; Thence N1°02'09"W along the East Line of Said Lot 2, 293.49 Feet to a point on the South R/W Line of Shady Lane; Thence N8°30'00"E, 60.83 Feet to a the SE Corner of Lot 34 Block 2 of Said Subdivision; Thence N0°59'32"W, 167.61 Feet to the NE Corner of Said Lot 34; Thence S89°02'19"W, 135.00 Feet to the NW Corner of said lot 34; Thence N0°47'41"W, along the East line of CSM # 8233, 167.76 Feet to a Point on the South R/W Line of Hill N Dale Circle; Thence Along said South R/W, 138.03 Feet Along the Arc of a Curve whose Center is to the North, Chord Bears N83°17'18W, 137.85 Feet, Whose Radius is 770.73 Feet; Thence S1°09'29"E Along the West Line of Said CSM, 186.16 Feet to the NE Corner of Lot 36 Block 2 of Said Subdivision; Thence N75°38'41"W, 206.44 Feet to the NE Corner of Lot 2 CSM #8880; Thence N59°01'41"W, 658.64 Feet, to the SW Corner of Lot 24 Block 2 of Said Subdivision; Thence S89°27'19"W, 108.50 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line 305.00 Feet; Thence S89°31'55"W Along a line of CSM #12247, 66.00 Feet; Thence N0°32'41"W, 305.75 Feet to the NE Corner of CSM #12247; Thence N89°42'21"W Along the North Line of Said CSM, 612.96 Feet to a point on the East R/W Line of Canadian National Railroad; Thence S25°01'32"W Along Said East R/W, 487.33 Feet to the SW Corner of Said CSM; Thence S74°33'16E Along the South Line of Said CSM, 925.03 Feet, to a point on the West Line of Said Subdivision; Thence S0°32'41"E Along Said West Line, 234.94 Feet, To the SW Corner of Said Subdivision; Thence N89°18'19, Along the South Line of Said Subdivision, 1134.23 Feet, To the Point of Beginning.

Dave Geis
Senior Engineering Technician
City of Pewaukee

SHADY LANE AND SHADY NOOK 2022 PAVING PROGRAM
 ROAD RESURFACING
 RD-22-57407
 ROAD ASSESSMENT
 CITY OF PEWAUKEE
 WAUKESHA COUNTY, WISCONSIN



LEGEND

ROAD ASSESSMENT
 AREA BOUNDARY

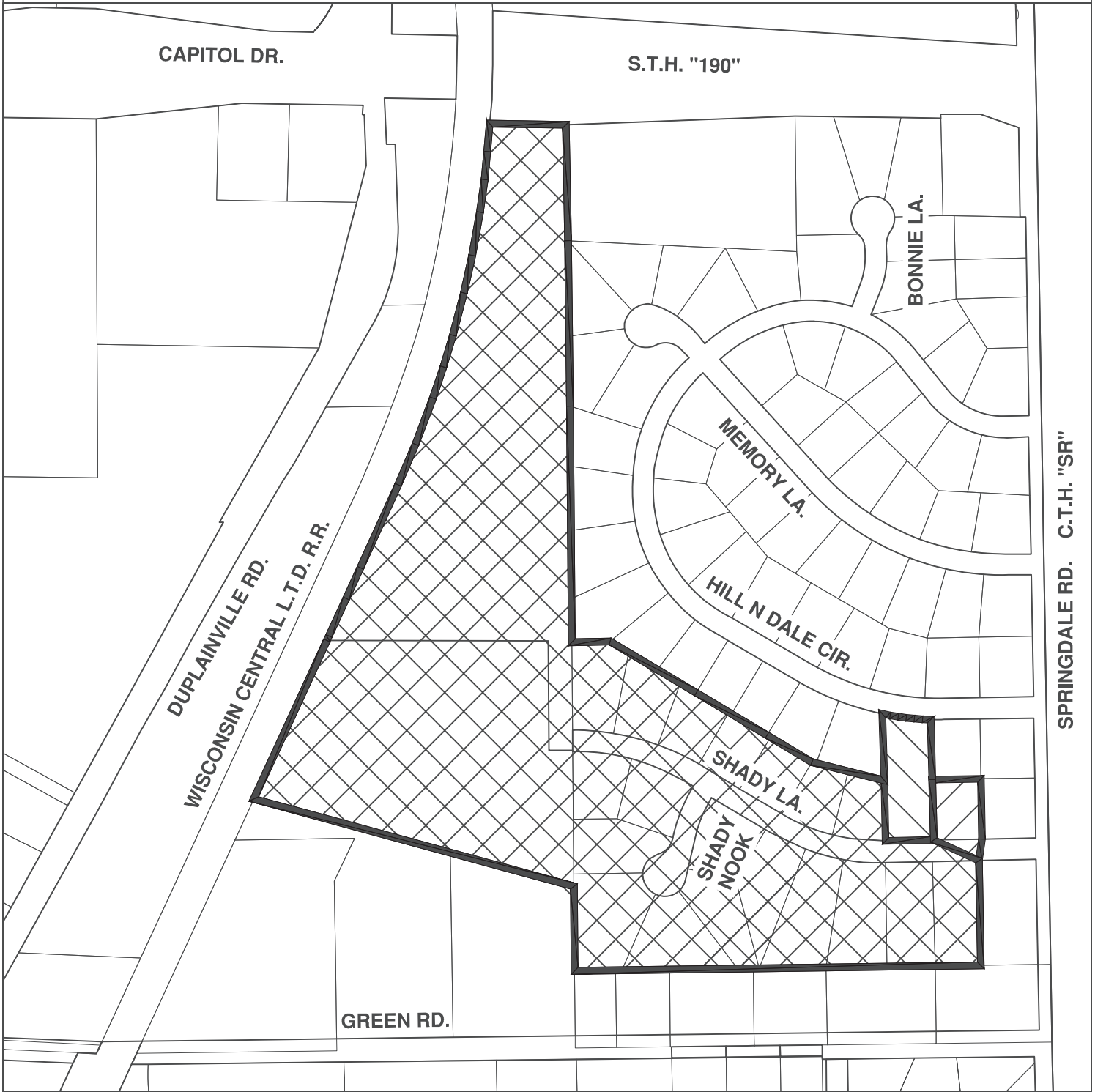


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SCALE IN FEET

SHADY LANE AND SHADY NOOK 2022
 SANITARY SEWER MAIN AND SANITARY SEWER LATERAL
 SW-22-12804

SANITARY SEWER MAIN & SANITARY SEWER LATERAL ASSESSMENT
 CITY OF PEWAUKEE
 WAUKESHA COUNTY, WISCONSIN



LEGEND



SANITARY SEWER
ASSESSMENT AREA



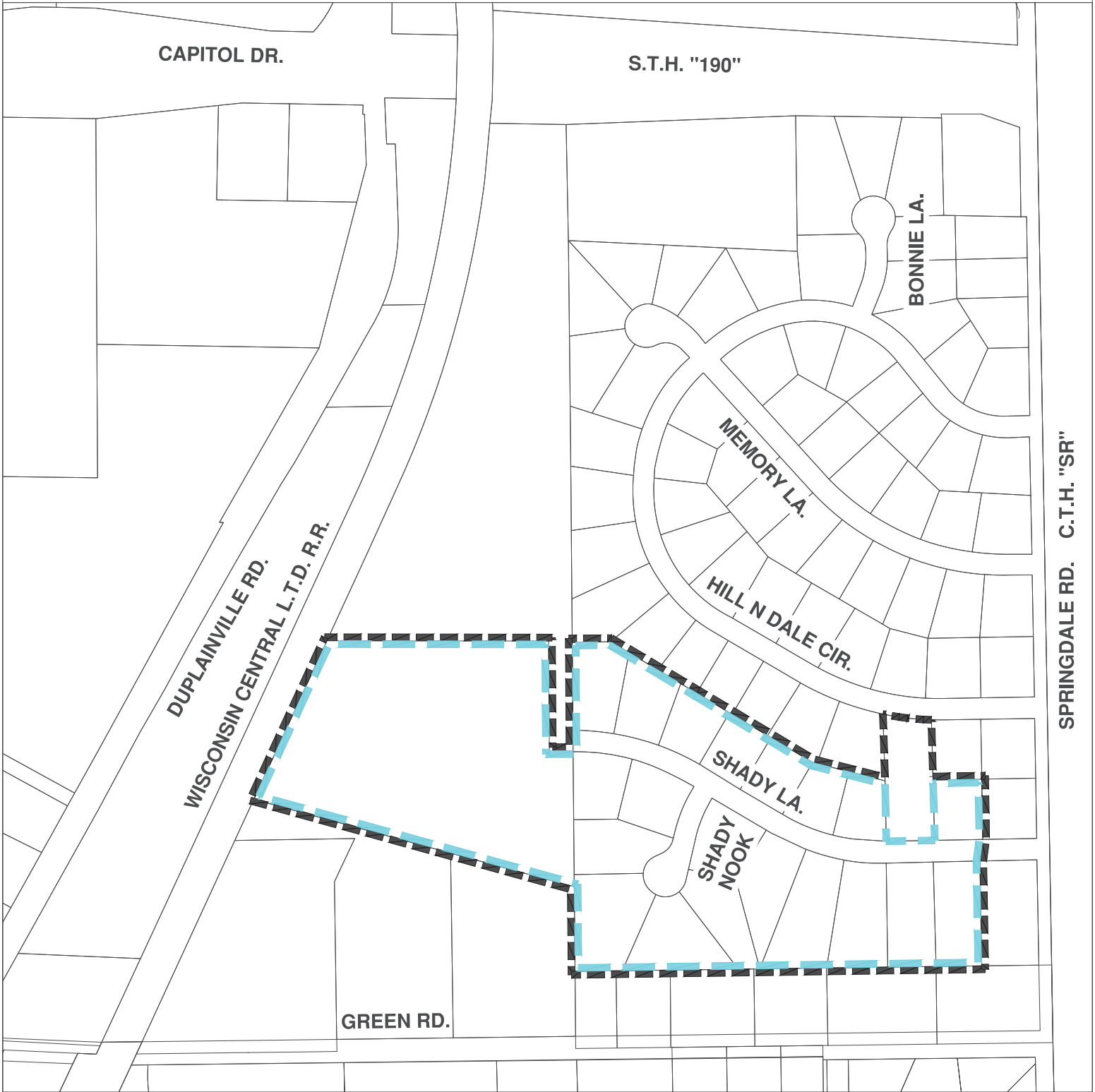
SANITARY SEWER LATERAL
ASSESSMENT AREA



SCALE IN FEET

DATE: MARCH, 2023

SHADY LANE AND SHADY NOOK 2022
 WATER MAIN AND WATER SERVICE
 SW-22-12804
 WATER MAIN & WATER SERVICE ASSESSMENT
 CITY OF PEWAUKEE
 WAUKESHA COUNTY, WISCONSIN



LEGEND

- WATER MAIN ASSESSMENT AREA BOUNDARY
- WATER SERVICE ASSESSMENT AREA BOUNDARY



0 100 200 300 400 500 1000

SCALE IN FEET

SCHEDULE C
PRELIMINARY ASSESSMENT ROLL
SHADY LANE SHADY NOOK 2023 RECONSTRUCTION
RD-22-57047, ST-22-57333, SW-22-12804

NO.	OWNER'S NAME AND ADDRESS	TAX KEY NO.	DESCRIPTION	UNIT	COST/UNIT	ASSESSMENT	ASSESSMENT CAP	TOTAL ASSESSMENT
1	ANDERSON FAMILY REVOCABLE LIVING TRUST DATED 7/29/14 N31W22025 SHADY LANE PEWAUKEE WI 53072-4121	PWC 0912001	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$3,206.00	\$ 3,206.00
2	MICHAEL SHARP JOLENE SHARP N31W22039 SHADY LANE PEWAUKEE WI 53072	PWC 0912002	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
3	JOHN KOPECKY CINDY KOPECKY N31W22087 SHADY LANE PEWAUKEE WI 53072-3401	PWC 0912003	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
4	RHONDA L ZIEGLER MICHAEL T WADDELL N31W22095 SHADY LANE PEWAUKEE WI 53072-4121	PWC 0912004	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
5	NOEL H CALDERON LAURA B CALDERON N31W22117 SHADY LANE PEWAUKEE WI 53072	PWC 0912005	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
6	PETER T LABISSONIERE N31W22141 SHADY LANE PEWAUKEE WI 53072	PWC 0912006	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
7	GARY SIMZAK GEORGIANN SIMZAK N32W22161 SHADY LANE PEWAUKEE WI 53072	PWC 0912007	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47

SCHEDULE C
PRELIMINARY ASSESSMENT ROLL
SHADY LANE SHADY NOOK 2023 RECONSTRUCTION
RD-22-57047, ST-22-57333, SW-22-12804

NO.	OWNER'S NAME AND ADDRESS	TAX KEY NO.	DESCRIPTION	UNIT	COST/UNIT	ASSESSMENT	ASSESSMENT CAP	TOTAL ASSESSMENT
8	MATTHEW PICKETT JESSICA PICKETT W221N3148 SHADY NOOK PEWAUKEE WI 53072	PWC 0912008	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
9	CLARENCE OTT AUDREY OTT N31W22207 SHADY NOOK PEWAUKEE WI 53072	PWC 0912009	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
10	JOHN P JONES KELLY J JONES W222N3167 SHADY NOOK PEWAUKEE WI 53072	PWC 0912010	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
11	ANDREW BEHLING IVONNE RUBIO W222N3187 SHADY NOOK PEWAUKEE WI 53072-4153	PWC 0912011	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
12	MAIKE U O'ROURKE UWE M KONOPKA C/O GEORG KONOPKA N32W22211 SHADY LANE PEWAUKEE WI 53072	PWC 0912012	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
13	BRYAN MCDERMOTT N32W22207 SHADY LANE PEWAUKEE WI 53072	PWC 0912013	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47
14	MARK A WILLIAMSON N32W22154 SHADY LANE PEWAUKEE WI 53072	PWC 0912041004	Road Reconstruction Sanitary Sewer Sanitary Lateral Water Main Water Service	1 1 1 1 1	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 17,534.68 \$ 29,204.36 \$ 11,153.89 \$ 18,052.41 \$ 7,894.81	\$ 3,206.00	\$ 69,511.47

SCHEDULE C
PRELIMINARY ASSESSMENT ROLL
SHADY LANE SHADY NOOK 2023 RECONSTRUCTION
RD-22-57047, ST-22-57333, SW-22-12804

NO.	OWNER'S NAME AND ADDRESS	TAX KEY NO.	DESCRIPTION	UNIT	COST/UNIT	ASSESSMENT	ASSESSMENT CAP	TOTAL ASSESSMENT
15	KEVIN BROUWER N31W22050 SHADY LANE PEWAUKEE WI 53072	PWC 0912047	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 58,357.58
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
16	JASON P KLEINHANS N31W22080 SHADY LANE PEWAUKEE WI 53072-4120	PWC 0912048001	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 22,254.70
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
17	JEFFREY LOOYSEN JENNIFER LOOYSEN N31W22104 SHADY LANE PEWAUKEE WI 53072	PWC 0912049	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 69,511.47
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
18	ERIC NORPPA BETH NORPPA N31W22130 SHADY LANE PEWAUKEE WI 53072	PWC 0912050	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 69,511.47
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
19	CHAD BOYLES LORI BOYLES N32W22180 SHADY LANE PEWAUKEE WI 53072	PWC 0912052	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 69,511.47
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
20	MONICA ZABEL ERIK ZABEL N32W22198 SHADY LANE PEWAUKEE WI 53072	PWC 0912053	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 69,511.47
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
21	KARSTEN BLACK LAUREN JOHNSON N32W22216 SHDAY LANE PEWAUKEE WI 53072-4124	PWC 0912054	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 69,511.47
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		
22	KENNETH JOHNSON DAWN JOHNSON N32W22240 SHADY LANE PEWAUKEE WI 53072	PWC 0912055	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68	\$ 3,206.00	\$ 69,511.47
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 7,894.81	\$ 7,894.81		

SCHEDULE C
PRELIMINARY ASSESSMENT ROLL
SHADY LANE SHADY NOOK 2023 RECONSTRUCTION
RD-22-57047, ST-22-57333, SW-22-12804

NO.	OWNER'S NAME AND ADDRESS	TAX KEY NO.	DESCRIPTION	UNIT	COST/UNIT	ASSESSMENT	ASSESSMENT CAP	TOTAL ASSESSMENT
23	CITY OF PEWAUKEE W240N3065 PEWAUKEE RD PEWAUKEE WI 53072-4044	PWC 0912982002	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68		\$ 46,739.04
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Road Reconstruction - Deferred	6	\$ 17,534.68	\$ 105,208.08		\$ 280,434.24 D
			Sanitary Sewer - Deferred	6	\$ 29,204.36	\$ 175,226.16		
24	RELEVANT RADIO, INC. 1496 BELLEVUE ST STE 202 GREEN BAY WI 54311-4205	PWC 0912982001	Road Reconstruction	1	\$ 17,534.68	\$ 17,534.68		\$ 87,119.29
			Sanitary Sewer	1	\$ 29,204.36	\$ 29,204.36		
			Sanitary Lateral	1	\$ 11,153.89	\$ 11,153.89		
			Water Main	1	\$ 18,052.41	\$ 18,052.41		
			Water Service	1	\$ 11,173.95	\$ 11,173.95		
			Road Reconstruction - Deferred	7	\$ 17,534.68	\$ 122,742.76		\$ 453,540.15 D
			Sanitary Sewer - Deferred	7	\$ 29,204.36	\$ 204,430.52		
			Water Main - Deferred	7	\$ 18,052.41	\$ 126,366.87		

TOTAL CONTRIBUTION IN AID OF ROAD RECONSTRUCTION	\$ 105,601.36
TOTAL CONTRIBUTION IN AID OF SANITARY SEWER CONSTRUCTION	\$ 642,495.92
TOTAL CONTRIBUTION IN AID OF SANITARY LATERAL CONSTRUCTION	\$ 234,231.69
TOTAL CONTRIBUTION IN AID OF WATER MAIN CONSTRUCTION	\$ 379,100.61
TOTAL CONTRIBUTION IN AID OF WATER SERVICE CONSTRUCTION	\$ 176,964.96
TOTAL CONTRIBUTION IN AID OF ROAD RECONSTRUCTION - Deferred	\$ 227,950.84
TOTAL CONTRIBUTION IN AID OF SANITARY SEWER CONSTRUCTION - Deferred	\$ 379,656.68
TOTAL CONTRIBUTION IN AID OF WATER MAIN CONSTRUCTION - Deferred	\$ 126,366.87

The properties against which contributions in aid of construction of proposed benefits and improvements constitute an exercise of Police Powers.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 13.**

DATE: August 7, 2023

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding Easements for the Cardinal Meadow Subdivision [Wagner].

BACKGROUND:

Cardinal Meadows Subdivision included some drainage easements as part of its development. These drainage easements benefit the City of Pewaukee and are a critical piece of the storm sewer systems for the development.

Recent guidance indicates that easements should be defined in more detail than what is typically included on Subdivision Plats. This is accomplished by creating easement documents. Attached is the proposed easement document for the Cardinal Meadow Subdivision. Staff and the City Attorney are reviewing these documents to ensure they address what is being conveyed by the easement. In addition, these documents will be recorded at Waukesha County as a public record.

Staff is recommending approval of these documents contingent on the City Attorney and City Engineer final approval.

I've also included in the packet the private storm sewer easement for this development as well. While we do not have direct oversight of these easements, it is critical to know they exist when Staff receives phone calls from residents regarding drainage concerns. These are just information only.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Council approve the easement documents contingent on final review by the City Engineer and City Attorney.

ATTACHMENTS:

Description

Public Storm Easement

Private Storm Easement

Document Number

PERMANENT PUBLIC STORM SEWER EASEMENT

THIS INDENTURE, made this _____ day of _____, 2023, by and between BIELINSKI HOMES, INC., hereinafter collectively referred to as party of the first part and CITY OF PEWAUKEE, located in Waukesha County, Wisconsin, hereinafter referred to as the party of second part.

WITNESSETH:

WHEREAS, the party of the first part owns a parcel of real estate located in the City of Pewaukee and described as that part of the Southwest One-quarter (1/4) and Southeast One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Sixteen (16), Township Seven (7) North, Range Nineteen (19) East and designated as Tax Key PWC 0928980, and

WHEREAS, the party of the second part has requested from the party of the first part a permanent easement for public storm sewer, and drainage purposes.

NOW, THEREFORE, party of the first part, in consideration of the sum of _____ and other good and valuable consideration, the receipt whereof is hereby acknowledged and confessed, do grant and convey unto the party of the second part, forever, a permanent easement for public storm sewer, drainage purposes, including operation and maintenance of the storm sewer improvements and its appurtenances (hereinafter referred to as "facilities") in the City of Pewaukee, Waukesha County, Wisconsin, on, under, through, along, over and in the following described real estate:

SEE ATTACHED LEGAL DESCRIPTION
MARKED EXHIBIT "A"

USE OF LAND

Party of the first part consents to the entry of the employees, workmen, agents or independent contractors of party of the second part for and incidental to the facilities, but reserve to themselves the right to make such use of land included in said easement, subject to the ordinances of the City of Pewaukee, the regulations of the party of the second part, and the statutes of the State of Wisconsin as will not disturb or interfere with such storm sewer improvements or prevent ingress or egress thereto for the purpose of operation and maintenance thereof. The party of second part intends operate and maintain the drainage system in the easement area and complete all related restoration.

The parties expressly acknowledge that the party of the second part may allow others not party to this easement to use the easement for the purposes indicated above.

THIS INDENTURE, upon its acceptance by the party of the first part, shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, successors and assigns.

NOTICE:

1. The amount of compensation is \$_____.

This space is reserved for recording data

Return to:

City of Pewaukee
Attn: Public Works Department
W240N3065 Pewaukee Road
Pewaukee, Wisconsin 53072

Parcel Identification Number/Tax Key Number
PWC 0928980

Any person named in this conveyance, either above being a conveying party having an interest of record in the parcel or below as another person having an interest of record in the party, may make an appeal from the amount of compensation within six months after the date of recording of this conveyance document as set forth in Section 32.05(2a), Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the conveyance document shall be treated as the award and the date of conveyance document is recorded shall be treated as the date of taking and the date of evaluation. Other persons having an interest of record in the property: None.

IN WITNESS WHEREOF, party of the first part has executed this indenture the day and year first above written.

THIS IS NOT HOMESTEAD PROPERTY.

FRANK BIELINSKI

State of Wisconsin)
) ss.
County of Waukesha)

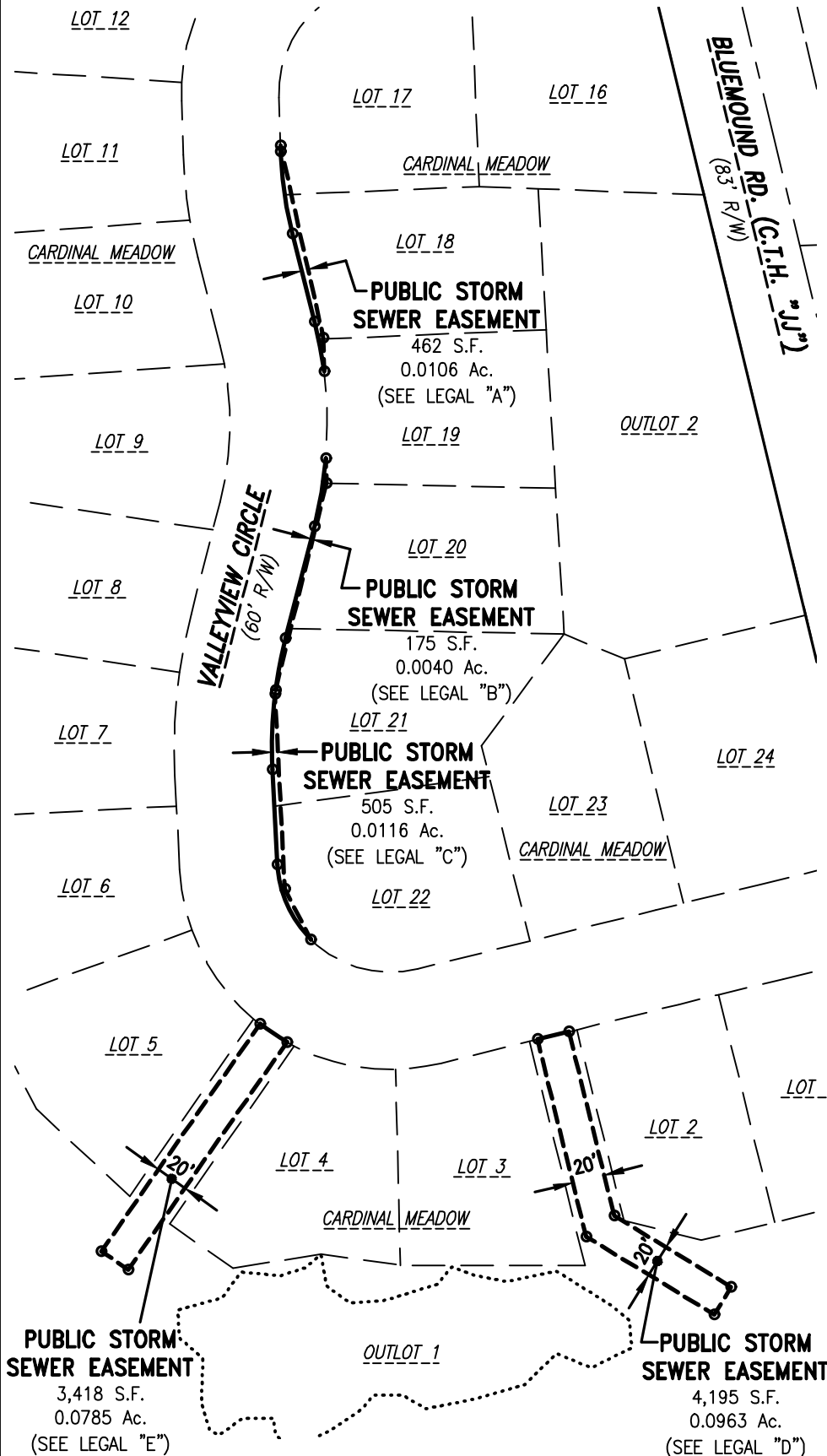
Personally came before me on this _____ day of _____, 2023, the above named Frank Bielinski, as President of Bielinski Homes, Inc. to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, State of Wisconsin
My Commission expires: _____

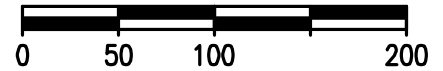
This instrument was drafted by Attorney Alexandra N. Don

EXHIBIT "A"

PUBLIC STORM SEWER EASEMENT



SCALE: 1" = 100'



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481



PAGE: 1 OF 4
DATE: 7/19/23

THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

EXHIBIT “A” Continued

PUBLIC STORM SEWER EASEMENT

LEGAL DESCRIPTION “A”:

A Public Storm Sewer Easement located on, over and across part of Lots 17, 18 and 19 of “Cardinal Meadow” (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast corner of said Lot 18; Thence South 87°35'56” West and along the South line of said Lot 18, 137.58 feet to the place of beginning of lands hereinafter described;

Thence South 01°10'39” East, 19.93 feet to a point on the East Right-of-Way line of “Valleyview Circle”; Thence Northwesterly 31.19 feet along the said East Right-of-Way line and the arc of a curve, whose center lies to the Southwest, whose radius is 255.00 feet, whose central angle is 07°00'28”, and whose chord bears North 10°42'41” West, 31.17 feet to a point of tangency; Thence North 14°12'55” West and along the said East Right-of-Way line, 56.09 feet to a point of curvature; Thence Northwesterly along the said East Right-of-Way line and the arc of a curve, whose center lies to the Northeast, whose radius is 240.00 feet, whose central angle is 12°15'52”, and whose chord bears North 08°04'59” West, 51.28 feet to a point of tangency; Thence North 01°57'03” West and along the said East Right-of-Way line, 3.56 feet to a point; Thence South 12°34'53” East, 121.53 feet to a point; Thence South 01°10'39” East, 0.79 feet to the point of beginning of this description.

Said Easement contains 462 Square Feet (or 0.0106 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION “B”:

A Public Storm Sewer Easement located on, over and across part of Lots 19, 20 and 21 of “Cardinal Meadow” (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast corner of said Lot 20; Thence North 88°49'36” West and along the South line of said Lot 20, 168.79 feet to the place of beginning of lands hereinafter described;

Thence South 13°50'45” West, 39.00 feet to a point on the East Right-of-Way line of “Valleyview Circle”; Thence Northeasterly 32.61 feet along the said East Right-of-Way line and the arc of a curve, whose center lies to the Southeast, whose radius is 270.00 feet, whose central angle is 06°55'14”, and whose chord bears North 10°59'09” East, 32.59 feet to a point of tangency; Thence North 14°26'46” East and along the said East Right-of-Way line, 71.17 feet to a point of curvature; Thence Northeasterly 42.70 feet along the said East Right-of-Way line and the arc of a curve, whose center lies to the Northwest, whose radius is 255.00 feet, whose central angle is 09°35'38”, and whose chord bears North 09°38'57” East, 42.65 feet to a point; Thence South 01°10'39” East, 15.44 feet to a point; Thence South 13°50'45” West, 92.34 feet to the point of beginning of this description.

Said Easement contains 175 Square Feet (or 0.0040 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION "C":

A Public Storm Sewer Easement located on, over and across part of Lots 21 and 22 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast corner of said Lot 21; Thence South 82°09'18" West and along the South line of said Lot 21, 129.97 feet to the place of beginning of lands hereinafter described;

Thence South 02°54'32" East, 51.65 feet to a point; Thence South 27°14'26" East, 35.08 feet to a point on the East Right-of-Way line of "Valleyview Circle"; Thence Northwesterly 52.02 feet along the said East Right-of-Way line and the arc of a curve, whose center lies to the Northeast, whose radius is 70.00 feet, whose central angle is 42°34'41", and whose chord bears North 24°11'52.5" West, 50.83 feet to a point of tangency; Thence North 02°54'32" West and along the said East Right-of-Way line, 58.75 feet to a point of curvature; Thence Northeasterly 46.53 feet along the said East Right-of-Way line and the arc of a curve, whose center lies to the Southeast, whose radius is 270.00 feet, whose central angle is 09°52'28", and whose chord bears North 02°01'42" East, 46.48 feet to a point; Thence South 02°54'32" East, 68.80 feet to the point of beginning of this description.

Said Easement contains 505 Square Feet (or 0.0116 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION "D":

A Public Storm Sewer Easement located on, over and across part of Outlot 1 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of Lot 2 of said "Cardinal Meadow"; Thence South 76°07'03" West and along the South Right-of-Way line of "Valleyview Circle", 5.00 feet to the place of beginning of lands hereinafter described;

Thence South 13°52'57" East, 117.19 feet to a point; Thence South 58°43'31" East, 84.33 feet to a point; Thence South 31°16'29" West, 20.00 feet to a point; Thence North 58°43'31" West, 92.58 feet to a point; Thence North 13°52'57" West, 125.44 feet to a point on the said South Right-of-Way line of said "Valleyview Circle"; Thence North 76°07'03" East and along the said South Right-of-Way line, 20.00 feet to the point of beginning of this description.

Said Easement contains 4,195 Square Feet (or 0.0963 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION "E":

A Public Storm Sewer Easement located on, over and across part of Outlot 1 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of Lot 4 of said "Cardinal Meadow"; Thence Northwesterly 5.03 feet along the Southwesterly Right-of-Way line of "Valleyview Circle" and the arc of a curve, whose center lies to the Northeast, whose radius is 130.00 feet, whose central angle is 02°13'07", and whose chord bears North 61°39'53.5" West, 5.03 feet to the place of beginning of lands hereinafter described;

Thence South 34°55'51" West, 171.33 feet to a point; Thence North 55°04'09" West, 20.00 feet to a point; Thence North 34°55'51" East, 170.95 feet to a point on the said Southwesterly Right-of-Way line of said "Valleyview Circle"; Thence Southeasterly 20.02 feet along the said Southwesterly Right-of-Way line and the arc of a curve, whose center lies to the Northeast, whose radius is 130.00 feet, whose central angle is 08°49'30", and whose chord bears South 56°08'35" East, 20.00 feet to the point of beginning of this description.

Said Easement contains 3,418 Square Feet (or 0.0785 Acres) of land, more or less.

Date: 7/19/23



A handwritten signature in black ink that reads "Grady L. Gosser".

Grady L. Gosser, P.L.S.
Professional Land Surveyor S-2972
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53005
Phone: (262)790-1480

Document No.

DECLARATION OF EASEMENT AGREEMENT

Return to:

Antonopoulos Leonhard Group LLC
740 Pilgrim Parkway, Suite 206
Elm Grove, WI 53122

PWC 0928980

Parcel Number

DECLARATION OF EASEMENT AGREEMENT

THIS DECLARATION OF EASEMENT AGREEMENT (this "**Declaration**") is made and entered into on this ____ day of _____, 2023 by BIELINSKI HOMES, INC., a Wisconsin corporation (the "**Declarant**").

W I T N E S S E T H:

WHEREAS, Declarant is the owner of a parcel of real estate located in the City of Pewaukee and designated as Tax Key PWC 0928980, as described in Exhibit A, which is attached hereto and incorporated herein by reference (each being a "**Lot**" and collectively the "**Lots**").

NOW, THEREFORE, Declarant hereby declares, covenants and states as to itself and any future owners of all or any part of the Lots, as follows:

1. **Definitions.** As used herein, the following terms shall have the following meanings:
 - 1.1 "**Association**" shall mean Cardinal Meadows Homeowners Association, Inc. established by the Declaration of Covenants, Conditions, and Restrictions of Cardinal Meadows Subdivision recorded on December 15, 2022, the office of the Register of Deeds in Waukesha County as Document No. 4702148.
 - 1.2 "**Drainage Easement**" means the perpetual, non-exclusive right, privilege and easement over, across and through the Drainage Easement Area (as defined below) for the sole purpose of providing necessary flow and drainage of water upon, over, across and through the Lots.

- 1.3 **"Drainage Easement Area"** means the twenty (20) foot drainage easement located upon Lot 13, Lot 14, and Lot 15 as shown on the attached Exhibit B incorporated herein by this reference hereto.
- 1.4 **"Storm Sewer Easement"** means the perpetual, non-exclusive right, privilege and easement over, across and through the Storm Sewer Easement Area (as defined below) for the sole purpose of providing necessary for the flow and drainage of stormwater upon, over, across and through the Lots.
- 1.5 **"Storm Sewer Easement Area"** means the twenty (20) foot storm sewer easement located upon Lot 5, Lot 6, Lot 7, Lot 8, and Lot 9 as shown on the attached Exhibit C incorporated herein by this reference hereto.
- 1.6 **"Landscape Easement"** means the perpetual, non-exclusive right, privilege and easement over, across and through the Landscape Easement Area (as defined below) for the sole purpose of installing and maintaining the berms, retaining walls, fences, and landscaping within the Landscape Easement Area.
- 1.7 **"Landscape Easement Area"** means the twenty-five (25) foot landscape easement located upon Lot 1, Lot 15, Lot 16, and Lot 24 as shown on the attached Exhibit D incorporated herein by this reference hereto.
- 1.8 **"Occupant"** means any person or entity from time to time entitled to the use and occupancy of any portion of any Lot as an Owner or under any lease, sublease, license, concession or other similar agreement.
- 1.9 **"Owner" or "Owners"** means, individually or collectively, the owner(s) fee simple title to the entirety of a Lot.
- 1.10 **"Permittees"** means all Occupants and the employees, agents, contractors, suppliers, vendors, customers, invitees, and licensees of Occupants insofar as their activities relate to the intended development, use and occupancy of a Lot.
2. **Grant of Easements.**
 - 2.1 Declarant does hereby grant, declare, establish and create for the benefit of each Lot and the Owner of said Lot and its Permittees, the Drainage Easement upon, over, across and through the Drainage Area.
 - 2.2 Declarant does hereby grant, declare, establish and create for the benefit of each Lot and the Owner of said Lot and its Permittees, the Storm Sewer Easement upon, over, across and through the Storm Sewer Easement Area.
 - 2.3 Declarant does hereby grant, declare, establish and create for the benefit of each Lot and the Owner of said Lot and its Permittees, the Landscape Easement upon, over, across and through the Landscape Easement Area.
3. **Obstructions.** No Owner, or its respective agents, employees, guests or invitees shall do anything to obstruct or interfere with, or permit the obstruction or interference with, the use and enjoyment of the Easement Areas by the other Owner, other than temporary obstructions resulting from reasonably necessary construction, maintenance or repair or to prevent a dedication of, or an

accruing of rights by, the public in and to the use of any of the Easement Areas; and provided further, however, before an Owner obstructs any part of the Easement Area(s) for maintenance purposes as provided in this Section, such Owner shall make all reasonable efforts to coordinate such obstruction with the activities of the other Owner so that no unreasonable interference occurs with respect to the operation of the other Owner. Notwithstanding anything contained herein to the contrary, except as provided for by the Association, each Owner shall, at its sole cost and expense, maintain the Easement Area(s) within such Owner's Lot in good condition and repair, including without limitation, snow and ice removal from any paved surfaces, regardless of the inclusion of any portion of such Owner's Lot within the Easement Area(s).

4. **Barriers.** No Owner, or its respective agents, employees, guests or invitees shall do anything to interfere with the other Owner's use of the Easement Areas. Except as expressly approved by the Association, no curbs, barriers, fences, dividers or other obstructions shall be constructed or installed to prevent, prohibit, impede or discourage an Owner's use and enjoyment of the Easement Areas. The parties expressly acknowledge that the restrictions and covenants contained herein shall be enforceable by injunction.
5. **Reasonable Use of Easements.** The Easements shall be used and enjoyed by each Owner and its Occupants in such a manner so as to not unreasonably interfere with, obstruct or delay the conduct and operations of the other Owner or its Occupants at any time conducted upon its Lot.
6. **Notices.** All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid, or by a nationally recognized overnight carrier. Upon the conveyance of any Lot, the new owner shall provide notice of its address for notices under this Declaration to the owners of the other Lot. Absent such notice, written notice served upon the Registered Agent of the current titleholder (as shown on the records of the Secretary of State of the state where the titleholder was incorporated) of a Lot shall be sufficient.
7. **Property Taxes.** Each Owner shall be solely responsible for and pay when due, without contribution from the other Owner, the property taxes levied against its Lot regardless of the inclusion of any portion of such Owner's Lot within the Easement Areas.
8. **Insurance.** The Association shall obtain and maintain commercial general property and liability insurance coverage related to its interest in and use of the Easement Areas to insure against injury to property, person or loss of life.
9. **Term/Termination.** The term of this Declaration shall commence on the date that this Declaration is filed of record with the Register of Deeds office for Waukesha County, Wisconsin and except as otherwise herein specifically provided, shall continue in perpetuity. Notwithstanding the foregoing, this Declaration may be terminated only by recording with the Register of Deeds office for Waukesha County, Wisconsin a written instrument of termination signed by all of the then-Owners.
10. **Miscellaneous.**

13.1 **No Joint Venture.** Nothing in this Declaration shall be construed to make the parties hereto partners or joint venturers, or to render any of said parties liable for the debts or obligations of any other.

13.2 Headings. Paragraph and subparagraph headings herein are for convenience and reference only and in no way define or limit the scope or content of this Declaration or in any way affect its provisions.

13.3 Waiver. No delay or omission by any of the parties hereto to exercise any right or power occurring upon any non-compliance or failed performance by another party under the provisions of this Declaration shall impair any such right or power or be construed to be a waiver thereof. A waiver by any of the parties hereto of any of the covenants, conditions or agreements hereof to be performed by another, shall not be construed to be a waiver of any succeeding breach thereof or of any other covenant, condition or agreement contained herein.

13.4 Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Wisconsin.

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

13.6 Conveyance. Upon a party's conveyance of all of its interest in such party's respective Lot, such party shall be relieved of any further liability under this Declaration arising on and after the date of transfer and such transferee shall be deemed to have assumed all obligations of the party to this Declaration transferring such Lot arising on and after the date of transfer.

13.7 Entire Agreement. This Declaration sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all of the then-Owners and duly recorded in the office of the Register of Deeds of Waukesha County, Wisconsin.

13.8 Covenants Running With the Land; Successors and Assigns. The easements, rights, obligations and liabilities created hereby shall run with, and benefit and burden title to, the Lots. This Declaration shall be binding upon and inure to the benefit of Declarant and Declarant's successors and assigns, including, but not limited to, Declarant's successors in title to the Lots.

13.9 Counterparts. This Declaration may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single instrument.

13.10 Non-Dedication. Nothing contained in this Declaration shall be deemed to be a gift or dedication of any portion of any Lot to the general public or for any public use or purpose whatsoever, it being the intention of Declarant and its successors and assigns and that nothing in this agreement, expressed or implied, shall confer upon any person, other than Declarant and its successors and assigns, any rights or remedies under or by reason of this Declaration.

13.11 Non-Use. Non-use or limited use of the Easement Areas by an Owner shall not prevent such party from later use of the Easement Areas to the fullest extent authorized in this Declaration.

13.12 Attorney's Fees. If any Owner should prevail in any litigation or arbitration proceeding instituted by or against another Owner(s) related to this Declaration, the prevailing party, as determined by the court or arbitrator, shall receive from the non-prevailing party all costs and reasonable attorneys' fees incurred in such proceeding as determined by the court or arbitrator, as applicable.

IN WITNESS WHEREOF, the parties have executed this Declaration to take effect as of the day and year first above written.

DECLARANT

BIELINSKI HOMES, INC.,
a Wisconsin Corporation

By: Frank Bielinski
Its: President

STATE OF WISCONSIN)
)
COUNTY OF _____)

Personally came before me this _____ day of _____, 2023, the above-named Frank Bielinski to me known to be the President of BIELINSKI HOMES, INC., a Wisconsin corporation, and the person who executed the foregoing instrument on behalf of such company, by its authority, and acknowledged the same.

Notary Public, State of _____
My Commission Expires: _____

CONSENT OF MORTGAGEE OF THE PROPERTY

The undersigned, being the holder of a mortgage against the Property recorded _____, 202__ as Document No. _____, as amended from time to time, consents to the above Declaration and agrees that its interest in Property shall be subject and subordinate to the terms of the Declaration.

By:

Name:

Title:

ACKNOWLEDGMENT

STATE OF WISCONSIN
COUNTY OF _____

This instrument was acknowledged before me on _____ (date) by _____ (name of officer of mortgagee), the _____ (name of office) of _____ (name of mortgagee).

(Name of notary public)

Notary Public, State of Wisconsin

My commission expires: _____

EXHIBIT A

Property Legal Description

Being a subdivision of a part of the Southwest One-quarter (1/4) and Southeast One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Sixteen (16), Township Seven (7) North, Range Nineteen (19) East, in the City of Pewaukee, Waukesha County, Wisconsin.

Tax Key No. PWC 0928980

EXHIBIT B

Drainage Easement Area

[to be attached]

EXHIBIT C

Storm Sewer Easement Area

[to be attached]

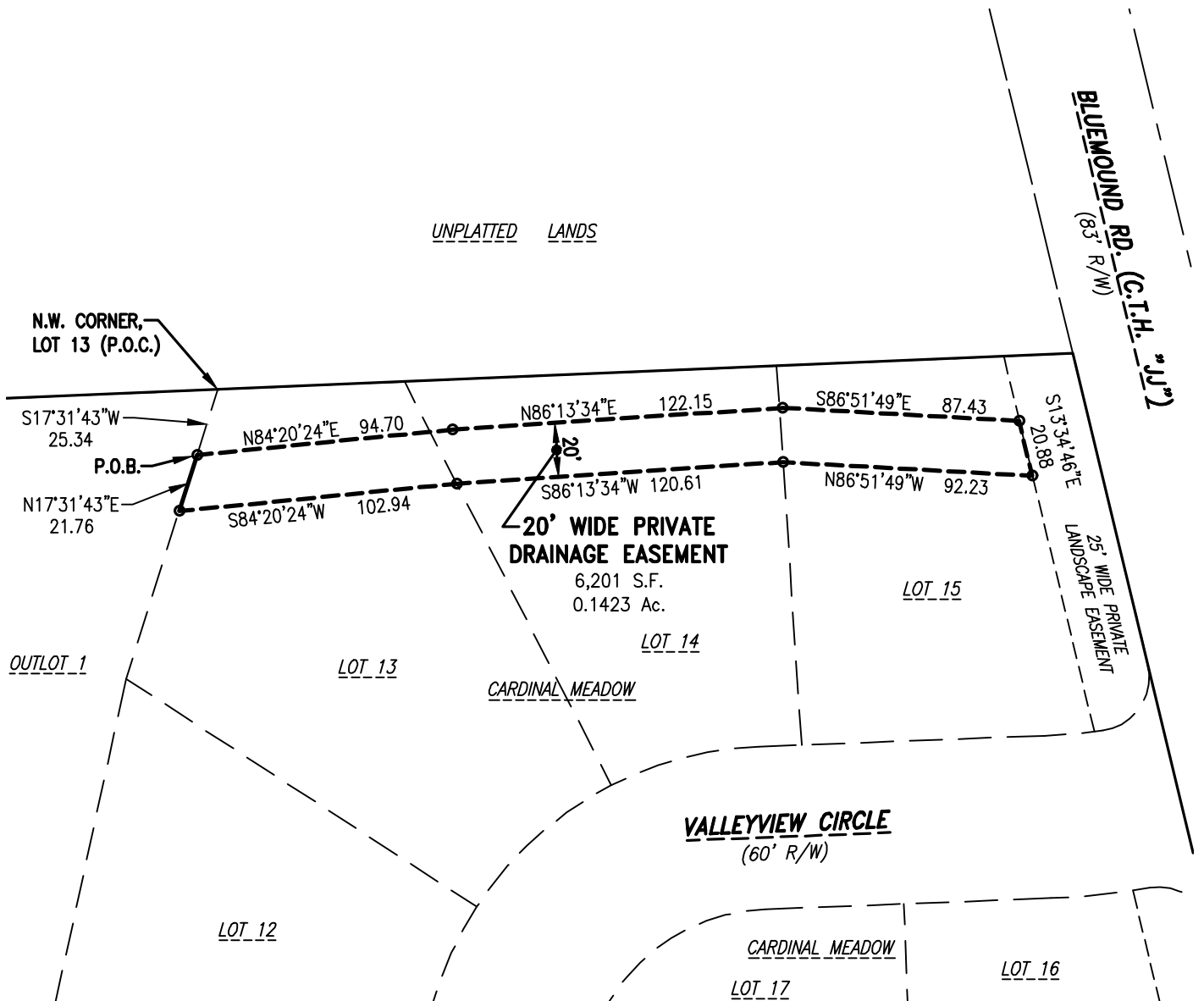
EXHIBIT D

Landscape Easement Area

[to be attached]

EXHIBIT "A"

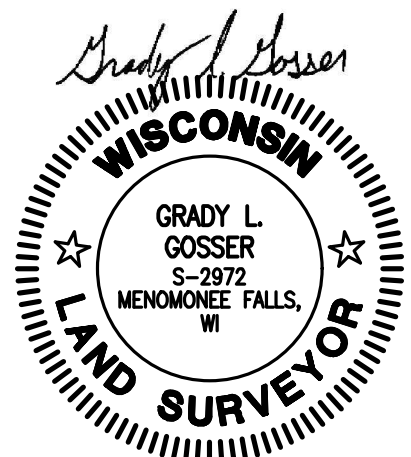
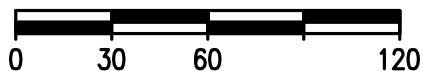
20' WIDE PRIVATE DRAINAGE EASEMENT



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481



SCALE: 1" = 60'



THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

PAGE: 1 OF 2
 DATE: 7/19/23

EXHIBIT "A" Continued

20' WIDE PRIVATE DRAINAGE EASEMENT

LEGAL DESCRIPTION:

A 20' wide Private Drainage Easement located on, over and across part of Lots 13, 14 and 15 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of said Lot 13; Thence South 17°31'43" West and along the West line of said Lot 13, 25.34 feet to the place of beginning of lands hereinafter described;

Thence North 84°20'24" East, 94.70 feet to a point; Thence North 86°13'34" East, 122.15 feet to a point; Thence South 86°51'49" East, 87.43 feet to a point; Thence South 13°34'46" East, 20.88 feet to a point; Thence North 86°51'49" West, 92.23 feet to a point; Thence South 86°13'34" West, 120.61 feet to a point; Thence South 84°20'24" West, 102.94 feet to a point on the said West line of said Lot 13; Thence North 17°31'43" East and along the said West line, 21.76 feet to the point of beginning of this description.

Said Easement contains 6,201 Square Feet (or 0.1423 Acres) of land, more or less.

Date: 7/19/23



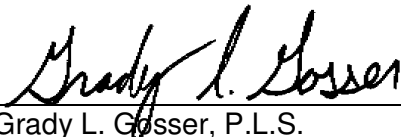
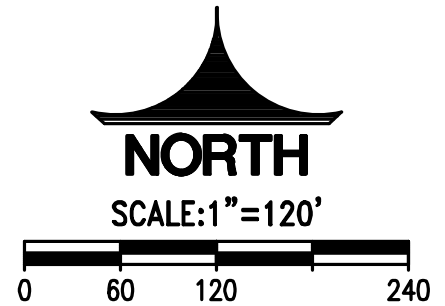

Grady L. Gosser, P.L.S.
Professional Land Surveyor S-2972
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53005
Phone: (262)790-1480

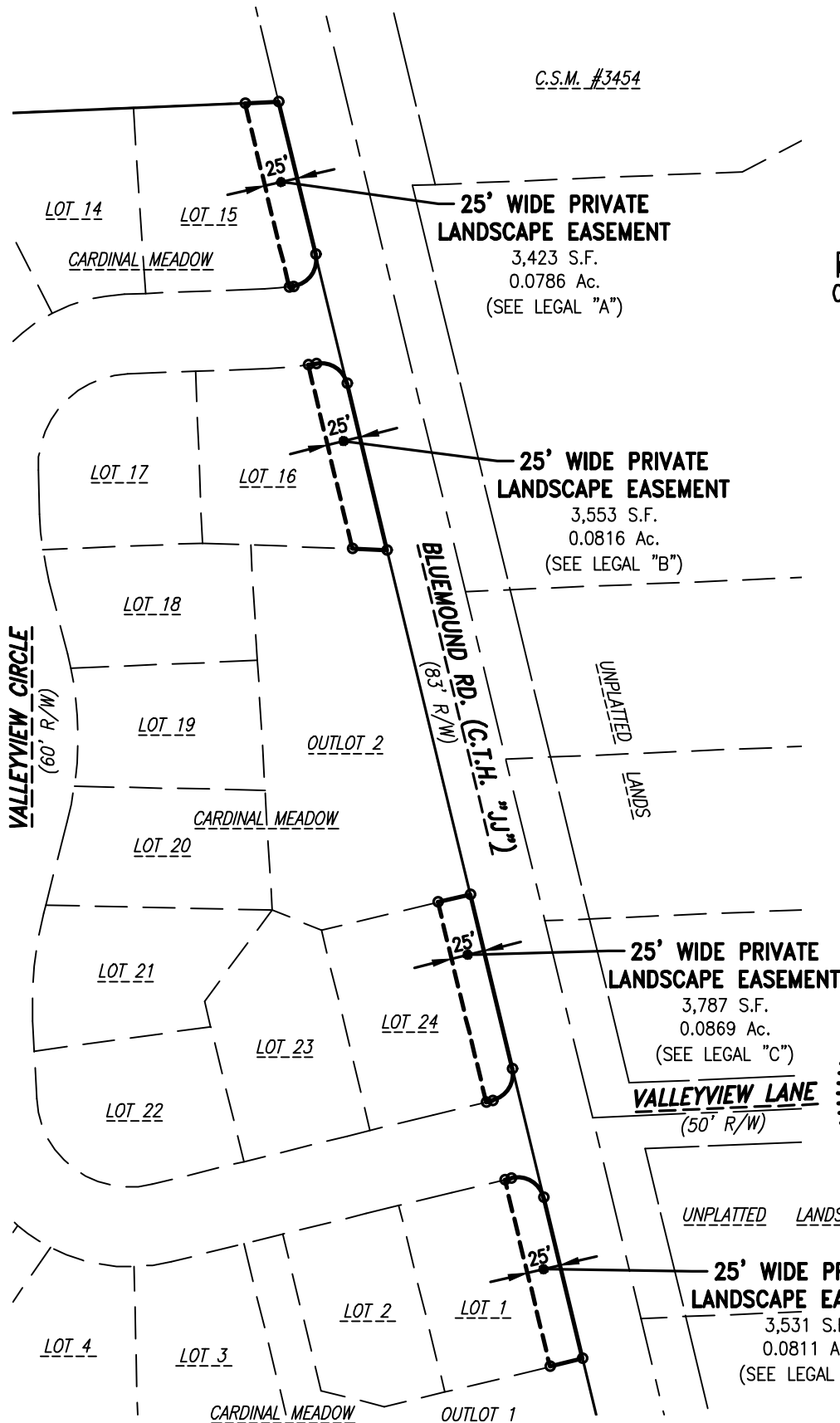
EXHIBIT "A"

25' WIDE PRIVATE LANDSCAPE EASEMENT

C.S.M. #3454



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481



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THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

PAGE: 1 OF 3
DATE: 7/19/23

EXHIBIT “A” Continued

25’ WIDE PRIVATE LANDSCAPE EASEMENT

LEGAL DESCRIPTION “A”:

A 25’ wide Private Landscape Easement located on, over and across part of Lot 15 of “Cardinal Meadow” (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northeast corner of said Lot 15; said point being the place of beginning of lands hereinafter described;

Thence South 13°34’46” East and along the Southwest Right-of-Way line of “Bluemound Road” (C.T.H. “JJ”), 117.93 feet to a point of curvature on the North Right-of-Way line of “Valleyview Circle”; Thence Southwesterly 33.45 feet along the said North Right-of-Way line and the arc of a curve, whose center lies to the Northwest, whose radius is 20.00 feet, whose central angle is 95°48’53”, and whose chord bears South 34°19’40.5” West, 29.68 feet to a point of compound curvature; Thence Southwesterly 2.99 feet along the said North Right-of-Way line and the arc of a curve, whose center lies to the Northwest, whose radius is 220.00 feet, whose central angle is 00°46’45”, and whose chord bears South 82°37’29.5” West, 2.99 feet to a point; Thence North 13°34’46” West, 142.44 feet to a point on the North line of said Lot 15; Thence North 87°35’14” East and along the said North line, 25.48 feet to the point of beginning of this description.

Said Easement contains 3,423 Square Feet (or 0.0786 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION “B”:

A 25’ wide Private Landscape Easement located on, over and across part of Lot 16 of “Cardinal Meadow” (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast corner of said Lot 16; said point being the place of beginning of lands hereinafter described;

Thence North 87°51’19” West and along the South line of said Lot 16, 25.97 feet to a point; Thence North 13°34’46” West, 142.43 feet to a point on the South Right-of-Way line of “Valleyview Circle”; Thence Northeasterly 6.37 feet along the said South Right-of-Way line and the arc of a curve, whose center lies to the Northwest, whose radius is 280.00 feet, whose central angle is 01°18’13”, and whose chord bears North 80°56’42.5” East, 6.37 feet to a point of compound curvature; Thence Southeasterly 30.06 feet along the said North Right-of-Way line and the arc of a curve, whose center lies to the Southwest, whose radius is 20.00 feet, whose central angle is 86°07’38”, and whose chord bears South 56°38’35” East, 27.31 feet to a point of tangency on the Southwest Right-of-Way line of “Bluemound Road” (C.T.H. “JJ”); Thence South 13°34’46” East and along the said Southwest Right-of-Way line, 129.01 feet to the point of beginning of this description.

Said Easement contains 3,553 Square Feet (or 0.0816 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION "C":

A 25' wide Private Landscape Easement located on, over and across part of Lot 24 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northeast corner of said Lot 24; said point being the place of beginning of lands hereinafter described;

Thence South 13°34'46" East and along the Southwest Right-of-Way line of "Bluemound Road" (C.T.H. "JJ"), 134.93 feet to a point of curvature on the North Right-of-Way line of "Valleyview Circle"; Thence Southwesterly 31.42 feet along the said North Right-of-Way line and the arc of a curve, whose center lies to the Northwest, whose radius is 20.00 feet, whose central angle is 90°00'00", and whose chord bears South 31°25'14" West, 28.28 feet to a point of tangency; Thence South 76°25'14" West, 5.00 feet to a point; Thence North 13°34'46" West, 154.92 feet to a point on the North line of said Lot 24; Thence North 76°25'14" East and along the said North line, 25.00 feet to the point of beginning of this description.

Said Easement contains 3,787 Square Feet (or 0.0869 Acres) of land, more or less.

ALSO:

LEGAL DESCRIPTION "D":

A 25' wide Private Landscape Easement located on, over and across part of Lot 1 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

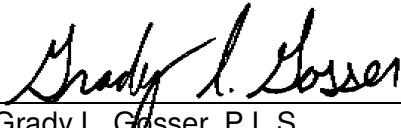
Commencing at the Southeast corner of said Lot 1; said point being the place of beginning of lands hereinafter described;

Thence South 76°25'14" West and along the South line of said Lot 1, 25.00 feet to a point; Thence North 13°34'46" West, 144.68 feet to a point on the South Right-of-Way line of "Valleyview Circle"; Thence North 76°25'14" East along the said South Right-of-Way line, 5.00 feet to a point of curvature; Thence Southeasterly 31.42 feet along the said North Right-of-Way line and the arc of a curve, whose center lies to the Southwest, whose radius is 20.00 feet, whose central angle is 90°00'00", and whose chord bears South 58°34'46" East, 28.28 feet to a point of tangency on the Southwest Right-of-Way line of "Bluemound Road" (C.T.H. "JJ"); Thence South 13°34'46" East and along the said Southwest Right-of-Way line, 124.69 feet to the point of beginning of this description.

Said Easement contains 3,531 Square Feet (or 0.0811 Acres) of land, more or less.

Date: 7/19/23




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Professional Land Surveyor S-2972
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53005
Phone: (262)790-1480

U.S.H. ^{"16"} —
(220' R/W)

VALLEYVIEW CIRCLE
(60' R/W)



THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

EXHIBIT "A" Continued

PRIVATE STORM SEWER EASEMENT

LEGAL DESCRIPTION:

A Private Storm Sewer Easement located on, over and across part of Lots 5, 6, 7, 8 and 9 of "Cardinal Meadow" (A Subdivision Plat of Record), being located in a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

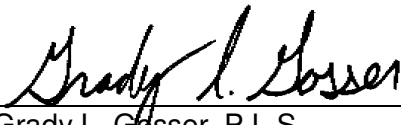
Commencing at the Northwest corner of said Lot 7; said point being the place of beginning of lands hereinafter described;

Thence North 05°05'46" East and along the West line of said Lots 8 and 9, 100.80 feet to a point; Thence South 86°25'12" East, 2.35 feet to a point; Thence South 03°34'48" West, 209.84 feet to a point; Thence South 10°19'32" East, 138.19 feet to a point on the West line of said Lot 5; Thence North 26°35'47" West and along the said West line of said Lot 5, 22.16 feet to a point; Thence North 08°34'58" West and along the West line of said Lot 6, 117.24 feet to a point; Thence North 02°19'55" East and along the West line of said Lot 7, 109.48 feet to the point of beginning of this description.

Said Easement contains 1,373 Square Feet (or 0.0315 Acres) of land, more or less.

Date: 7/19/23




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**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 14.**

DATE: August 7, 2023

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding Interstate Partners Green Road Developers Agreement and to Establish the Financial Guarantee Value for the Green Road and Redford Ramp Intersection Improvements [Wagner]

BACKGROUND:

At a previous Common Council meeting it was decided that if improvements were made to the intersection of Green Road and the Redford Ramp by Interstate Partners, the City would remove the 6 TON weight restriction on Green Road from Duplainville Road to the Redford Ramp.

Interstate Partners has decided to move forward with these improvements. As such, the City needs a Developer's Agreement and financial guarantee for these improvements.

Staff recommends approval of the agreement and financial guarantee contingent on final review by the City Attorney and City Engineer.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Common Council approve the Developer's Agreement and establish the value of the financial guarantee contingent on final approval from the City Engineer and City Attorney.

ATTACHMENTS:

Description
Draft Developer's Agreement
Intersection Improvements

DEVELOPER'S AGREEMENT
FOR
IP GREEN ROAD LLC
CITY of PEWAUKEE, WAUKESHA COUNTY, WISCONSIN

THIS AGREEMENT made this _____ day of _____, _____, between IP Green Road, LLC a Wisconsin limited liability company ("Developer"), as developer of a 11.9-acre site at approximately N30W22835 Green Road, hereinafter called "SUBJECT LANDS", and the CITY OF PEWAUKEE in the County of Waukesha and the State of Wisconsin, hereinafter called the "CITY".

WITNESSETH:

WHEREAS, the DEVELOPER is the owner of land in the CITY, said land being described on EXHIBIT A attached hereto and incorporated herein, hereinafter called "SUBJECT LANDS"; and

WHEREAS, the DEVELOPER is developing SUBJECT LANDS for commercial or industrial purposes by use of the standard regulations as set forth in the municipal ordinance regulating land development; and

WHEREAS, the DEVELOPER requested the Green Road 6 TON weight restriction be lifted from Duplainville Road west to Redford Boulevard (CTH F) Ramp; and

WHEREAS, the City requires that the DEVELOPER make and install off-site public improvements to remove a road weight restriction and that the DEVELOPER provide financial security to ensure that the DEVELOPER will make these improvements within a reasonable time; and

WHEREAS, while a portion of the off-site public improvements are within Green Road, which is under the jurisdiction of the City, the improvements are being constructed in County Trunk right-of-way or lands that are owned by Waukesha County; and

WHEREAS, the DEVELOPER has applied for and received all approvals and permits from Waukesha County to construct the off-site public improvements; and

WHEREAS, the DEVELOPER and CITY desire to enter into this agreement in order to ensure that the DEVELOPER will make and install all public improvements as show in Exhibit B ("Improvements") which are required by Common Council action to lift the 6 TON weight restriction and further that the DEVELOPER shall dedicate the public improvements to the CITY or County, based upon jurisdiction, provided that said public improvements are constructed to municipal specifications, all applicable government regulations and this agreement without cost to the CITY; and

WHEREAS, the DEVELOPER agrees to install the improvements as herein described in accordance with this agreement, conditions approved by the CITY Common Council, conditions of certain agencies and individuals in the County, all CITY and County ordinances and all laws and regulations governing said development.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the DEVELOPER does hereby agree to install the improvements and the parties hereto agree as follows:

DEVELOPER'S COVENANTS

SECTION I. IMPROVEMENTS

A. PUBLIC STREETS: The DEVELOPER hereby agrees that:

1. Prior to the start of construction the off-site public improvements -("Improvements"), the DEVELOPER shall provide to the CITY written certification from the DEVELOPER'S Engineer or Surveyor that all public street plans are in conformance with all Federal, State and CITY specifications, regulations and ordinances, and written proof from the CITY Engineer evidencing review and approval of said plans.
2. The DEVELOPER shall grade and install all planned Improvements in accordance with the approved plan and the plans and specifications on file in the CITY Public Works office.
3. All Improvements shall be completed no later than October 15, 2023, or as extended by the Director of Public Works.
4. The DEVELOPER shall comply with the specifications for all public facilities set forth in the City of PEWAUKEE Technical Standards. Record drawings, including digital as-built plans, shall be provided to all appropriate City departments as required by the City of PEWAUKEE Specifications on file in the office of the Department of Public Works prior to the weight restriction being lifted.
5. Contractors working on the development are required to clean up all mud, dirt, stone or debris on the streets no later than the end of each working day or as required by the CITY. The DEVELOPER and/or subject property owner shall clean up the streets within twenty-four (24) hours after receiving a notice from the CITY. If said mud, dirt, stone or debris are not cleaned up after notification, the CITY will do so at the DEVELOPER's and/or subject property owner's expense, at the option of the CITY.

C. GRADING, EROSION AND SILT CONTROL: The DEVELOPER hereby agrees that:

1. Prior to commencing site grading and excavation, the DEVELOPER shall provide to the CITY written certification from the DEVELOPER'S Engineer or Surveyor that said plan, once implemented, shall meet all federal, state, county and local regulations, guidelines, specifications, laws and ordinances, including proof of notification of land disturbances to the State of Wisconsin Department of Natural Resources, if applicable, and written proof that the CITY Engineer, and the Army Corps of Engineers, if applicable, have approved said plans.
2. The DEVELOPER shall cause all grading, excavation, open cuts, side slopes and other land surface disturbances to be so seeded and mulched, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications reviewed and approved by the State of Wisconsin Department of Natural

Resources, if applicable, and written proof that the CITY Engineer, and the Army Corps of Engineers, if applicable, have approved said plans.

3. All disturbed areas shall be stabilized to the satisfaction of the CITY Public Works within seven (7) days of disturbance in conformance with the approved Plan.
4. The DEVELOPER shall comply with the specifications for all public facilities set forth in the City of PEWAUKEE Technical Standards. Record drawings, including digital as-built plans, shall be provided to all appropriate City departments as required by the City of PEWAUKEE Specifications on file in the office of the Department of Public Works prior to any building permits being issued.

D. LANDSCAPING AND SITE WORK: The DEVELOPER hereby agrees that:

1. The DEVELOPER shall preserve to the maximum extent possible existing trees, shrubbery, vines, and grasses not actually lying on the public streets, drainage ways, building foundation sites, driveways, soil absorption waste disposal areas, paths and trails by use of sound conservation practices.
2. The DEVELOPER, as required by the CITY, shall remove and lawfully dispose of buildings, destroyed trees, brush, tree trunks, shrubs and other natural growth and all rubbish.
3. Landscaping and removal of unwanted items, including buildings, will be completed according to the approved Construction Plan and certified as complete by the CITY Engineer prior to the weight restriction being lifted. It is agreed that any grasses planted as part of the landscaping plan that do not achieve stabilization due to winter weather conditions will not be cause to delay Substantial Completion of the Improvements, but will be included under the guarantee period discussed below.
4. The DEVELOPER shall delineate all wetlands by a certified wetland scientist that are on or adjacent to private lots by means of cedar posts, as approved by the CITY Staff prior to the issuance of building permits.
5. The CITY has the right to trim and remove any features which would interfere with safe operation and maintenance of the CITY rights-of-way and drainage ways.

E. STREET SIGNS AND TRAFFIC CONTROL SIGNS: The DEVELOPER hereby agrees that:

1. Street signs, traffic control signs, culverts, posts and guard rails as required by all applicable Federal, State, and CITY regulations, guidelines, specifications, laws, and ordinances shall be obtained and placed by the CITY, or by the DEVELOPER with approval of the CITY, and the cost thereof shall be paid by the DEVELOPER.
2. All traffic control signs and street signs, as required by the CITY will be installed within five (5) working days of the completion of the improvements and upon approval of the ordinance change for the weight restriction.

F. ADDITIONAL IMPROVEMENTS:

The DEVELOPER hereby agrees that if, at any time after plan approval and during construction, the CITY Staff determines that modifications to the plans including additional

improvements such as additional signage, drainage ways, erosion control measures, and surface and stormwater management measures are reasonably necessary in the interest of public safety, are necessary in order to comply with current laws or are necessary for implementation of the original intent of the improvement plans, the CITY is authorized to order DEVELOPER, at DEVELOPER'S expense, to implement the same. If DEVELOPER fails to construct the additional improvement within a reasonable time under the circumstances, the CITY may cause such work to be carried out and shall charge against the financial guarantee held by the CITY pursuant to this agreement.

SECTION II. TIME OF COMPLETION OF IMPROVEMENTS:

The Improvements set forth in Section I above shall be completed by the DEVELOPER by October 15, 2023.

SECTION III. FINAL ACCEPTANCE.

Throughout this agreement, various stages of the development will require approval by the CITY. "Final Acceptance" as used herein, however, shall be the ultimate acceptance of all of the Improvements in the completed development as a whole, and shall be granted specifically by a letter from the City Engineer. During the guarantee period discussed below in Section VII (A), the CITY will hold 10% of the cash escrow for improvements. The guarantee period provided for the Improvements shall not commence ~~to run~~ until Substantial Completion Final Acceptance.

SECTION IV. DEDICATION OF IMPROVEMENTS:

Subject to all of the other provisions of this agreement, the DEVELOPER shall, without charge to the CITY or County, based upon right-of-way jurisdiction upon completion of the above described improvements, unconditionally give, grant, convey and fully dedicate the public Improvements to the CITY or County, based upon right-of-way jurisdiction, its successors and assigns, forever, free and clear of all encumbrances whatever, together with and including, without limitation because of enumeration, any and all land, buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment, appurtenances and hereditaments which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, the CITY shall have the right to connect or integrate other improvements as the CITY decides, with no payment or award to, or consent required of, the DEVELOPER.

Dedication of the public improvements shall not constitute acceptance of any improvement by the CITY. All Improvements will be accepted by the CITY at such time as such Improvements are in acceptable form and according to the CITY specifications. DEVELOPER will furnish proof to the CITY, prior to the dedication required, that the public land and improvements proposed for dedication are free of all liens, claims and encumbrances, including mortgages.

SECTION V. ACCEPTANCE OF WORK AND DEDICATION:

When the DEVELOPER shall have completed the Improvements herein required and shall have dedicated the same to the CITY as set forth herein, the same shall be accepted by the CITY if said Improvements have been completed as required by this agreement and as required by all federal, state, county or CITY guidelines, specifications, regulations, laws and ordinances and approved by the CITY Engineer.

SECTION VI. APPROVAL BY CITY NOT TO BE DEEMED A WAIVER.

The ultimate responsibility for the proper design and installation of streets, water facilities, drainage facilities, ditches, landscaping and all other improvements are upon the DEVELOPER. The fact that the CITY or its engineer, or its attorney, or its staff may approve a specific project shall not constitute a waiver or relieve the DEVELOPER from the ultimate responsibility for the design, performance and function of the development and related infrastructure.

SECTION VII. GUARANTEES OF IMPROVEMENTS:

- A. Guarantee. The DEVELOPER shall guarantee after Substantial Completion, the public Improvements and all other improvements described in Section I hereof, against defects due to faulty materials or workmanship, provided that such defects appear within a period of one year from the date of Substantial Completion as part of the cash escrow described in Section VII. Ten percent (10%) of the total cost of all Improvements will be held cash escrow deposit as the financial assurance for this. Substantial Completion shall be as defined in Wisconsin Statutes 236.13(2)(a)2. The DEVELOPER shall pay for any damages to CITY property and/or improvements resulting from such faulty materials or workmanship. This guarantee shall not be a bar to any action the CITY might have for negligent workmanship or materials. Wisconsin law on negligence shall govern such situations. If the DEVELOPER fails to pay for any damages or defects to CITY property and/or improvements, and the CITY is required to draw against the cash escrow on file with the CITY, the DEVELOPER is required to replenish said monies up to the aggregate amount of ten percent (10%) of the total cost of all improvements.
- B. Obligation to Repair. The DEVELOPER shall make or cause to be made, at its own expense, any and all repairs which may become necessary under and by virtue of the DEVELOPER'S guarantee and shall leave the Improvements in good and sound condition, satisfactory to the CITY at the expiration of the guarantee period.
- C. Notice of Repair. If during said guarantee period, the improvements shall, in the reasonable opinion of the CITY Staff, require any repair or replacement which, in their judgment, is necessitated by reason of settlement of foundation, structure of backfill, or other defective materials or workmanship, the DEVELOPER shall, upon notification by the CITY the necessity for such repair or replacement, make such repair or replacement, at its own cost and expense. Should the DEVELOPER fail to make such repair or replacement within the time specified by the CITY in the aforementioned notification, after notice has been sent as provided herein, the CITY may cause such work to be done, but has no obligation to do so, either by contract or otherwise, and the CITY may draw upon such guarantee security to pay any costs or expenses incurred in connection with such repairs or replacements. Should the costs or expenses incurred by the CITY in repairing or replacing any portion of the Improvements covered by this guarantee exceed the amount of the guarantee security, then the DEVELOPER shall immediately pay any excess cost or expense incurred in the correction process.
- D. Maintenance Prior to Acceptance.
1. All Improvements shall be maintained by the DEVELOPER so they conform to the approved plans and specifications at the time of their Final Acceptance by the CITY. This maintenance shall include routine maintenance, asphalt repairs, concrete repairs and the like. In cases where emergency maintenance is required, the CITY retains the right to complete the required emergency maintenance in a timely fashion and bill the DEVELOPER for all such associated costs. Said bill shall be paid immediately by the

DEVELOPER. The DEVELOPER'S obligation to maintain all improvements shall expire at the expiration of the guarantee period.

2. Street sweeping and dust suppression shall be done by the DEVELOPER upon a regular basis as needed to ensure a reasonably clean and safe roadway until Final Acceptance by the CITY. Should the DEVELOPER fail to meet this requirement, the CITY will cause the work to be done and will bill the DEVELOPER on a time and material basis. Said bill shall be paid immediately by the DEVELOPER.
3. In the event drainage problems arise connected solely with construction of the Improvements, the DEVELOPER shall correct such problems to the satisfaction of the CITY Staff. Such correction measures shall include, without limitation because of enumeration, cleaning of soil, loose aggregate and construction debris from culverts, pipes, drainage ditches and streets; dredging and reshaping of siltation or retention ponds; replacing of siltation fences; sodding and seeding; construction of diversion ditches, ponds and siltation traps; and restoration of all disturbed areas. This responsibility shall continue until such time as the roads, ditches, and other disturbed areas have become adequately vegetated and the CITY is satisfied that the DEVELOPER has restored all areas which were disturbed because of this development, but in no event shall this responsibility extend beyond the expiration of the guarantee period.

SECTION IX. FINANCIAL GUARANTEE:

Prior to the execution of this agreement by the CITY, the DEVELOPER shall file with the CITY cash escrow setting forth terms and conditions in a form approved by the CITY Attorney in the amount of 110% of the cost for the public improvements as approved by the CITY Engineer as a guarantee that the DEVELOPER will perform all terms of this agreement no later than one year from the signing of this agreement except as otherwise set forth in this agreement. DEVELOPER has provided CITY with a partial deposit for this purpose in the sum of \$54,000.00, and shall fund the balance of \$40,600.00 upon execution of this Agreement. If at any time:

- A. The DEVELOPER is in default of any aspect of this agreement, or
- B. The DEVELOPER does not complete the installation of the improvements within one (1) year from the signing of this agreement unless otherwise extended by this agreement or by action of the CITY COMMON COUNCIL, or
- ~~C. The cash escrow on file with the CITY is dated to expire sixty (60) days prior to the expiration of the same with an automatic renewal unless notice is given of expiration or replaced, or~~

~~D.C.~~ The DEVELOPER fails to maintain a cash deposit in an amount approved by CITY Engineer, and in a form approved by the CITY Attorney, to pay the costs of improvements in the development, the DEVELOPER shall be deemed in violation of this agreement and the CITY shall have the authority to draw upon the cash escrow.

SECTION X. OCCUPANCY PERMITS:

It is expressly understood and agreed the 6 TON weight restriction will not be altered until the CITY has determined that:

Commented [WM1]: I will need to see the estimate from the contractor to verify and establish the value of the guarantee. These are fine for placeholders. I will also verify the Clerk has not refunded the previous deposit.

Commented [MOU2]: This Section C needs clarification.

Commented [WM3R2]: Section C can be deleted since it is a cash deposit and not a letter of credit.

- A. The installation of the improvements has been completed to the satisfaction of the City Engineer.
- B. The site grading and construction of surface and stormwater drainage facilities required to serve the development are completed, are connected with an operating system as required herein, are cleaned as needed, and are accepted by the CITY.
- C. All landscaping and removal of unwanted items, including buildings, has been completed according to the Plan.
- D. The DEVELOPER has paid in full all fees, assessments and reimbursement of administrative costs as required by this agreement.
- E. All destroyed trees, brush, tree trunks, shrubs and other natural growth and all rubbish are removed from the development and disposed of lawfully.
- F. All required record drawing plans for the SUBJECT LANDS have been submitted and approved by the CITY Engineer.
- G. All public and private utilities have been installed in the SUBJECT LANDS, including street lighting fixtures, stormwater, sanitary sewer, water and electrical, if applicable.
- H. The DEVELOPER is not in default of any aspect of this agreement.
- I. There is no default of any aspect of this agreement as determined by the CITY.

SECTION XI. RESERVATION OF RIGHTS AS TO ISSUANCE OF BUILDING PERMITS:

The CITY reserves the right to withhold issuance of any and all building permits if DEVELOPER is in violation of this agreement.

SECTION XII. MISCELLANEOUS REQUIREMENTS: The DEVELOPER shall:

A. **MANNER OF PERFORMANCE:**

Cause all construction called for by this agreement to be carried out and performed in a good and workerlike manner.

B. **SURVEY MONUMENTS:**

Properly place and install any lot, block or other monuments required by State Statute, CITY Ordinance or the CITY Engineer.

C. **PERMITS:**

Provide and submit to the CITY valid copies of any and all governmental agency permits.

D. **DEBRIS:**

Have ultimate responsibility for cleaning up debris that has blown from construction within the Improvement Area until such time as all improvements have been installed and accepted by the CITY. The CITY shall make a reasonable effort to require the contractor, who is

responsible for the debris, to clean up the same or to hold the subject property owner who hired the contractor responsible. The DEVELOPER and/or subject property owner shall clean up the debris within forty-eight (48) hours after receiving a notice from the CITY. If said debris is not cleaned up after notification, the CITY will do so at the DEVELOPER'S and/or subject property owner's expense.

E. DUTY TO CLEAN ROADWAYS:

The DEVELOPER shall be responsible for cleaning up the mud and dirt on the roadways until such time as the area is stabilized. The DEVELOPER shall clean the roadways immediately after receiving a notice from the CITY. If said mud, dirt and stone is not cleaned up after notification, the CITY will do so at the DEVELOPER's expense. The CITY will do its best to enforce existing ordinances that require builders to clean up their mud from construction.

SECTION XIII. PAYMENT OF COSTS, INSPECTION & ADMINISTRATIVE FEES:

The DEVELOPER shall pay and reimburse the CITY promptly upon billing for all fees, expenses, costs and disbursements which shall be incurred by the CITY in connection with this development or relative to the construction, installation, dedication and acceptance of the development improvements covered by this agreement, including without limitation by reason of enumeration, design, engineering, review, supervision, inspection and legal, administrative and fiscal work. CITY employee costs shall be based on an annual rate determination by the CITY. Any costs for outside consultants shall be charged at the rate the consultant charges the CITY. Any such charge not paid by DEVELOPER within thirty (30) days of being invoiced may be charged against the financial guarantee held by the CITY pursuant to this agreement, or assessed against the development land as a special charge pursuant to §66.0627, Wis. Stats.

SECTION XIV. GENERAL INDEMNITY:

In addition to, and not to the exclusion or prejudice of, any provisions of this agreement or documents incorporated herein by reference, the DEVELOPER shall indemnify and save harmless and agrees to accept tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the CITY, its officers, agents, employees and independent contractors growing out of this agreement by any party or parties. The DEVELOPER shall also name as additional insureds on its general liability insurance the CITY, its officers, agents, employees and any independent contractors hired by the CITY to perform services as to this development and give the CITY evidence of the same upon request by the CITY.

SECTION XV. INSURANCE:

The DEVELOPER, its contractors, suppliers and any other individual working on the SUBJECT LANDS in the performance of this agreement shall maintain at all times until the expiration of the guarantee period, insurance coverage in the forms and in the amounts as required by the CITY.

SECTION XVI. EXCULPATION OF CITY CORPORATE AUTHORITIES:

The parties mutually agree that the CITY Mayor of the CITY Common Council, and/or the CITY Clerk, entered into and are signatory to this agreement solely in their official capacity and not individually, and shall have no personal liability or responsibility hereunder; and personal liability as may otherwise exist, being expressly released and/or waived.

SECTION XVII. GENERAL CONDITIONS AND REGULATIONS:

All provisions of the CITY Ordinances are incorporated herein by reference, and all such provisions shall bind the parties hereto and be a part of this agreement as fully as if set forth at length herein. This agreement and all work and improvements required hereunder shall be performed and carried out in strict accordance with and subject to the provisions of said Ordinances.

SECTION XVIII. COMPLIANCE WITH CODES AND STATUTES:

The DEVELOPER shall comply with all ~~current and future~~ applicable codes of the CITY, State and Federal government and, further, DEVELOPER shall follow all ~~current and future~~ lawful orders of any and all duly authorized employees and/or representatives of the CITY, County, State or federal government.

SECTION XIX. AGREEMENT FOR BENEFIT OF PURCHASERS:

The DEVELOPER agrees that in addition to the CITY'S rights herein, the provisions of this agreement shall be for the benefit of the purchaser of the SUBJECT LANDS.

SECTION XX. ASSIGNMENT:

The DEVELOPER shall not assign this agreement without the written consent of the CITY. The assignee must agree to all terms and conditions of this document in writing.

SECTION XXI. PARTIES BOUND:

The DEVELOPER or its assignees shall be bound by the terms of this agreement or any part herein as it applies to any phase of the development.

SECTION XXII. HEIRS & ASSIGNS:

This agreement is binding upon the DEVELOPER, owners, their successors and assigns, and any and all future owners of the SUBJECT LANDS.

SECTION XXIII. AMENDMENTS:

The CITY and the DEVELOPER, by mutual consent, may amend this Developer's Agreement at any meeting of the CITY Common Council. The CITY shall not, however, consent to an amendment until after first having received a recommendation from the CITY Plan Commission.

IN WITNESS WHEREOF, the DEVELOPER and the CITY have caused this agreement to be signed by their appropriate officers and their corporate seals (if any) to be hereunto affixed in three original counterparts the day and year first above written.

IP GREEN ROAD LLC

By: _____
Authorized Signatory

STATE OF WISCONSIN)
)ss.
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 2023, the above named
_____, Authorized Signatory of _____, to me known to
be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

CITY OF PEWAUKEE

Steve Bierce, Mayor

Kelly Tarczewski, Clerk

STATE OF WISCONSIN)
)ss.
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 2023, the above-named Steve Bierce, CITY Mayor, and Kelly Tarczewski, CITY Clerk, of the above-named municipal corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such CITY Mayor and CITY Clerk of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to the authorization by the CITY COMMON COUNCIL from their meeting on the _____ day of _____, 2023.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

APPROVED AS TO FORM:

H. Stanley Riffle, CITY Attorney

EXHIBIT A
Legal Description and Map

REDFORD BLVD. (C.T.H. "F")

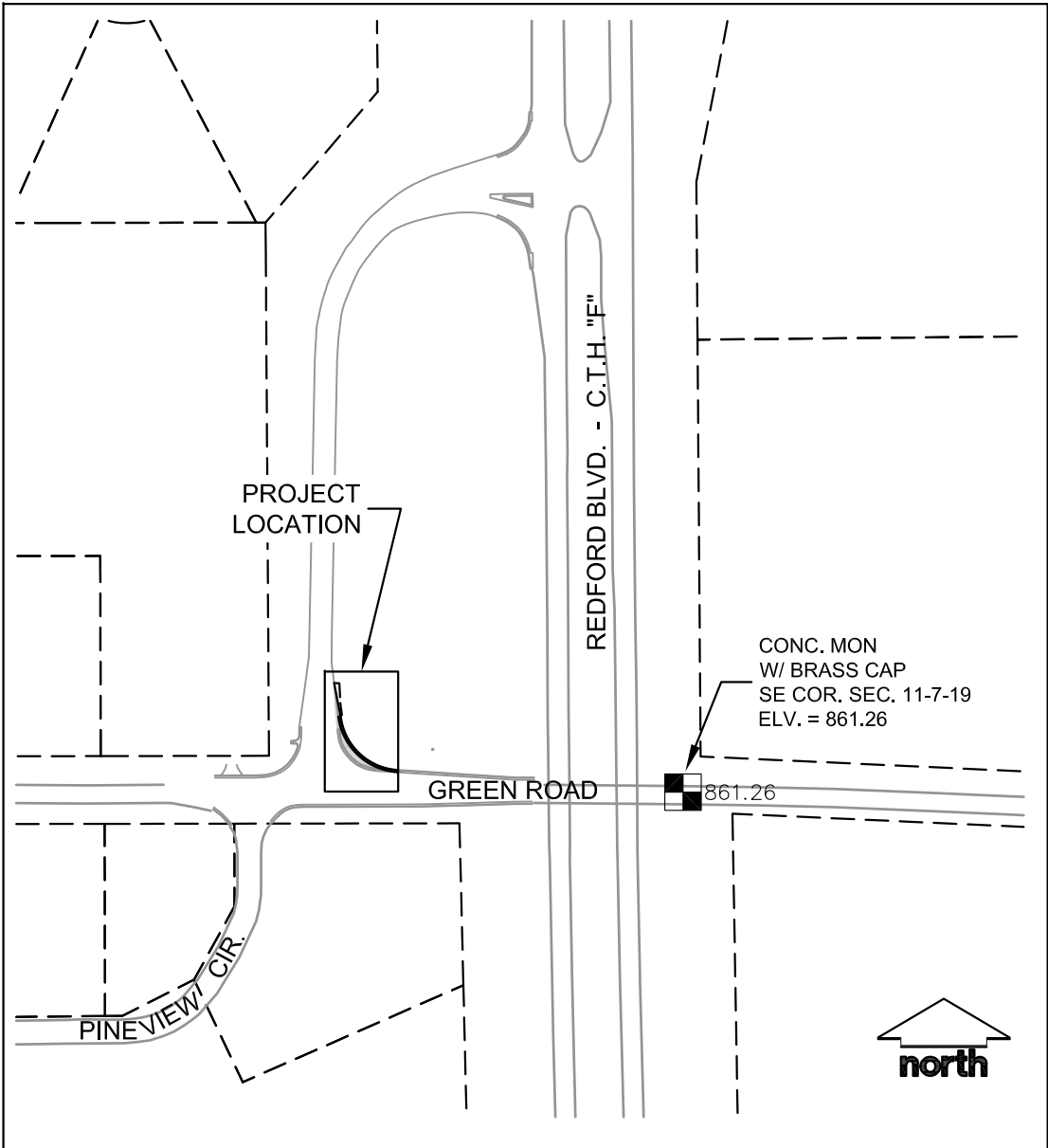
GREEN RD. ON/OFF RAMP

CITY OF PEWAUKEE, WISCONSIN

SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 19 EAST

DRAWING INDEX

C0.0	TITLE SHEET
C1.0	GRADING, DRAINAGE & SITE PLAN
C1.1	TURNING TEMPLATE & EROSION CONTROL PLAN
C2.0	DETAILS AND NOTES
C2.1	DETAILS AND NOTES
C2.2	DETAILS AND NOTES



PROJECT AREA
SCALE: 1" = 200'

PROJECT INFORMATION

OWNER
John B. Heller
Interstate Partners, LLC
N16W23217 Stone Ridge Dr., Suite 200
Waukesha, WI 53188
262.506-6200
jheller@interstatepartners.com

CIVIL CONSULTANT
Rizal Iskandarsjach, P.L.S., P.E.
JSD Professional Services, Inc.
W238N1610 Busse Rd., Suite 100
Waukesha, WI 53188
262.513.0666
riz@jsdinc.com

MUNICIPAL CONTACTS

CITY OF PEWAUKEE
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Director of Public Works/City Engineer
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262.691.0804
wagner@pewaukee.wi.us

Michaelis Gabbey, P.E.
Chief Engineer – Streets & Development
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Pewaukee, WI 53072
262.691.0804
gabbey@pewaukee.wi.us

COUNTY CONTACTS

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Engineering Services Manager
515 W. Moreland Blvd., AC220
Waukesha, WI 53188
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KBraun@waukeshacounty.gov

Kevin Yanny
Project Manager
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262.548.7740
KYanny@waukeshacounty.gov

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CREATE THE VISION TELL THE STORY

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MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666



CLIENT ADDRESS:
N16 W23217 STONERIDGE DR.
WAUKESHA, WI 53188

PROJECT:
REDFORD BLVD.
C.T.H. "F"
GREEN RD. ON/OFF RAMP

PROJECT LOCATION:
CITY OF PEWAUKEE
WAUKESHA CO.

PLAN MODIFICATIONS:		
#	Date	Description
1	2023-06-09	CITY & COUNTY COMMENTS
2		
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14		
15		

Designed By: RWI 2023-05-26
Reviewed By: RWI 2023-05-26
Approved By: RKW 2023-05-26

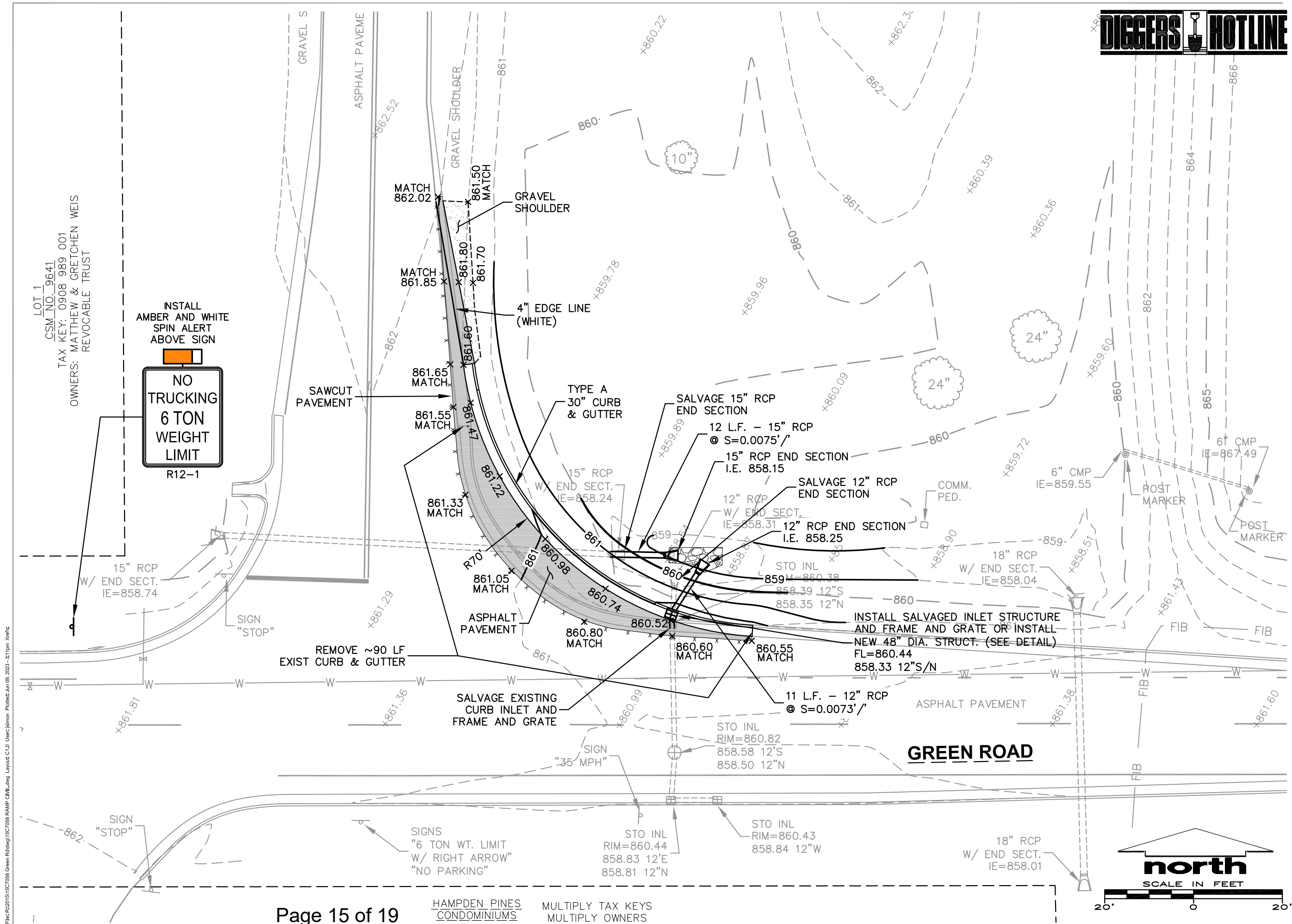
SHEET TITLE:
COVER SHEET

SHEET NUMBER:

C0.0

JSD PROJECT NO: 15-7058

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MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
 Interstate Partners LLC
Real Estate Development

CLIENT ADDRESS:
**N16 W23217 STONERIDGE DR.
WAUKESHA, WI 53188**

PROJECT:
**REDFORD BLVD.
C.T.H. "F"
GREEN RD. ON/OFF RAMP**

PROJECT LOCATION:
**CITY OF PEWAUKEE
WAUKESHA CO.**

PLAN MODIFICATIONS:

#	Date	Description
1	2023-06-09	CITY & COUNTY COMMENTS
2		
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Designed By: RWI 2023-05-26
Reviewed By: RWI 2023-05-26
Approved By: RKW 2023-05-26

SHEET TITLE:
**GRADING,
DRAINAGE &
SITE PLAN**

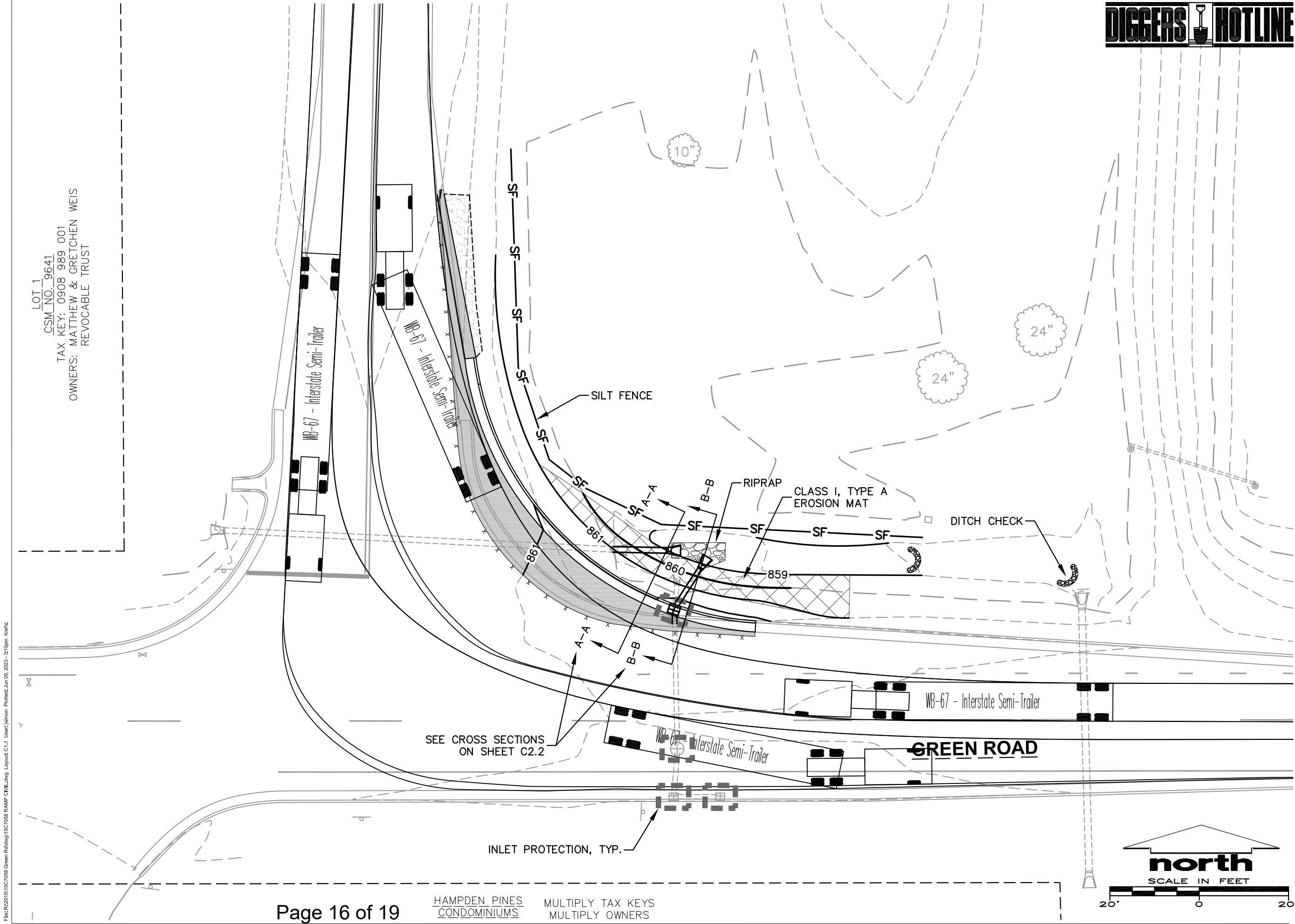
SHEET NUMBER:
C1.0

JSD PROJECT NO: 15-7058

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LOT 1
CSM NO. 9641
TAX KEY: 0908 989 001
OWNERS: MATTHEW & GRETCHEN WEIS
REVOCABLE TRUST



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jsdinc.com

MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
 Interstate Partners LLC
Real Estate Development

CLIENT ADDRESS:
**N16 W23217 STONERIDGE DR.
WAUKESHA, WI 53188**

PROJECT:
**REDFORD BLVD.
C.T.H. "F"
GREEN RD. ON/OFF RAMP**

PROJECT LOCATION:
**CITY OF PEWAUKEE
WAUKESHA CO.**

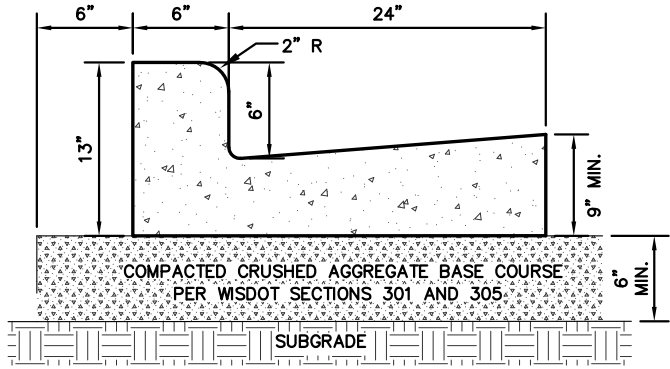
PLAN MODIFICATIONS:		
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Designed By: RWI 2023-05-26
Reviewed By: RWI 2023-05-26
Approved By: RKW 2023-05-26

SHEET TITLE:
**TURNING TEMPLATE
& EROSION
CONTROL PLAN**

SHEET NUMBER:
C1.1

JSD PROJECT NO: 15-7058



GENERAL NOTES:

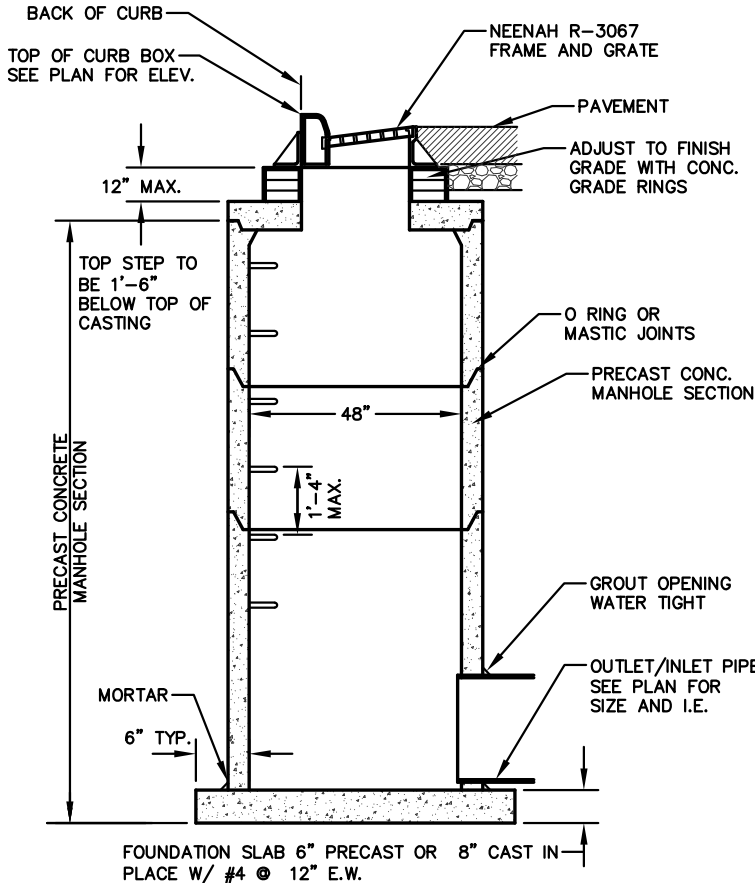
1. LATERAL CONTRACTION JOINTS SHALL BE PLACED AT INTERVALS OF NOT MORE THAN 15 FEET NOR LESS THAN 6 FEET. THE JOINTS SHALL BE A MINIMUM OF 3 INCHES IN DEPTH.
2. EXPANSION JOINTS SHALL BE PLACED TRANSVERSELY AT RADIUS POINTS ON CURVES OF RADIUS 200 FEET OR LESS, AND AT ANGLE POINTS, OR AS DIRECTED BY THE ENGINEER OF RECORD. THE EXPANSION JOINT FILLER SHALL BE A ONE PIECE FIBER BOARD OR THE APPROVED EQUIVALENT MATERIAL HAVING THE SAME DIMENSIONS AS CURB & GUTTER AT THAT STATION AND BE 0.5 INCH THICK.
3. IN ALL CASES, CONCRETE CURB & GUTTER SHALL BE PLACED ON THOROUGHLY COMPACTED CRUSHED STONE.

30" STANDARD CURB & GUTTER

N.T.S.

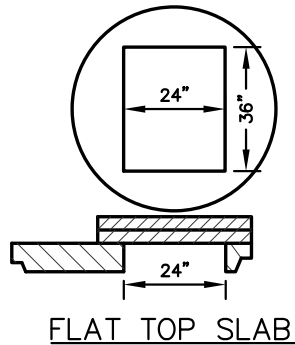
GENERAL NOTES

1. ALL WORK IN THE ROW AND/OR PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER & WATER CONSTRUCTION IN WISCONSIN AND MUNICIPAL REQUIREMENTS.
2. EXISTING GRADE SPOT ELEVATIONS SHOWN FOR INFORMATIONAL PURPOSES. DURING CONSTRUCTION MATCH EXISTING GRADES AT CONSTRUCTION LIMITS.
3. NO SITE GRADING OUTSIDE OR DOWNSLOPE OF PROPOSED SILT FENCE LOCATION.
4. JSD SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER/CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY ANY OR ALL REGULATORY AGENCIES.
5. THE CONTRACTOR SHALL CONTACT THE CITY OF PEWAUKEE DURING THEIR WORKING HOURS. THESE HOURS ARE 7:00 AM TO 5:00 PM ON WEEKDAYS. WORK CAN BE PERFORMED ON WEEKENDS OR HOLIDAYS WITH APPROVAL. WORKING HOURS FOR WEEKENDS / HOLIDAYS IS 8:00 AM TO 5:00 PM.
6. UTILITY WORK, ASPHALT PAVING, AND CONSTRUCTION OF CURB AND GUTTER WITHIN THE CITY RIGHT OF WAY REQUIRES ONSITE INSPECTION BY CITY STAFF OR CONSULTANT. A MINIMUM 48-HOUR NOTICE MUST BE GIVEN PRIOR TO THESE ACTIVITIES OCCURRING.



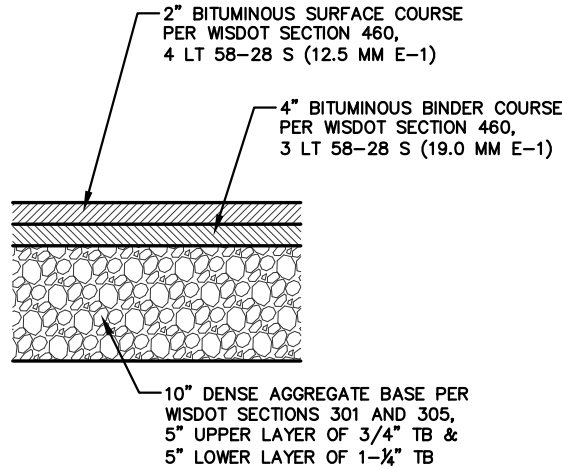
48 - INCH CATCH BASIN (CURB INLET)

N.T.S.



GENERAL NOTES:

1. MANHOLE CONSTRUCTION TO MEET REQUIREMENTS OF ASTM C478.
2. PROVIDE FLAT TOP SLAB FOR MANHOLES 5' OR LESS IN DEPTH. FLAT TOP SLABS TO BE IN-BELL TYPE.
3. JOINTS SHALL BE WATERTIGHT. USE BUTYL RUBBER GASKET.
4. USE MORTAR FOR PIPE CONNECTIONS.



PUBLIC ASPHALT PAVEMENT SECTION

GENERAL NOTES:

1. WSDOT STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, INCLUDING SUPPLEMENTAL SPECIFICATIONS, COMPACTION REQUIREMENTS:
 - BITUMINOUS CONCRETE: REFER TO SECTION 460-3.
 - BASE COURSE: REFER TO SECTION 301.3.4.2, STANDARD COMPACTION.
2. ALL JOINTS WITHIN THE PAVEMENT SHALL BE CRACKED SEALED.
3. THE CONTRACTOR SHALL SUBMIT, FOR THE CITY'S VERIFICATION, AN ASPHALTIC MIX DESIGN MEETING ALL NECESSARY CRITERIA. THE ASPHALTIC MIX DESIGN SHALL CONSIST OF AGGREGATE GRADUATION, AGGREGATE BLEND PERCENTAGES, JOB MIX FORMULA (JMF), RECOMMENDED ASPHALT CONTENT, RECOMMENDED PLANT MIX TEMPERATURE RANGE AND SHALL BE SIGNED BY A LICENSED PROFESSIONAL ENGINEER.
4. REFER TO THE CITY OF PEWAUKEE TECHNICAL STANDARDS.

GREEN ROAD PAVEMENT SECTION

N.T.S.



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CLIENT:
 Interstate Partners LLC
Real Estate Development

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N16 W23217 STONERIDGE DR.
WAUKESHA, WI 53188

PROJECT:
REDFORD BLVD.
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GREEN RD. ON/OFF RAMP

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Designed By: RWI 2023-05-26
Reviewed By: RWI 2023-05-26
Approved By: RKW 2023-05-26

SHEET TITLE:
DETAILS
AND NOTES

SHEET NUMBER:

C2.0

JSD PROJECT NO: 15-7058

File: R2201515C7058 Green Rd.dwg\\15C7058 RAMP CIVIL.dwg Layout: C2.1 User: jlamon Plotdate: Jun 09, 2023 - 3:07pm Xref's:

DEMOLITION NOTES

- THIS PLAN INDICATES ITEMS INTENDED FOR DEMOLITION BASED ON THE CURRENT SITE DESIGN THAT HAVE BEEN IDENTIFIED BY A REASONABLE OBSERVATION OF THE EXISTING CONDITIONS THROUGH FIELD SURVEY RECONNAISSANCE, "DIGGER'S HOTLINE" LOCATION, AND GENERAL "STANDARD OF CARE". THERE MAY BE ADDITIONAL ITEMS THAT CAN NOT BE IDENTIFIED BY A REASONABLE ABOVE GROUND OBSERVATION, OF WHICH THE ENGINEER WOULD HAVE NO KNOWLEDGE OR MAY BE A PART OF ANOTHER DESIGN DISCIPLINE. IT IS THE CONTRACTOR'S/BIDDER'S RESPONSIBILITY TO REVIEW THE PLANS, INSPECT THE SITE AND PROVIDE THEIR OWN DUE DILIGENCE TO INCLUDE IN THEIR BID WHAT ADDITIONAL ITEMS, IN THEIR OPINION, MAY BE NECESSARY FOR DEMOLITION. ANY ADDITIONAL ITEMS IDENTIFIED BY THE CONTRACTOR/BIDDER SHALL BE IDENTIFIED IN THE BID AND REPORTED TO THE ENGINEER OF RECORD. JSD TAKES NO RESPONSIBILITY FOR ITEMS ON THE PROPERTY THAT COULD NOT BE LOCATED BY A REASONABLE OBSERVATION OF THE PROPERTY OR OF WHICH THEY WOULD HAVE NO KNOWLEDGE.
- CONTRACTOR SHALL KEEP ALL STREETS AND PRIVATE DRIVES FREE AND CLEAR OF ALL CONSTRUCTION RELATED DIRT, DUST AND DEBRIS.
- ABANDONED/REMOVED ITEMS SHALL BE DISPOSED OF OFF SITE UNLESS OTHERWISE NOTED.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
 - EXAMINE ALL SITE CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED IMMEDIATELY TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
 - VERIFYING UTILITY ELEVATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCIES. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCIES ARE RESOLVED.
 - NOTIFYING ALL UTILITIES PRIOR TO THE REMOVAL OF ANY UNDERGROUND UTILITIES.
 - NOTIFYING THE DESIGN ENGINEER AND LOCAL CONTROLLING MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION INSPECTION.
- ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S/CITY'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.
- EXISTING FIBER OPTIC LINE TO BE CLEARLY MARKED PRIOR TO ANY EXCAVATION. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY IF ANY DISCREPANCIES OCCUR IN THE LOCATION SHOWN OR PROPOSED IMPROVEMENTS IMPACTING EXISTING FIBER OPTIC LINE LOCATION.
- ALL PERIMETER EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO THE START OF DEMOLITION ACTIVITIES. CONTRACTOR SHALL KEEP ALL STREETS AND PAVEMENT FREE AND CLEAR OF ALL CONSTRUCTION RELATED DIRT, DUST AND DEBRIS.

PAVING NOTES

- GENERAL
 - ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION, LATEST EDITION, APPLICABLE CITY OF PEWAUKEE ORDINANCES AND THE GEOTECHNICAL REPORT PREPARED BY PROFESSIONAL SERVICE INDUSTRIES, INC. TITLED "GEOTECHNICAL EXPLORATION REPORT" DATED JUNE 16, 2011.
 - SURFACE PREPARATION – NOTIFY ENGINEER/OWNER OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.
 - ANY REQUIRED REPLACEMENT OF PUBLIC CURB AND GUTTER OR ASPHALT PAVEMENT SHALL MATCH EXISTING AND MEET MUNICIPALITY REQUIREMENTS.
- ASPHALTIC CONCRETE PAVING SPECIFICATIONS
 - CODES AND STANDARDS – THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACE COURSE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
 - WEATHER LIMITATIONS – APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (–1° C).
 - GRADE CONTROL – ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
 - CRUSHED AGGREGATE BASE COURSE – THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS.
 - BINDER COURSE AGGREGATE – THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460 AND 315, STATE HIGHWAY SPECIFICATIONS.
 - SURFACE COURSE AGGREGATE – THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460 AND 465, STATE HIGHWAY SPECIFICATIONS.
 - ASPHALTIC MATERIALS – THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.
- PAVEMENT MARKING SPECIFICATIONS
 - USE 4" WIDE, WHITE EPOXY PAINT WITH GLASS BEADS PER STATE SPECIFICATION 646.
 - ALL PAVEMENT MARKINGS INCLUDING: STOP BARS, CROSSWALKS, DIRECTIONAL ARROWS, PARKING STALL LINES, ADA STALL MARKINGS, NO PARKING ZONES, DROP–OFF/PICK–UP ZONES SHALL BE PAINTED WITH EPOXY PAINT PER SPECIFICATIONS.



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P. 262.513.0666

CLIENT:



CLIENT ADDRESS:

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PROJECT:

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PROJECT LOCATION:

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Designed By: RWI 2023-05-26
Reviewed By: RWI 2023-05-26
Approved By: RKW 2023-05-26

SHEET TITLE:

DETAILS
AND NOTES

SHEET NUMBER:

C2.1

JSD PROJECT NO:

15-7058

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF JSD PROFESSIONAL SERVICES, INC.

GRADING AND SEEDING NOTES

1. ALL PROPOSED GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL VERIFY ALL GRADES, MAKE SURE ALL AREAS DRAIN PROPERLY AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR COMPUTATIONS OF ALL GRADING QUANTITIES. WHILE JSD PROFESSIONAL SERVICES, INC. ATTEMPTS TO PROVIDE A COST EFFECTIVE APPROACH TO BALANCE EARTHWORK, GRADING DESIGN IS BASED ON MANY FACTORS, INCLUDING SAFETY, AESTHETICS, AND COMMON ENGINEERING STANDARDS OF CARE. THEREFORE, NO GUARANTEE CAN BE MADE FOR A BALANCED SITE.
3. CONTRACTOR SHALL PROVIDE NOTICE TO THE MUNICIPALITY IN ADVANCE OF ANY SOIL DISTURBING ACTIVITIES, IN ACCORDANCE WITH MUNICIPAL REQUIREMENTS.
4. ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED IMMEDIATELY FOLLOWING GRADING ACTIVITIES.
5. CONTRACTOR SHALL WATER ALL NEWLY SEEDED AREAS DURING THE SUMMER MONTHS WHENEVER THERE IS A 7 DAY LAPSE WITH NO SIGNIFICANT RAINFALL.
6. ALL EXPOSED SOIL AREAS THAT WILL NOT BE BROUGHT TO FINAL GRADE OR ON WHICH LAND DISTURBING ACTIVITIES WILL NOT BE PERFORMED FOR A PERIOD GREATER THAN 14 DAYS AND REQUIRE VEGETATIVE COVER FOR LESS THAN 1 YEAR, REQUIRE TEMPORARY SEEDING FOR EROSION CONTROL. SEEDING FOR EROSION CONTROL SHALL BE IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1059 AND CITY OF PEWAUKEE ORDINANCE.

UTILITY NOTES

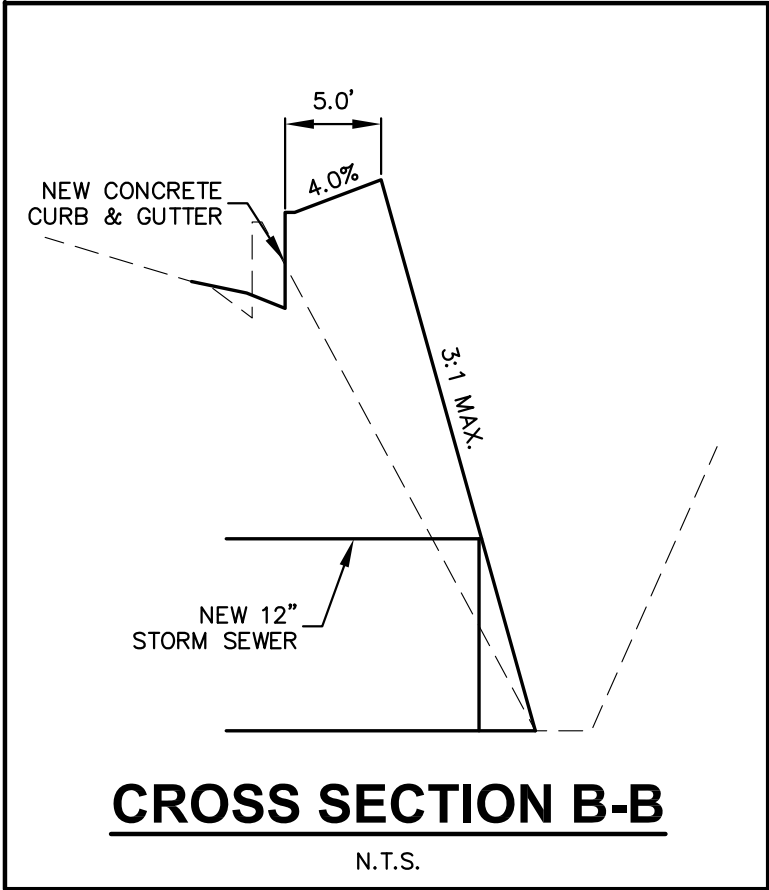
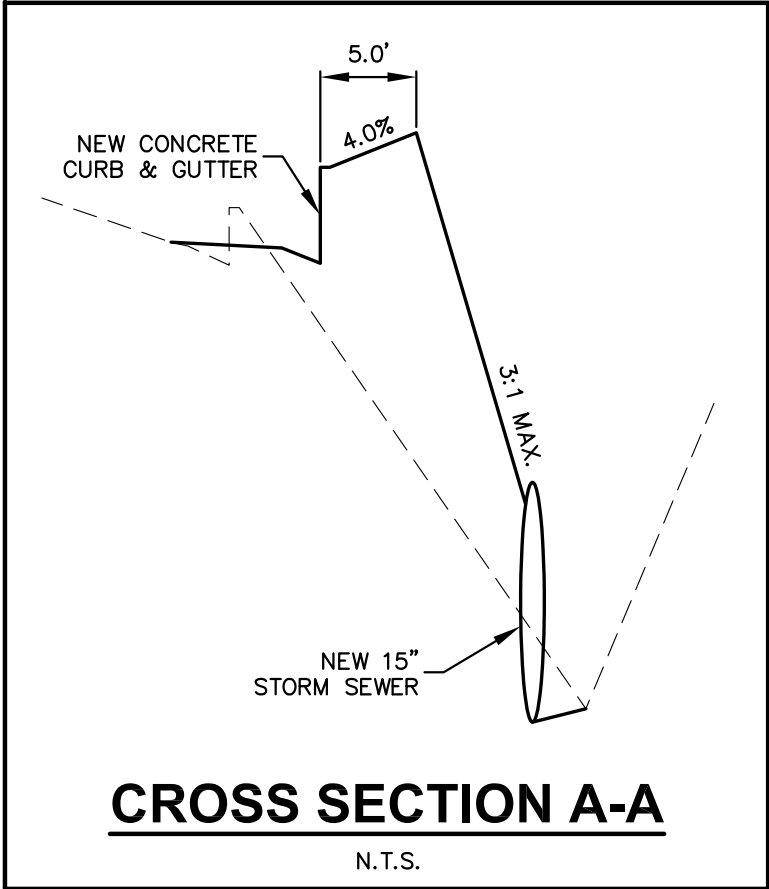
1. ALL EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATIONS OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. CONTRACTOR/OWNER SHALL CALL "DIGGER'S HOTLINE" PRIOR TO ANY CONSTRUCTION.
2. ALL UTILITY WORK SHALL BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN – AND ALL STATE AND LOCAL CODES AND SPECIFICATIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO DETERMINE WHICH SPECIFICATIONS AND CODES APPLY, AND TO COORDINATE ALL CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE LOCAL AND STATE AUTHORITIES.
3. SPECIFICATIONS SHALL COMPLY WITH THE CITY OF PEWAUKEE TECHNICAL STANDARDS.
4. CONTRACTOR IS RESPONSIBLE FOR SITE SAFETY DURING THE CONSTRUCTION OF IMPROVEMENTS.
5. THE PRIME CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL CONSTRUCTION WITH OTHER CONTRACTORS INVOLVED WITH CONSTRUCTION OF THE PROPOSED DEVELOPMENT AND FOR REPORTING ANY ERRORS OR DISCREPANCIES BETWEEN THESE PLANS AND PLANS PREPARED BY OTHERS.
6. STORM SEWER SPECIFICATIONS –

PIPE – REINFORCED CONCRETE PIPE (RCP) SHALL MEET THE REQUIREMENTS OF ASTM CLASS III (MINIMUM) C–76 WITH RUBBER GASKET JOINTS CONFORMING TO ASTM C–443.

INLETS – INLETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH FILE. NO. 28 OF THE "STANDARD SPECIFICATIONS", OR APPROVED EQUAL WITH A 1'–8" X 2'–6" MAXIMUM OPENING. CURB FRAME & GRATE SHALL BE NEENAH R–3067 WITH TYPE R GRATE, OR EQUAL.

BACKFILL AND BEDDING – STORM SEWER SHALL BE CONSTRUCTED WITH GRAVEL BACKFILL AND CLASS "B" BEDDING IN ALL PAVED AREAS. STORM SEWER WITHIN 5 FEET BEYOND THE EDGE OF PAVEMENT AND TRENCHES RUNNING PARALLEL TO AND LESS THAN 5 FEET FROM THE EDGE OF PAVEMENT SHALL REQUIRE SLURRY BACKFILL. LANDSCAPED AREAS MAY BE BACKFILLED WITH EXCAVATED MATERIAL IN CONFORMANCE WITH SECTION 8.43.5 OF THE "STANDARD SPECIFICATIONS".

FIELD TILE CONNECTION – ALL FIELD TILE ENCOUNTERED DURING CONSTRUCTION SHALL BE INCLUDED IN THE UNIT PRICE(S) FOR STORM SEWER. TILE LINES CROSSED BY THE TRENCH SHALL BE REPLACED WITH THE SAME MATERIAL AS THE STORM SEWER.



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Designed By: RWI 2023-05-26
Reviewed By: RWI 2023-05-26
Approved By: RKW 2023-05-26

SHEET TITLE:
DETAILS
AND NOTES

SHEET NUMBER:
C2.2

JSD PROJECT NO: 15-7058

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 15.**

DATE: August 7, 2023

DEPARTMENT: PW - Engineering

PROVIDED BY: Magdelene Wagner/Michaelis Gabbey

SUBJECT:

Discussion and Possible Action to Authorize Submittal of the Notice of Intent for the Quiet Zones at Green Road, Duplainville Road, Watertown Road, and Weyer Road [Wagner].

BACKGROUND:

The City authorized additional Quiet Zone Crossing studies for the intersections of Duplainville Road, Watertown Road, and Green Road. The Weyer Road crossing was previously studied. NOTE: The Springdale Road crossing is being completed by the City of Brookfield with shared cost by the City of Pewaukee.

Staff held a diagnostic team meeting with the Railroad, Federal Railroad Administration, and Wisconsin Department of Transportation Railroad Division. A review of the study was completed and discussion occurred on the crossings. It was agreed to move to the next step in the process to establish a quiet zone crossing.

The next step will be to file a Notice of Intent (NOI) with the Railroads for review and comment of the study. This review can take a year (1) to a year and a half (1-1/2) depending on the measures proposed at each crossing.

Once we receive written notice of the approval, the City will be able to construct the improvements at each crossing. Duplainville Road is proposed to not have any improvements due to the Quad gates already installed by the Railroad. Watertown Road is proposed to have a curb installed along the center of the road for a set distance in both directions starting at the crossing gates. Green Road will be proposed to have a curb installed along the center of the road for a set distance in both directions starting at the crossing gates. Weyer Road is proposed to have a curb installed along the center of the road for a set distance in both directions starting at the crossing gates.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Council authorize submitting the Notice of Intent and direct Staff to include the project improvements in the 2024 budget.

ATTACHMENTS:

Description

MEMORANDUM

DATE: June 22, 2023

TO: Maggie Wagner, City of Pewaukee
Michaelis Gabbey, City of Pewaukee

FR: John Bruggeman, P.E., PTOE

CC: Tim Barbeau, P.E.

RE: Pewaukee Quiet Zone Analysis
Canadian Pacific Crossing at Duplainville Road
Canadian National Crossings at Green Road & Watertown Road

INTRODUCTION

The City of Pewaukee is interested in adding three additional at-grade public crossings into existing or proposed Quiet Zones within their municipal boundary. The crossings being considered include the following locations as shown in Exhibit 1:

- Canadian Pacific (CP) Crossing at Duplainville Road
- Canadian National (CN) Crossings at Green Road & Watertown Road

The CP and CN crossings are owned and operated by separate railroad companies and are located on different sets of tracks. Therefore, they will be analyzed as two separate quiet zones despite their relative proximity to each other.

The City previously studied the CN Crossing at Weyer Road and plans to install raised curb medians on both sides of the crossing as an Alternative Safety Measure (ASM) to qualify the crossing as a Quiet Zone. This evaluation includes the option of adding the improved Weyer Road crossing into the CN Quiet Zone at Green Road and Watertown Road.

EXISTING CONDITIONS

The existing conditions at each of the study crossings are shown in Exhibits 2-4. Table 1 provides a summary of the primary crossing characteristics from the USDOT Grade Crossing Inventory at each study location.

Table 1
Existing USDOT Grade Crossing Inventory

Crossing Location	USDOT Crossing #	Ownership	WisDOT AADT, vpd (Year)	Roadway Width (ft)	Tracks	Track Width (ft)	Existing Safety Measures	# of Daily Trains	Maximum Speed (mph)	Type of Train Detection
Duplainville Road	390524K	CP	3,900 (2003)	22	2	35	Flashing Lights and 4-Quadrant Gates	21	60	Constant Warning Time (CWT)
Watertown Road	692232Y	CN	13,500 (2003)	22	1	30	Flashing Lights and Gates	34	50	Constant Warning Time (CWT)
Green Road	692237H	CN	1,200 (1988)	22	1	30	Flashing Lights and Gates	21	79	Constant Warning Time (CWT)

CP = Canadian Pacific Railroad
CN = Canadian National Railroad

The total track length on the CN line from Watertown Road to Green Road is approximately 1.3 miles. A private industrial crossing exists at the Zignego Company, south of Green Road. If the Quiet Zone included the Weyer Road crossing, the total track length would increase to 3.5 miles and include a private residential crossing approximately $\frac{3}{4}$ mile south of Weyer Road.

The Quiet Zone on the CP line would include a $\frac{1}{4}$ mile segment of track on either side of Duplainville Road ($\frac{1}{2}$ mile total track length). There is a public crossing at Springdale Road that lies on the municipal boundary between the City of Pewaukee and City of Brookfield, approximately 0.6 miles east of Duplainville Road. The City of Brookfield intends to include the Springdale Road crossing within their Quiet Zone with the endorsement of the City of Pewaukee. For purposes of this evaluation, the Springdale Road crossing was not included.

raSmith collected 48-hour weekday vehicle classification counts on the study roadways included in this evaluation in May 2023. The location of the counts was in close proximity to the WisDOT AADT counts noted in Table 1. The ADT volumes are as follows:

- Duplainville Road: 3,200 vehicles per day (vpd)
- Green Road: 2,100 vpd
- Watertown Road: 10,800 vpd
- Weyer Road: 1,300 vpd

Traffic count data is provided in Appendix A.

REQUIREMENTS FOR ESTABLISHING A NEW QUIET ZONE

The Federal Railroad Administration (FRA) has established several requirements that must be in place for a crossing to be considered for a new quiet zone. Minimum requirements for new quiet zones include the following:

- Minimum track length of $\frac{1}{2}$ mile
- Flashing lights and gates operating at each crossing

- Constant warning time devices (where practical) and a power out indicator
- Jurisdictional cooperation among all responsible entities within the quiet zone

The CP and CN crossings evaluated for this study meet these minimum criteria.

Public crossings included in the quiet zone must be evaluated using criteria set forth by the FRA to determine their Quiet Zone Risk Index (QZRI) using the FRA Quiet Zone Calculator. This calculator evaluates the existing safety conditions at a crossing and determines the need for additional safety measures to create a quiet zone. To qualify as a Quiet Zone, one of the following conditions must be met:

- All crossings in the proposed Quiet Zone must have a QZRI less than the National Significant Risk Threshold (NSRT)
- All crossings in the proposed Quiet Zone must have a QZRI less than the Risk Index with Horns (RIWH)
- All crossings in the proposed Quiet Zone must have Supplemental Safety Measures (SSM) installed.

Crossings that have a QZRI greater than the NSRT and RIWH must be upgraded using SSMs or Alternative Safety Measures (ASMs) to reduce the QZRI below the NSRT or RIWH.

Tables 2 & 3 summarize the existing Quiet Zone Calculator results at the study crossing locations.

Table 2
FRA Existing Quiet Zone Calculator Summary
CN Line

USDOT Crossing #	Crossing Location	Warning Device	Quiet Zone Risk Index (QZRI) ^{1,2}	Risk Index with Horns (RIWH)	Nationwide Significant Risk Threshold (NSRT)	Qualifies as a Quiet Zone?
692232Y	Watertown Road	Gates	73,647	44,153	15,488	No
692237H	Green Road	Gates				

¹ QZRI calculated using 2023 traffic count data collected by raSmith

² QZRI is an average between the risk indices for each crossing

The CN line currently operates with a QZRI greater than the NSRT and RIWH and will require improvements to qualify as a Quiet Zone. The Watertown Road crossing experienced one crash in the most recent five-year crash period, which significantly increases the risk index.

Table 3
FRA Existing Quiet Zone Calculator Summary
CP Line

USDOT Crossing #	Crossing Location	Warning Device	Quiet Zone Risk Index (QZRI) ¹	Risk Index with Horns (RIWH)	Nationwide Significant Risk Threshold (NSRT)	Qualifies as a Quiet Zone?
390524K	Duplainville Road	Four Quadrant Gates	6,235	20,768	15,488	Yes

¹ QZRI calculated using 2023 traffic count data collected by raSmith

The CP line currently operates with a QZRI less than the NSRT and RIWH. The four-quadrant gates installed at Duplainville Road is an SSM and automatically qualifies this crossing for a Quiet Zone.

QUIET ZONE IMPROVEMENTS

CN LINE

The CN Line at Green Road and Watertown Road will qualify as a Quiet Zone by installing one of the following SSM alternatives:

- 1) Raised or mountable medians added on both sides of the tracks at Watertown Road (100' minimum length)
- 2) Four-quadrant crossing gates at Watertown Road

If the Weyer Road crossing is included in the Quiet Zone (with the planned raised median ASM improvements), the overall risk index is lower but the required Quiet Zone improvements (SSM alternatives 1 or 2) remain the same.

No improvements are required at the Green Road crossing if one of the above-listed improvements is implemented at Watertown Road. Implementing SSMs such as raised or mountable medians or four-quadrant gates at the Green Road crossing in lieu of improvements at Watertown Road does not reduce the QZRI for the proposed quiet zone (with or without Weyer Road improvements) to an acceptable level.

Given the significantly lower cost of the median improvements (\$50,000) compared to the four-quadrant gate system (\$500,000), raSmith recommends the installation of raised medians on both sides of the tracks at Watertown Road. Mountable medians could be implemented at a slightly lower costs, but ongoing maintenance of these median types is a concern based on past experience. The Quiet Zone Calculator summary with raised median improvements at Watertown Road is shown in Table 4.

Table 4
FRA Quiet Zone Calculator Summary
CN Zone with Improvements

USDOT Crossing #	Crossing Location	Warning Device	Quiet Zone Risk Index (QZRI) ^{1, 2}	Risk Index with Horns (RIWH)	Nationwide Significant Risk Threshold (NSRT)	Qualifies as a Quiet Zone?
692232Y	Watertown Rd	Raised Medians	27,856	44,153	15,488	Yes
692237H	Green Rd	Gates				

¹ QZRI calculated using 2023 traffic count data collected by raSmith

² QZRI is an average between the risk indices for each crossing

The private industrial crossing at the Zignego Company will require both stop signs and railroad crossing crossbuck signs in both directions. Field observations indicate a stop sign is present, but no crossbuck signs. All recommended CN Line Quiet Zone improvements are shown in Exhibit 5.

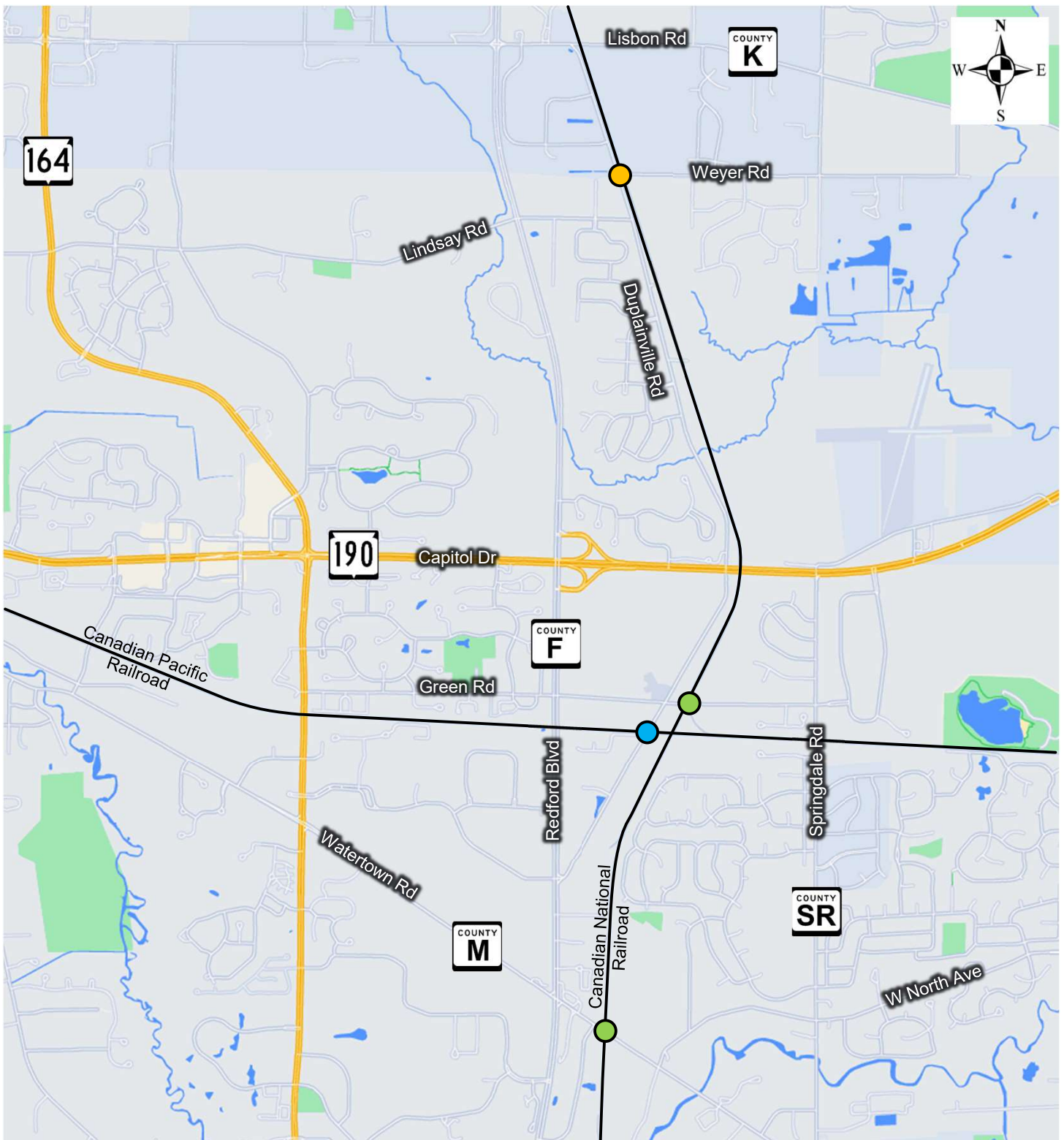
CP LINE

The CP Line at Duplainville Road automatically qualifies as a Quiet Zone since there is only one crossing included in the Quiet Zone and an SSM (four-quadrant gate system) is already installed. The City of Brookfield could include the Duplainville Road crossing in its Quiet Zone to reduce the overall risk index, but no additional improvements are anticipated at the Duplainville Road crossing.

All FRA Quiet Zone Calculator results for the existing and improved conditions are provided in Appendix B.

RECOMMENDATIONS

The City of Pewaukee is proposing new Quiet Zones along the CN and CP railroad lines. Crossing improvements are required at Watertown Road and at the Zignego Company private crossing for the CN line to qualify for a Quiet Zone. No additional improvements are required for the CP line since an SSM is already installed at Duplainville Road. The next step in the process is to schedule a Diagnostic Team Review Meeting with the FRA, WisDOT, and railroad companies to discuss the improvements and additional procedures needed to attain Quiet Zone status along each railroad line.



Legend

- = Canadian National Railroad Crossings
- = Canadian Pacific Railroad Crossing
- = Additional Canadian National Railroad Crossing (Previously Studied)

Project Location Map

Exhibit
1

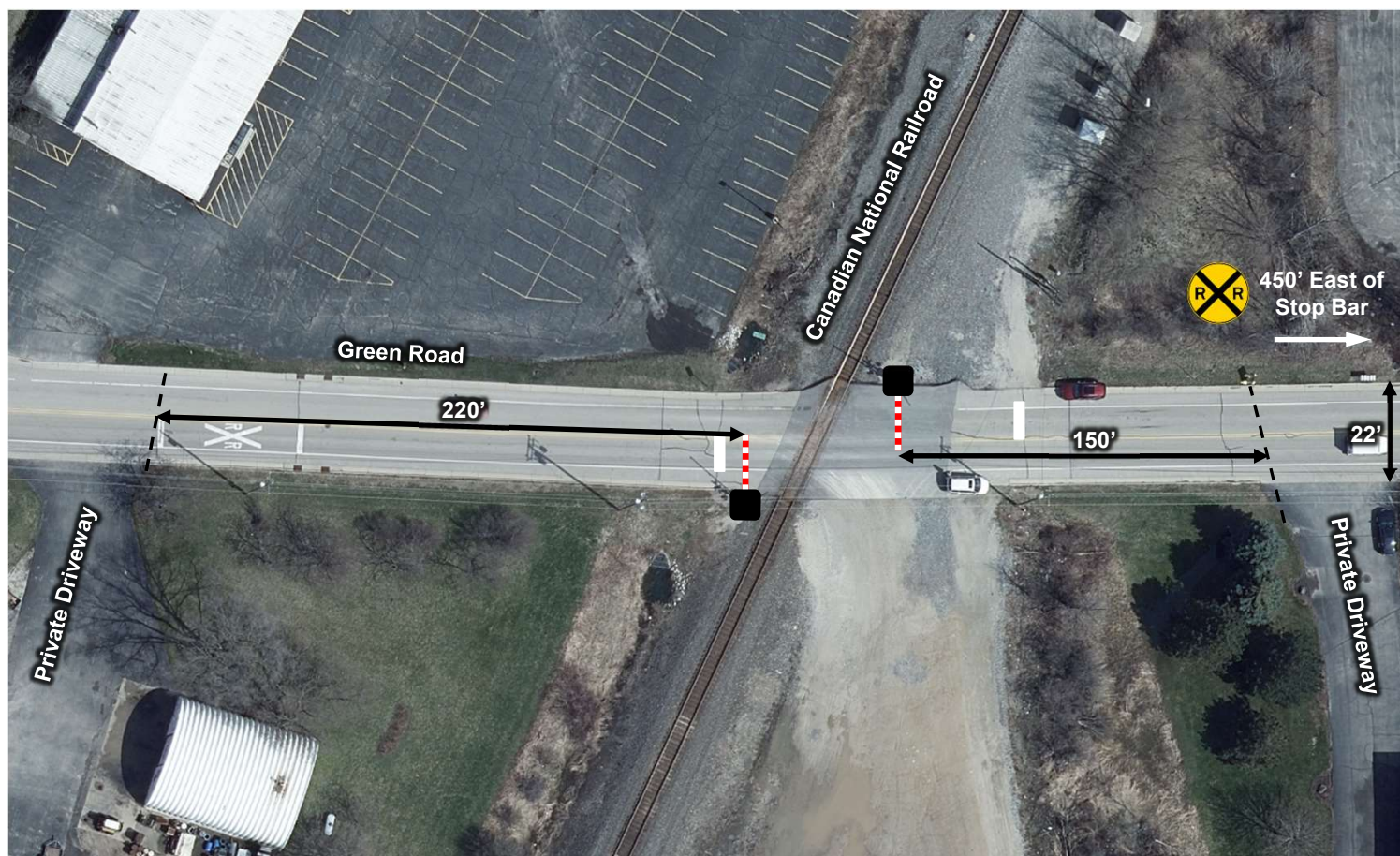


Legend

-  = Stop Sign
-  = Deployed Gate Location
-  = Flashing Lights and Crossbucks
-  = Stop Bar Location
-  = Approximate Edge of Pavement Line (Extended)

**Existing Conditions
(Watertown Road)**

Exhibit
2



Note: No eastbound advance railroad crossing sign along Green Road.

Legend

-  = Stop Sign
-  = Deployed Gate Location
-  = Flashing Lights and Crossbucks
-  = Stop Bar Location
-  = Approximate Edge of Pavement Line (Extended)

**Existing Conditions
(Green Road)**

Exhibit
3



Legend

-  = Stop Sign
-  = Deployed Gate Location
-  = Flashing Lights and Crossbucks
-  = Stop Bar Location
-  = Approximate Edge of Pavement Line (Extended)

**Existing Conditions
(Duplainville Road)**

Exhibit
4



Legend



= Stop Sign and Cross Buck Assembly



= Flashing Lights and Cross Buck Assembly



= Stop Sign

= Deployed Gate Location

= Stop Bar Location

= Raised Median

**Recommended
Quiet Zone Improvements
(CN Line)**

Exhibit

5

APPENDIX A

Traffic Counts

48-Hour Volume and Classification Counts

48-hour Volume and Classification Counts

CLASSIFICATION STATISTICS
5/2/2023 at 00:00 TO 5/3/2023 at 24:00

Page: 3

Station #: 1
Site ID: 000000021769
Location: 1

File: D0502003.prn
City: Pewaukee
County: Waukesha

Site Total Statistics

Total	0001	0002	0003	0004	0005	0006	0007	0008	0009	0010	0011	0012	0013	0014	0015	Total
TOTALS	26	4405	1468	2	112	100	19	99	168	26	3	5	0	0	0	6433
PERCENT	0.4	68.5	22.8	0.0	1.7	1.6	0.3	1.5	2.6	0.4	0.0	0.1	0.0	0.0	0.0	100.0

24 Hour Total =
 $6,433/2 = 3,217$

Peak Hour Statistics

Total	0001	0002	0003	0004	0005	0006	0007	0008	0009	0010	0011	0012	0013	0014	0015	Total
AM Times	07:15	08:15	07:30	08:30	11:15	07:15	08:30	08:30	10:15	10:15	07:15	08:45				07:30
AM Peaks	3	213	74	2	11	11	2	5	16	5	1	2				296
PM Times	16:45	17:45	17:45		11:30	17:00	12:30	16:15	11:45	12:45	18:15	15:30				17:45
PM Peaks	4	244	79		10	11	3	8	13	4	1	1				343

Station #: 2 File: D0510001.prn
Site ID: Watertown Rd City: Brookfield
Location: 100 ft West of Westwood Dr County: Waukesha

Site Total Statistics

Total	0001	0002	0003	0004	0005	0006	0007	0008	0009	0010	0011	0012	0013	0014	0015	Total
TOTALS	371	15938	3605	90	400	388	212	215	287	38	48	31	41	0	0	21664
PERCENT	1.7	73.6	16.6	0.4	1.8	1.8	1.0	1.0	1.3	0.2	0.2	0.1	0.2	0.0	0.0	100.0

24 Hour Total =
 $21,664/2 = 10,832$

Peak Hour Statistics

Total	0001	0002	0003	0004	0005	0006	0007	0008	0009	0010	0011	0012	0013	0014	0015	Total
AM Times	07:30	07:30	07:45	07:45	07:45	07:45	11:15	08:15	11:00	07:45	07:45	08:00	08:15			07:30
AM Peaks	24	711	162	9	31	28	16	18	17	6	5	4	6			978
PM Times	17:00	16:45	16:45	17:00	17:00	17:00	17:00	15:15	14:45	15:30	12:45	12:00	13:00			16:45
PM Peaks	25	1000	179	13	25	33	19	12	24	4	6	4	3			1303

VOLUME SUMMARY REPORT

Station ID: Pewaukee Quiet Zones (2)

Info Line 1: Green Rd Start Time: 11:45 AM
Info Line 2: Green Rd Start Date: 4/24/2023
Counter Type: RoadRunner3 End Time: 1:14 PM
Counter Version: 1.2 End Date: 4/26/2023
Serial #: 160753
Latitude: Interval: 15 (min)
Longitude:
Lanes: 2
Speed Limit:

LANE CONFIGURATION:

Lane #	Dir	Information	Vol Mode	Vol Sensor	Divide / 2	Comment																							
1		East	Directional Axle	Yes																									
2		West	Directional Axle	Yes																									
Total Count	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	Total				
Lane #1	6	2	1	3	12	42	81	133	155	91	102	128	123	110	110	166	209	215	110	81	69	38	6	5	1998				
Lane #2	10	2	2	3	8	32	113	203	175	128	135	139	161	138	131	200	221	177	138	89	59	20	10	3	2297				
TOTAL	16	4	3	6	20	74	194	336	330	219	237	267	284	248	241	366	430	392	248	170	128	58	16	8	4295				
Percents	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM					
Lane #1	0.3	0.1	0.1	0.2	0.6	2.1	4.1	6.7	7.8	4.6	5.1	6.4	6.2	5.5	5.5	8.3	10.5	10.8	5.5	4.1	3.5	1.9	0.3	0.3					
Lane #2	0.4	0.1	0.1	0.1	0.3	1.4	4.9	8.8	7.6	5.6	5.9	6.1	7	6	5.7	8.7	9.6	7.7	6	3.9	2.6	0.9	0.4	0.1					
TOTAL	0.4	0.1	0.1	0.1	0.5	1.7	4.5	7.8	7.7	5.1	5.5	6.2	6.6	5.8	5.6	8.5	10	9.1	5.8	4	3	1.4	0.4	0.2					
ADT	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	Total				
Lane #1	3	1	1	2	6	21	41	67	78	46	51	57	41	49	55	83	105	108	55	41	35	19	3	3	971				
Lane #2	5	1	1	2	4	16	57	102	88	64	68	62	54	61	66	100	111	89	69	45	30	10	5	2	1112				
TOTAL	8	2	2	4	10	37	98	169	166	110	119	119	95	110	121	183	216	197	124	86	65	29	8	5	2083				

ALL LANES SUMMARY:

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total	Percent
DW Totals	0	1300	2116	879	0	0	0	4295	100
# Days	0	0.5104	1	0.5521	0	0	0	2082	
ADT	#DIV/0!	2547	2116	1592	#DIV/0!	#DIV/0!	#DIV/0!	0	0
# Days	0	30.3	49.3	20.5	0	0	0	#DIV/0!	

VOLUME SUMMARY REPORT

Station ID: Pewaukee Quiet Zone (1)

Info Line 1:	Weyer Rd	Start Time:	11:30 AM
Info Line 2:	Weyer Rd	Start Date:	4/24/2023
Counter Type:	RoadRunner3	End Time:	12:44 PM
Counter Version:	1.2	End Date:	4/26/2023
Serial #:	160754		
Latitude:		Interval:	15 (min)
Longitude:			
Lanes:	2		
Speed Limit:			

LANE CONFIGURATION:

	Lane #	Dir	Information/Vol Mode		Vol Sensors	Divide / 2		Comment																	
	1	2	East	Directional	Axle	Yes	Yes																		
			West																						
Total Count	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	Total
Lane #1	1	1	0	8	7	20	58	146	98	80	65	72	77	80	77	135	177	142	96	63	58	28	2	7	1498
Lane #2	2	0	1	2	5	40	71	101	125	77	71	62	84	68	75	104	108	109	63	38	20	13	3	1	1243
TOTAL	3	1	1	10	12	60	129	247	223	157	136	134	161	148	152	239	285	251	159	101	78	41	5	8	2741
Percents	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Lane #1	0.1	0.1	0	0.5	0.5	1.3	3.9	9.7	6.5	5.3	4.3	4.8	5.1	5.3	5.1	9	11.8	9.5	6.4	4.2	3.9	1.9	0.1	0.5	
Lane #2	0.2	0	0.1	0.2	0.4	3.2	5.7	8.1	10.1	6.2	5.7	5	6.8	5.5	6	8.4	8.7	8.8	5.1	3.1	1.6	1	0.2	0.1	
TOTAL	0.1	0	0	0.4	0.4	2.2	4.7	9	8.1	5.7	5	4.9	5.9	5.4	5.5	8.7	10.4	9.2	5.8	3.7	2.8	1.5	0.2	0.3	
ADT	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	Total
Lane #1	1	1	0	4	4	10	29	73	49	40	33	29	28	40	39	68	89	71	48	32	29	14	1	4	736
Lane #2	1	0	1	1	3	20	36	51	63	39	36	25	31	34	38	52	54	55	32	19	10	7	2	1	611
TOTAL	2	1	1	5	7	30	65	124	112	79	69	54	59	74	77	120	143	126	80	51	39	21	3	5	1347

ALL LANES SUMMARY:

	Sun	Mon	Tue	Wed	Thu	Fri	Sat		Total	Percent	
DW Totals	0	786	1374		581	0	0	0	Weekday (Mon-Fri):	2741	100
# Days	0	0.5208	1		0.5313	0	0	0	ADT:	1336	
ADT	#DIV/0!	1509	1374		1094	#DIV/0!	#DIV/0!	#DIV/0!	Weekend (Sat-Sun):	0	0
# Days	0	28.7	50.1		21.2	0	0	0	ADT:	#DIV/0!	

APPENDIX B

FRA Quiet Zone Calculator Results

CN ZONE

Without Weyer Road

Existing conditions

FRA Quiet Zone Risk Indices

ZoneID	SenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff-of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-ASMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0	114478.4
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44

QZRI	73647.40
RIWH	44153.11
NSRT	15488
Qualifies?	NO

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92

Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82

Non-Traversable Curb Medians with or without Channelization Device = 0.80

Mountable Medians with Reflective Traffic Channelization Devices = 0.75

44153.11 44153.11 44153.11 73647.4

QZRI	73647.4
RIWH	44153.11
NSRT	15488
Qualifies?	NO

Improved conditions w/ Raised Medians at Watertown Rd

FRA Quiet Zone Risk Indices

ZoneID	SenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff-of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-ASMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0.8	22895.67
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44

QZRI	73647.40
RIWH	44153.11
NSRT	15488
Qualifies?	NO

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92

Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82

Non-Traversable Curb Medians with or without Channelization Device = 0.80

Mountable Medians with Reflective Traffic Channelization Devices = 0.75

44153.11 44153.11 44153.11 27856.06

QZRI	27856.06
RIWH	44153.11
NSRT	15488
Qualifies?	YES

Improved conditions w/ Mountable Medians at Watertown Rd

FRA Quiet Zone Risk Indices

ZoneID	ScenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff- of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-ASMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0.75	28619.59
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44

QZRI	73647.40
RIWH	44153.11
NSRT	15488
Qualifies?	NO

44153.11 44153.11 44153.11 30718.01

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92
 Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82
 Non-Traversable Curb Medians with or without Channelization Device = 0.80
 Mountable Medians with Reflective Traffic Channelization Devices = 0.75

QZRI	30718.01
RIWH	44153.11
NSRT	15488
Qualifies?	YES

Improved conditions w/ 4-Quad Gates at Watertown Rd

FRA Quiet Zone Risk Indices

ZoneID	ScenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff- of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-ASMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0.82	20606.1
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44

QZRI	73647.40
RIWH	44153.11
NSRT	15488
Qualifies?	NO

44153.11 44153.11 44153.11 26711.27

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92
 Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82
 Non-Traversable Curb Medians with or without Channelization Device = 0.80
 Mountable Medians with Reflective Traffic Channelization Devices = 0.75

QZRI	26711.27
RIWH	44153.11
NSRT	15488
Qualifies?	YES

CN ZONE

With Weyer Road (Improved)

Existing conditions

FRA Quiet Zone Risk Indices

ZoneID	SenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff- of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-SSMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0	114478.4
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44
	68333	692244T	WEYER RD	Gates	0	0	35,208.03		-	-	21107.93	21107.93	0	21107.93	0.487	18061.72

13-ft "effective" median length (w/ driveway)

$$\frac{0.4}{60 \text{ ft}} = \frac{x}{13 \text{ ft}}$$

$$x = \text{effectiveness of ASM}$$

$$5.2 = 60x$$

$$x = 0.087$$

QZRI	60834.27
RIWH	36471.39
NSRT	15488
Qualifies?	NO

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92

Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82

Non-Traversable Curb Medians with or without Channelization Device = 0.80

Mountable Medians with Reflective Traffic Channelization Devices = 0.75

QZRI	55118.84
RIWH	36471.39
NSRT	15488
Qualifies?	NO

Improved conditions w/ Raised Medians at Watertown Rd

FRA Quiet Zone Risk Indices

ZoneID	SenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff- of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-SSMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0.8	22895.67
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44
	68333	692244T	WEYER RD	Gates	0	0	35,208.03		-	-	21107.93	21107.93	0	21107.93	0.487	18061.72

QZRI	60834.27
RIWH	36471.39
NSRT	15488
Qualifies?	NO

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92

Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82

Non-Traversable Curb Medians with or without Channelization Device = 0.80

Mountable Medians with Reflective Traffic Channelization Devices = 0.75

36471.39 36471.39 36471.39 24591.28

QZRI	24591.28
RIWH	36471.39
NSRT	15488
Qualifies?	YES

Improved conditions w/ Mountable Medians at Watertown Rd

FRA Quiet Zone Risk Indices

ZoneID	ScenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff- of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-ASMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0.75	28619.59
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44
	68333	692244T	WEYER RD	Gates	0	0	35,208.03		-	-	21107.93	21107.93	0	21107.93	0.487	18061.72

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92

Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82

Non-Traversable Curb Medians with or without Channelization Device = 0.80

Mountable Medians with Reflective Traffic Channelization Devices = 0.75

QZRI	60834.27
RIWH	36471.39
NSRT	15488
Qualifies?	NO

36471.39 36471.39 36471.39 26499.25

QZRI	26499.25
RIWH	36471.39
NSRT	15488
Qualifies?	YES

Improved conditions w/ 4-Quad Gates at Watertown Rd

FRA Quiet Zone Risk Indices

ZoneID	ScenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate	Eff. Of Pre-SSM	Eff- of new SSM	RIWH	RIWH w/Pre-SSMs	Pre-ASM eff	RIWH w/Pre-ASMs	Eff. Of New ASM	Final Risk Index
	68333	692232Y	WATERTOWN PLANK	Gates	0	0	114,478.35		-	-	68632.1	68632.1	0	68632.1	0.82	20606.1
	68333	692237H	GREEN RD	Gates	0	0	32,816.44		-	-	19674.12	19674.12	0	19674.12	0	32816.44
	68333	692244T	WEYER RD	Gates	0	0	35,208.03		-	-	21107.93	21107.93	0	21107.93	0.487	18061.72

SSM = Supplemental Safety Measure
 ASM = Alternative Safety Measure
 QZRI = Quiet Zone Risk Index
 RIWH = Risk Index with Horns
 NSRT = Nationwide Significant Risk Threshold

*** The requirement is to have QZRI < RIWH ***

SSM Effectiveness Percentages:

Four Quadrant Gate Upgrade from Two Quadrant Gate, with Medians and no Vehicle Presence Detection = 0.92

Four Quadrant Gate Upgrade from Two Quadrant Gate, No Vehicle Presence Detection = 0.82

Non-Traversable Curb Medians with or without Channelization Device = 0.80

Mountable Medians with Reflective Traffic Channelization Devices = 0.75

QZRI	60834.27
RIWH	36471.39
NSRT	15488
Qualifies?	NO

36471.39 36471.39 36471.39 23828.09

QZRI	23828.09
RIWH	36471.39
NSRT	15488
Qualifies?	YES

CN ZONE

Existing conditions

FRA Quiet Zone Risk Indices

ZoneID	SenarioID	Crossing	Street	WarningDevice	SSM	PreSSM	RiskIndex	ASM Effectiveness Rate
60347	68354	390524K	DUPLAINVILLE RD	Gates	4	0	6517.642833	

QZRI	6517.64
RIWH	21708.11
NSRT	15488
Qualifies?	YES

Memo

September 26, 2013

TO: Jeff Weigel, P.E.
Maggie Wagner, P.E.
City of Pewaukee

FR: John Bruggeman, P.E., PTOE

CC: Tim Barbeau, P.E.

RE: Weyer Road Railroad Crossing
Quiet Zone Evaluation

Introduction

The City of Pewaukee has retained R.A. Smith National to provide a railroad quiet zone assessment for the existing at-grade railroad crossing of the Canadian National Railway at Weyer Road (DOT Crossing #692244T) in the City of Pewaukee and Town of Lisbon. The study will document the requirements and recommend alternatives for attaining a railroad quiet zone designation from the Federal Railroad Administration (FRA). The requirements are based on the FRA Train Horn Rule (Final Rule), which went into effect in June 2005.

Existing Conditions

The study area includes a ½-mile segment of railroad track, generally located south of Lisbon Road (CTH K) and east of Duplainville Road, as shown in Exhibit 1. The Weyer Road crossing is located 75 feet east of the intersection of Duplainville Road with Weyer Road. Adjacent crossings (CTH K to the north, private roadway to the south) are located more than ½ mile away.

The crossing is currently equipped with a two-quadrant gate system with a constant warning time detector and power out indicator, flashing lights, railroad cross buck signs, and advance railroad crossing signs in both directions. One main and one side track cross Weyer Road with 32 train crossings daily. The average speed of crossing trains is 30 to 50 mph, with a maximum speed of 60 mph. The 2009 annual average daily traffic volume (AADT) along Weyer Road is 740 vehicles per day. The roadway width of Weyer Road near the crossing is approximately 26', which includes 2-12' travel lanes with a 1' shoulder. Table 1 summarizes the railroad and roadway characteristics at the Weyer Road crossing, according to the current USDOT grade crossing inventory. Exhibit 2 also highlights the existing conditions.

Table 1
Existing USDOT Grade Crossing Inventory

Roadway	Crossing #	AADT (vpd)	Roadway Width (ft)	Tracks	Track Width (ft)	Existing Safety Measures	# of Daily Trains	Maximum Speed (mph)	Type of Train Detection	Location
Weyer Road	692244T	740 (2009)	24	2	35	Flashing Lights and Gates	32	60	Constant Warning Time (CWT)	Rural

Requirements for Establishing a New Quiet Zone

The FRA has established several requirements that must be in place for a crossing to be considered for a new quiet zone. Minimum requirements for new quiet zones include the following:

- Minimum track length of ½ mile
- Flashing lights and gates operating at each crossing
- Constant warning time devices (where practical) and a power out indicator
- Jurisdictional cooperation among all responsible entities within the quiet zone

Pending approval and cooperation from both the Town of Lisbon and City of Pewaukee, the Weyer Road crossing meets these minimum criteria.

Public crossings included in the quiet zone must be evaluated using criteria set forth by the FRA to determine their Quiet Zone Risk Index (QZRI) using the FRA Quiet Zone Calculator. This calculator evaluates the existing safety conditions at a crossing and determines the need for additional safety measures to create a quiet zone. All crossings in the proposed quiet zone must have a QZRI less than the National Significant Risk Index (NSRI), as established by the FRA. Crossings that have a QZRI greater than the NSRI must be upgraded using Supplemental Safety Measures (SSMs) or Alternative Safety Measures (ASMs) to reduce the QZRI below the NSRI.

Existing Quiet Zone Risk Index

The existing QZRI for the Weyer Road crossing was calculated using the FRA Quiet Zone Calculator. As shown in Figure 1, the QZRI (27,230.38) for the existing condition is greater than the NSRI (13,722.00). Therefore, additional safety measures are required to achieve quiet zone designation.

Figure 1
FRA Quiet Zone Calculator Results – Existing Condition

Crossing	Street	Traffic	Warning Device	Pre-SSM	SSM	Risk	
692244T	WEYER RD	740	Gates	0	0	27,230.38	MODIFY

* Only Public At Grade Crossings are listed.

[Click for Supplementary Safety Measures \[SSM\]](#)

[Click for ASM spreadsheet:](#) * Note: The use of ASMs requires an application to and approval from the FRA.

Summary	
Proposed Quiet Zone:	Weyer Rd
Type:	New 24-hour QZ
Scenario:	Weyer Rd_40537
Estimated Total Cost:	\$0.00
Nationwide Significant Risk Threshold:	13722 .00
Risk Index with Horns:	16325.17
Quiet Zone Risk Index:	27230.38

Safety Improvement Alternatives

As mentioned previously, railroad crossing safety may be improved using two basic types of safety measures, SSMs and ASMs. SSMs are FRA-approved safety measures that may be used where practical in all quiet zones. ASMs are comprised of three categories: modified SSMs, engineering ASMs, and non-engineering ASMs. Modified SSMs perform a similar function as a traditional SSM, but consist of modified SSM design layouts. Engineering ASMs include safety measures that have not been “pre-approved” by the FRA, but attempt to improve safety through an alternative design concept. Non-engineering ASMs include programmatic safety measures such as public education and enforcement. The use of ASMs to establish a new quiet zone requires FRA approval and additional research and documentation prior to establishing a quiet zone. The following sections summarize possible safety measures for the Weyer Road Crossing.

Supplemental Safety Measures (SSMs)

Four-Quadrant Gate System

A four-quadrant gate system is a system that completely blocks the crossing road or highway, with at least one gate for the ingress and egress travel lanes on each approach. This option would only require two additional gates at the Weyer Road crossing. The FRA estimates this treatment to cost from approximately \$100,000 to \$140,000 depending on the type of system deployed. An example of a four-quadrant gate system is show in Exhibit 3.

Temporary Closure

The Weyer Road crossing could be designated as a partial quiet zone by installing temporary closure gates. A new partial quiet zone is defined as “a segment of a rail line along which locomotive horns are not routinely sounded between the hours of 10 p.m. and 7 a.m., but are routinely sounded during the remaining portion of the day.” The closure system must completely block the highway and pedestrian crossings, must conform to the standards in the Manual on Uniform Traffic Control Devices (MUTCD), and must be tamper and vandal resistant. It is the responsibility of the public authority of the public highway or street crossing the tracks to activate and deactivate the device on a daily basis. The system must have a monitoring device to indicate to the train crew that the device is deployed. The treatment of the Weyer Road crossing with a suitable gate for temporary closure is expected to cost

approximately \$5,000. An example of the types of gates used for temporary closures is shown in Exhibit 4.

Wayside Horns

A wayside horn is defined by the FRA as “a stationary horn located at a highway rail grade crossing, designed to provide, upon the approach of a locomotive or train, audible warning to oncoming motorists of the approach of a train.” The installation of a wayside horn at a grade crossing eliminates the need for a locomotive train horn to sound when approaching that grade crossing. While wayside horns are used to reduce the sound levels in the area surrounding a grade crossing, they do not eliminate it all together. A wayside horn is treated by the FRA as a one-to-one substitute for the sounding of a train horn. For stand-alone crossings with wayside horns installed, it is not necessary to create a quiet zone in order to silence train horns at that crossing. Railroads operating over a crossing with wayside horns installed are required to cease routine locomotive horn use on the date specified by the public authority. An example photo of a wayside horn is shown in Exhibit 5.

Alternative Safety Measures (ASMs)

Channelization with Three-Quadrant Gate

The FRA Train Horn Rule specifies that a two-gate system in conjunction with a non-traversable median or a traversable median with channelization devices is a suitable SSM. The FRA Horn Rule specifies that the median extend no less than 100 feet from the deployed gates. In cases where proximity to an intersection makes it unfeasible to extend the median or channelization devices out to 100 feet, the length can be reduced to 60 feet. Due to the close spacing of the crossing with Duplainville Road, installation of a median meeting the FRA requirements is not possible on the west approach, where the approximate maximum median length is 45 feet (Refer to Exhibit 2). To address the lack of a median on the west approach of the crossing, a third gate may be installed in the northwest quadrant of the crossing, forming a three-gate system. A non-traversable median or a traversable median with channelization devices could be installed on the east approach. Example photos of median channelization options are shown in Exhibits 6 and 7.

A conceptual layout of this alternative is shown in Exhibit 8. The installation of a non-traversable median on the east approach of the Weyer Road crossing may require expansion of the paved surface of Weyer Road in the vicinity of the crossing. The expansion of the paved surface will increase the cost; however, if incorporated into the reconstruction of Weyer Road, the increased cost may be minimized. The cost of this ASM is expected to be \$65,000 to \$85,000, assuming approximately half of the cost to upgrade a two-gate system to a four-gate system and the cost to install a median. FRA consultation, documentation, and approval would be required before implementation could occur.

Retractable Bollards

Retractable bollards installed in the roadway attempt to replicate the concept of a four-quadrant gate system by temporarily blocking a vehicle’s ability to enter the crossing from all travel lanes. Bollards are being evaluated through a railroad crossing installation in Wayne County, Michigan. As an ASM, this treatment would require additional experimentation, documentation, and FRA approval to determine if this treatment would sufficiently lower the risk compared to the existing condition. The construction cost of a retractable bollard system is estimated at \$40,000 to \$60,000.

Construction Cost Estimates

A cost summary of the feasible safety measures for the Weyer Road Crossing is included in Table 2.

Table 2
Safety Measure Cost Summary

Safety Measure	Type	Cost
Temporary Closure	SSM	\$5,000
Four-Quadrant Gate System	SSM	\$100,000 - \$140,000
Wayside Horns	SSM	\$100,000
Three-Quadrant Gate System with Median Channelization	ASM	\$65,000 - \$85,000
Retractable Bollards	ASM	\$40,000 - \$60,000

As shown in Table 2, the most expensive treatment is the four-quadrant gate. However, since this is an SSM, the FRA approval process would be simplified. In comparison, a three-quadrant gate system or retractable bollard system would provide a lower construction cost, but as an ASM would require an extensive approval process from the FRA. The installation of wayside horns comes at a considerable cost while not completely eliminating the sound of train horns. A temporary closure would be the least expensive alternative, but require regular maintenance by the municipality and cause inconvenience for residents and emergency responders during the overnight hours.

Other Alternative Considered

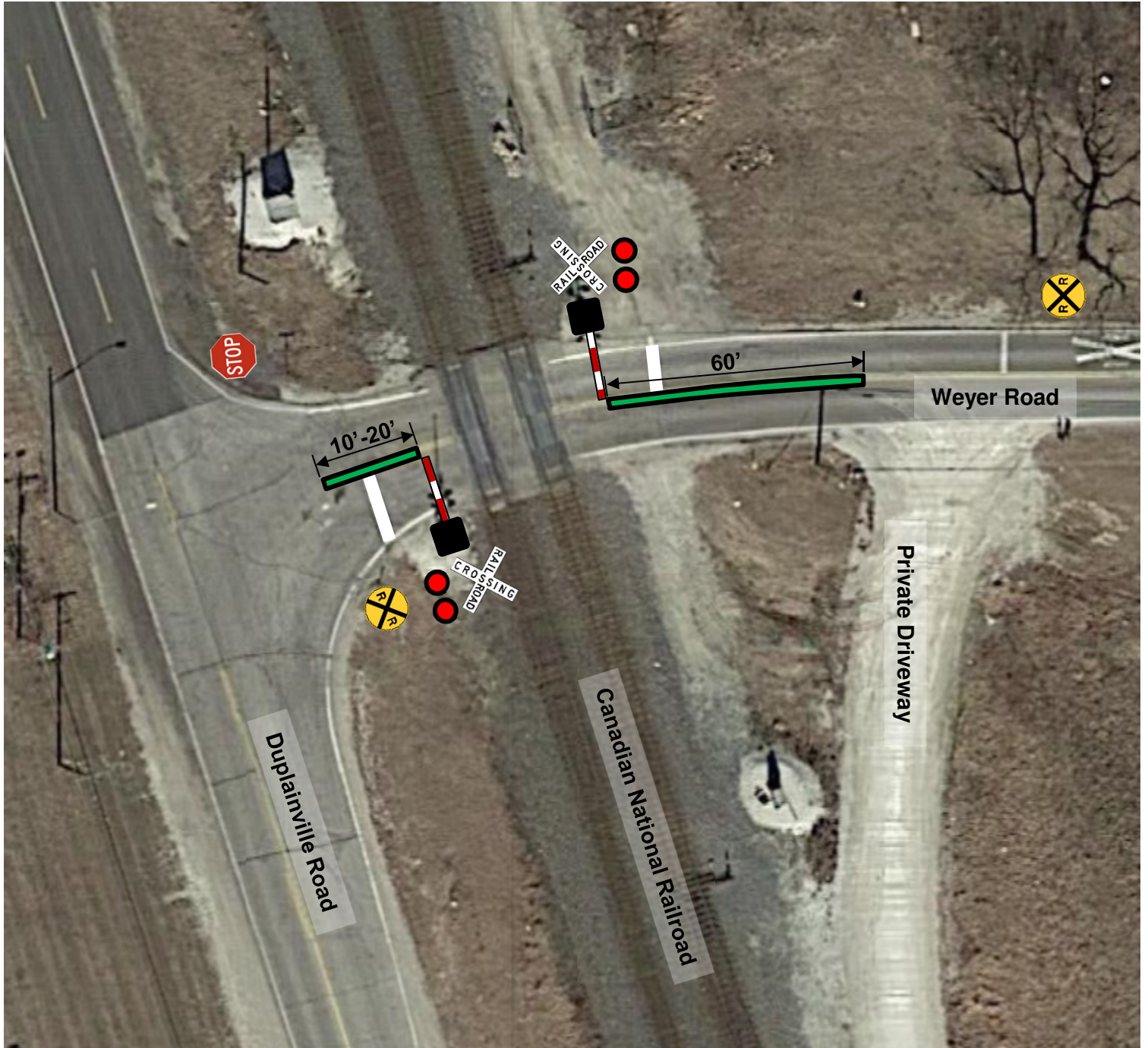
R.A. Smith National evaluated additional alternatives for the Weyer Road crossing but found them unfeasible or undesirable for implementation. Two of the more notable alternatives are highlighted below.

Two-Quadrant Gate System with Channelization

The Weyer Road crossing is presently equipped with a two-quadrant gate system. This SSM would require the addition of channelization to each approach of the crossing, making this SSM a very simple and cost effective treatment. Upon examination of the field conditions, it was determined that a median meeting the FRA requirements of 60' in advance of the gate on the west approach of the crossing would be unfeasible. Therefore, this alternative was removed from further consideration.

Full Closure

A full closure includes the permanent closure of the crossing through the installation of concrete barriers or physical removal of the roadway. This eliminates any safety risk associated with the crossing by permanently removing all conflicts between vehicle and railroad traffic. However, the closure of the Weyer Road crossing is not practical due to nearby residential subdivisions, future development, and emergency access needs.



Legend

-  = Stop Sign
-  = Advance Railroad Warning Sign
-  = Flashing Lights and Cross Buck Assembly
-  = Crossing Gate
-  = Raised Median

Note: Conceptual layout only – not for design.

2014 Recommended Railroad Quiet Zone Crossing Improvements

Exhibit
1



CREATIVITY BEYOND ENGINEERING

MEMORANDUM

DATE: December 18, 2019

TO: Maggie Wagner, P.E., City of Pewaukee

FR: John Bruggeman, P.E., PTOE

CC: Tim Barbeau, P.E., raSmith

RE: 2013-2014 Weyer Road Quiet Zone Summary

raSmith completed a Railroad Quiet Zone Evaluation for the existing at-grade railroad crossing at Weyer Road (DOT Crossing #692244T) in the City of Pewaukee in 2014. The City is currently reevaluating the crossing and requested a summary of the past study. raSmith recently reached out to the Federal Railroad Administration (FRA) to confirm the next steps to attain Quiet Zone status should the City decide to move forward. This memorandum summarizes the outcomes of the 2014 evaluation and identifies the next steps in the Quiet Zone designation process.

Evaluation and Recommendations

raSmith's September 2013 Quiet Zone memo summarized the evaluation and identified potential crossing improvement alternatives to attain a quiet zone. The report was forwarded to project stakeholders, including the Wisconsin Department of Transportation (WisDOT), FRA, Canadian National Railroad (CN), City of Pewaukee, and Town of Lisbon. A Diagnostic Team Review meeting was held with project stakeholders in January 2014 to discuss the alternatives and walk through the next steps in the Quiet Zone process.

As identified in the 2013 raSmith memo, several improvement alternatives could qualify the crossing as a Quiet Zone. FRA recommended constructing raised medians on both sides of the crossing as the most cost-effective alternative. The east side of the tracks would include a 60' raised curb median. The west side of the tracks would include a 10'-20' raised curb median, pending verification of turning vehicle paths at the Duplainville Road intersection. The minimum median length for a raised curb median to qualify as a Supplemental Safety Measure (SSM) is 60'. An SSM is a "pre-approved" safety measure to qualify a crossing for a Quiet Zone. A raised curb median of less than 60' could be implemented west of the crossing as an Alternative Safety Measure (ASM). An ASM would require a separate approval process, but a shorter raised median has been implemented at other Quiet Zone crossings in the region. A conceptual design showing the recommended improvements is shown in Exhibit 1.

Next Steps

FRA identified the City would need to complete the following steps (in this order) to attain Quiet Zone designation, assuming the recommended raised median alternative:

- 1) Send formal Notice of Intent (NOI) of Quiet Zone implementation to project stakeholders
- 2) Apply to FRA for approval of raised median ASM on west side of crossing
- 3) Apply to FRA for a Quiet Zone (three-month review time)
- 4) Implement recommended Quiet Zone crossing improvements
- 5) Send Notice of Establishment (NOE) to stakeholders once improvements are complete

Although not a required step, FRA highly recommends having another Diagnostic Team Review meeting prior to completing Step 1. This will serve as a refresher for the project stakeholders and allow the team to re-evaluate any changes to policy or field conditions since 2014.

In 2014, the City was considering a roadway reconstruction project on Weyer Road. Plans were developed, but the project did not move forward to construction. The railroad crossing details to allow a Quiet Zone designation were not incorporated into the design plans at that time. Unless substantial changes have taken place along Weyer Road at the railroad crossing, the original roadway plans may be able to be edited and used for the railroad improvement plans.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 16.**

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Select the 2023 Trick or Treat Date and Time [Mayor Bierce]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

October 2023 Calendar

OCTOBER 2023

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Common Council Meeting 6:30 p.m.	3	4	5	6	7
8	9 Budget Workshop 6:00 p.m.  7:15 p.m.	10 Court 7:30 a.m.	11 Joint Park & Recreation Meeting 6:30 p.m.	12	13	14
15	16 Common Council Meeting 6:30 p.m.	17	18 Bike & Pedestrian Planning Committee 4:30 p.m. Joint Library Board Meeting 6:30 p.m.	19 Plan Commission Meeting 6:00 p.m.	20	21
22  3:25 p.m.	23	24 Court 7:30 a.m.	25	26 Public Works Meeting 4:00 p.m.	27	28
29  12:00 p.m.	30	31 				

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 17.**

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion Related to the Proposed 2024 Budget Schedule [Klein]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Proposed Schedule 2024



PROPOSED 2024 BUDGET TIME-TABLE



JULY 2023

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
16 Budget to Dept Heads Sometime this Week... 	17 Common Council Meeting 6:30 p.m.	18	19 Joint Library Board Meeting 6:30 p.m.	20 Plan Commission Meeting 6:00 p.m.	21	22
23	24	25 Court 7:30 a.m.	26	27 Public Works Meeting 4:00 p.m.	28	29
30	31					

AUGUST 2023

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7 Common Council Meeting 6:30 p.m.	8 Court 7:30 a.m.	9 Joint Park & Recreation Meeting 6:30 p.m.	10	11	12
13	14	15	16 Joint Library Board Meeting 6:30 p.m.	17 Plan Commission Meeting 6:00 p.m.	18 DEADLINE TO RETURN PROPOSED BUDGET	19
20	21 Common Council Meeting 6:30 p.m.	22 Court 7:30 a.m.	23	24 Employee Appreciation Luncheon 12:00 p.m. Public Works Meeting 4:00 p.m.	25	26
27	28	29	30 Tourism Commission Meeting 6:30 p.m.	31		

SEPTEMBER 2023

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3 TBD Department Heads to Meet with the Mayor by the end of this week... 	4 Labor Day Offices Closed	5 Common Council Meeting 6:30 p.m.	6	7	8	9
10	11	12 Court 7:30 a.m.	13 Joint Park & Recreation Meeting 7:00 p.m.	14 Plan Commission Meeting 6:00 p.m.	15	16
17 TBD Meet with Finance Committee Sometime this week... 	18 Common Council Meeting 6:30 p.m.	19	20 Joint Library Board Meeting 6:30 p.m.	21 Public Works Meeting 4:00 p.m.	22	23
24	25	26 Court 7:30 a.m.	27	28	29	30

OCTOBER 2023						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Common Council Meeting 6:30 p.m.	3	4	5	6	7
8	9  7:15 p.m. BUDGET WORKSHOP 6:00 p.m.	10 Court 7:30 a.m.	11 Joint Park & Recreation Meeting 6:30 p.m.	12	13	14
15	16 Common Council Meeting 6:30 p.m.	17	18 Joint Library Board Meeting 6:30 p.m. Deadline to get Budget 11/6 Public Hearing to the Newspaper	19 Plan Commission Meeting 6:00 p.m.	20	21 Public Notice for Budget Public Hearing in Newspaper (15 days prior)
22	23 BUDGET WORKSHOP 6:00 p.m. (if needed)	24 Court 7:30 a.m.	25 Deadline to get Budget 11/18 Public Hearing to the Newspaper	26	27	28 Public Notice for Budget Public Hearing in Newspaper (15 days prior)
29	30	31				

NOVEMBER 2023						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6 BUDGET PUBLIC HEARING ????? Common Council Meeting 6:00 p.m.	7	8 Joint Park & Recreation Meeting 6:30 p.m.	9	10	11
12	13  7:15 pm BUDGET PUBLIC HEARING ????? Common Council Meeting 6:00 p.m.	14 Court 7:30 a.m.	15 Joint Library Board Meeting 6:30 p.m.	16 Plan Commission Meeting 6:00 p.m.	17	18
19	20 Common Council Meeting 6:00 p.m.	21	22	23 THANKSGIVING Offices Closed	24 THANKSGIVING Offices Closed	25
26	27	28 Court 7:30 a.m.	29	30		

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 18.**

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Notification of the First Meeting in September is Moved to Tuesday, September 5, 2023 at 6:30 p.m.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 19.**

DATE: August 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Appoint a Member or Members to the Ethics Board [Mayor Bierce]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION: