

**CITY OF EDGERTON
PLAN COMMISSION MEETING
EDGERTON CITY HALL, COUNCIL CHAMBERS
12 ALBION STREET**

Monday May 4, 2020 at 6:00 P.M.

Notice: Participants may attend by phone, or online

Join by telephone:

- On your phone, **Dial: 1-408-418-9388**
- Enter the meeting ID number when prompted, **Meeting ID: 960 274 291**
- Please note that long-distance charges may apply. This is not a toll-free number.
- Public participants will be able to speak during the Public Hearing portions of the agenda only.
- Please mute your phone when you are not speaking to minimize background noises
- We are new at holding meetings this way, so please be patient

OR

Join online: WebEx Meeting

- <https://cityofedgerton.webex.com/cityofedgerton/onstage/g.php?MTID=eba865eadff6c57317735ed9541532c9a>
- Meeting ID: 960 274 291
- Meeting Password 1854

**CITY OF EDGERTON
EDGERTON CITY HALL
12 ALBION STREET
EDGERTON, WI**

**PLANNING COMMISSION
Monday, May 4, 2020 at 6:00 P.M.**

1. Call to Order; Roll Call.
2. Confirmation of appropriate meeting notice posted Friday, May 1, 2020.
3. Consider approval of January 20, 2020 Plan Commission meeting minutes.
4. **PUBLIC HEARING:**
 - A. The Plan Commission will hold a public hearing to hear comments regarding a request by the Edgerton School District for approval of a conditional use permit to allow the installation of an identification, wall sign for the Community Elementary School and the High School for the parcels located at 100 and 200 Elm High Dr.
 - B. Close the public hearing
5. Consider request by the Edgerton School District for approval of a conditional use permit to allow the installation of an identification, wall sign for the Community Elementary School and the High School for the parcels located at 100 and 200 Elm High Dr.
6. **PUBLIC HEARING:**
 - A. The Plan Commission will hold a public hearing to hear comments regarding a request by the City of Edgerton to amend the following sections:
Section 22.504(2) Institutional signs.
Section 22.102 Definitions – required yard.

Section 22.303(2) Nonconforming structures.

Section 22.302(13) Gore-shaped lot setbacks.

Section 22.506(4) Temporary political signs.

B. Close the public hearing.

7. Consider request by the City of Edgerton to amend the following sections:

Section 22.504(2) Institutional signs.

Section 22.102 Definitions – required yard.

Section 22.303(2) Nonconforming structures.

Section 22.302(13) Gore-shaped lot setbacks.

Section 22.506(4) Temporary political signs.

8. Consider extraterritorial land division on Hickory Nut Lane for Melton, Section 36 in the Town of Albion.

9. Set next meeting date and future agenda items.

10. Adjourn.

cc: Commission Members
City Engineer

All Council Members
Newspapers

Department Heads

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341.

Notice is hereby given that a majority of the Common Council is expected to be present at the above scheduled noticed meeting to gather information about a subject over which they have decision-making responsibility. The only action to be taken at this meeting will be action by the Planning Commission."

**JANUARY 20, 2020 PLAN COMMISSION MEETING MINUTES
CITY OF EDGERTON**

Commission Chair Christopher Lund called the meeting to order at 6:30 p.m.

Present: Christopher Lund, Jim Burdick, Anne Radtke, Jim Kapellen, Ron Webb, and Julie Hagemann.

Absent: Paul Davis

Others Present: City Administrator Ramona Flanigan, Municipal Services Director Howard Moser, Utility Director Randy Oren and a group of citizens.

Flanigan confirmed the meeting agendas were properly posted on Friday, January 17th at the Post Office, Edgerton Library, and City Hall.

MINUTES: A Ron Webb/Anne Radtke motion to approve the December 16, 2019 Plan Commission meeting minutes passed, all voted in favor.

PLAT OF SURVEY FOR 218 YORK RD: City Administrator Flanigan stated the Plat of Survey is for a sale between two property owners for a triangular piece of property to rectify a problem with a building built over the property line.

A Jim Kapellen/Jim Burdick motion to approve the Plat of Survey to add 2,195 sf to 218 York Road conditional upon City Council's approval of an addendum to the Purchase Agreement to allow the reduction in the Shoe Factory property passed on a 6/0 roll call vote.

EXTRATERRITORIAL LAND DIVISIONS: A Ron Webb/Jim Kapellen motion to approve an extraterritorial land division for Purnell, Town of Albion, Section 36 to combine two lots on E. Hillside Road (#10355) passed, all voted in favor.

A Jim Kapellen/Anne Radtke motion to approve an extraterritorial land division for Purnell, Town of Albion, Section 36 to combine two lots on E. Hillside Road and Highwood Drive (#10354) passed, all voted in favor.

Being no other business before the Commission, a Jim Kapellen/Ron Webb motion to adjourn passed, all voted in favor.

Ramona Flanigan/ch
City Administrator

Approved May 4, 2020

TO: Edgerton Plan Commission

FROM: Ramona Flanigan

MEETING DATE: May 4, 2020

GENERAL DESCRIPTION

Description of Request: Petition for approval of a conditional use permit to allow the installation of wall signage at the elementary and high schools

Location: 200 and 100 Elm High Drive

Applicant: Edgerton Community Schools

Current Zoning/Land Use: R-2 / schools

STAFF REVIEW COMMENTS

Staff has reviewed the petition for planning issues in accordance with the Edgerton Zoning and Subdivision Ordinances and has the following comments:

1. The parcel is zoned R-2. The petitioner wishes to install wall signs on the high school and elementary school.
2. The current ordinance allows for one wall sign up to 24 sf. The proposed sign on the elementary school is 49.5 sf. The Plan Commission and City Council will consider an ordinance amendment to allow institutional uses in a residential district to apply for a conditional use permit for signs larger than allowed by the ordinance. There is one existing wall sign on the elementary school that will remain. A similar sized structure in a commercial district would be allowed two wall signs totaling 150-400 sf.
3. The proposed signs for the High School are 14 sf (High School sign) and 27.9 sf (EPAC sign). The current ordinance allows for one wall sign. The High School currently has two wall sign that will remain. If the owner of an institutional use in a residential district wants more than one sign, the proposed text amendment requires a conditional use permit.

STAFF RECOMMENDATION

Staff recommends the conditional use be granted to allow two wall signs for Community Elementary (49.5 sf for the proposed sign) and to allow four wall signs for the High School (14 sf and 27.9 sf for the proposed signs) with the following findings and conditions:

1. The proposed ordinance is adopted by the City Council.

If the Plan Commission elects to grant the conditional use, it should adopt the following finding of fact:

1. The proposed conditional use with the above conditions is in harmony with the purposes, goals, and objectives of the Master Plan or the Zoning Ordinance. 22.206.(4)(c) 2.
2. The proposed conditional use, in its proposed location and as depicted on the site plan, will not result in undue adverse impact on nearby property, the character of the neighborhood, traffic factors, and public rights-of-way. 22.206.(4)(c) 3.

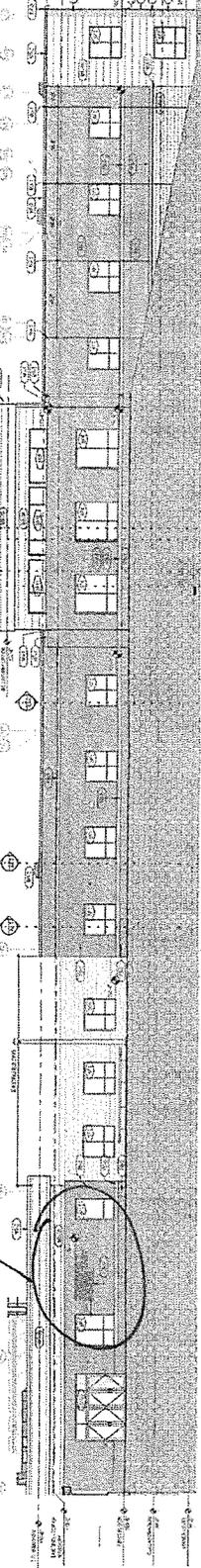
3. The proposed conditional use maintains the desired land use intensity and land use impact as it relates to the environs of the property 22.206.(4)(c) 4.
4. The proposed conditional use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole, per Section 22.206(4)(d).
5. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use.

COMMUNITY ELEMENTARY

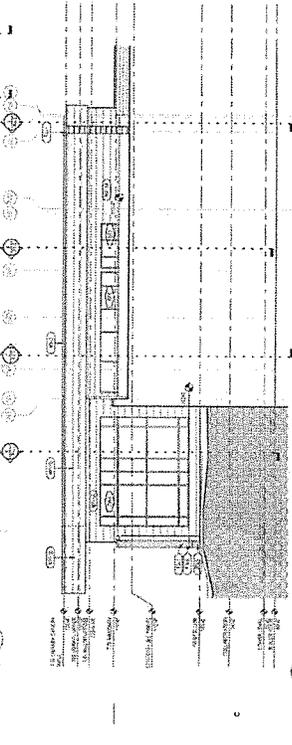
proposed sign

KEYNOTE LEGEND

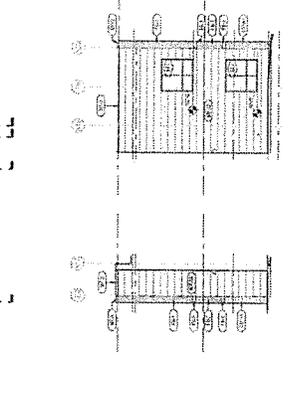
1	AS	ASBESTOS
2	CC	CONCRETE
3	CM	COMMON MASONRY
4	CS	CERAMIC TILE
5	GL	GLASS
6	GR	GRAVEL
7	IR	INSULATION
8	LD	LOADING DOCK
9	ME	METAL DECK
10	MS	MASONRY
11	PA	PAVING
12	SI	STRUCTURAL STEEL
13	SP	SPERMATOPHYTES
14	ST	STRUCTURAL STEEL
15	TR	TRUCK DRIVE
16	VE	VEGETATION
17	VI	VIEW
18	WC	WOOD CLADDING
19	WO	WOOD
20	YP	YOUNG PINE



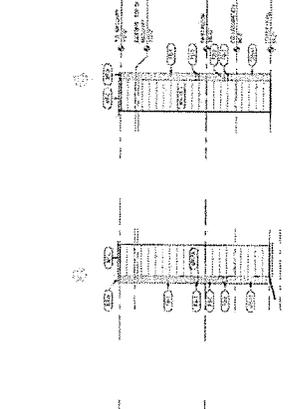
7D - OVERALL SW ELEVATION - ADDITION
Scale: 1/8" = 1'-0"



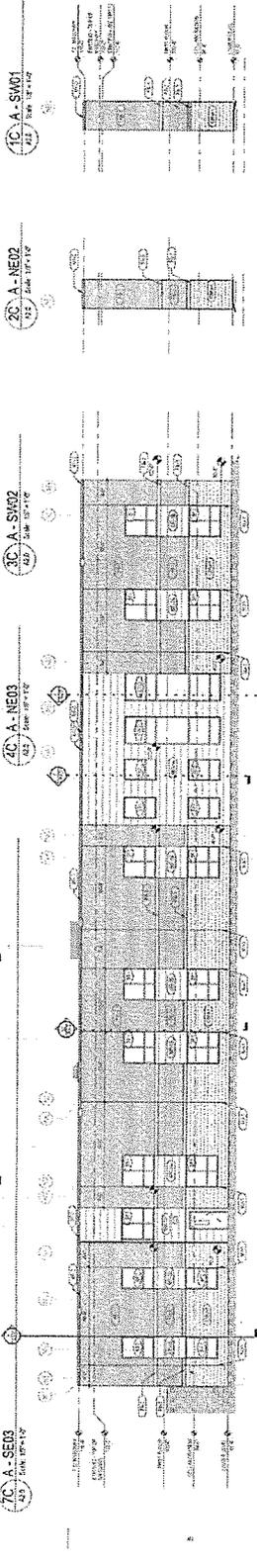
7C - A - SE03
Scale: 1/8" = 1'-0"



7C - A - SE02
Scale: 1/8" = 1'-0"



7C - A - SE01
Scale: 1/8" = 1'-0"



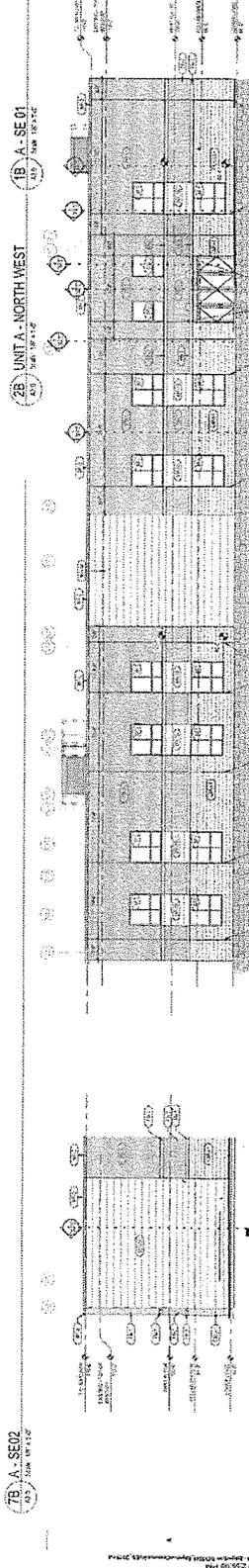
7B - A - SE02
Scale: 1/8" = 1'-0"

7C - A - NE03
Scale: 1/8" = 1'-0"

7C - A - NE02
Scale: 1/8" = 1'-0"

7C - A - SW02
Scale: 1/8" = 1'-0"

7C - A - SW01
Scale: 1/8" = 1'-0"



7A - A - NW01
Scale: 1/8" = 1'-0"

5A - UNIT A - NORTHEAST
Scale: 1/8" = 1'-0"

2B - UNIT A - NORTH WEST
Scale: 1/8" = 1'-0"

1B - A - SE 01
Scale: 1/8" = 1'-0"

Project Number: 3349
 Sheet Title: B10 FACIAGE #4
 Discipline: ARCHITECTURE
 Drawing Title: UNIT A - NORTH WEST ELEVATIONS

A2.0



Client: COMMUNITY ELEMENTARY
 Project: 3349
 Date: 10/15/10
 Designer: [Name]
 Checker: [Name]
 Title: [Title]

Community Elementary School
 Robertson School District
 100 Elm High Dr, Edgerton, WI 53534
 Phone: (608) 785-1000
 Fax: (608) 785-1001
 www.brayschools.com

CONSTRUCTION DOCUMENTS
 COMMUNITY ELEMENTARY SCHOOL
 ROBERTSON SCHOOL DISTRICT
 100 Elm High Dr, Edgerton, WI 53534
 Project No. 3349
 Sheet Title: B10 FACIAGE #4
 Discipline: ARCHITECTURE
 Drawing Title: UNIT A - NORTH WEST ELEVATIONS

WALL SIGN SPECIFICATIONS :

Scope of work : Manufacture and install (1) new set of cast aluminum letters mounted to exterior wall as shown.

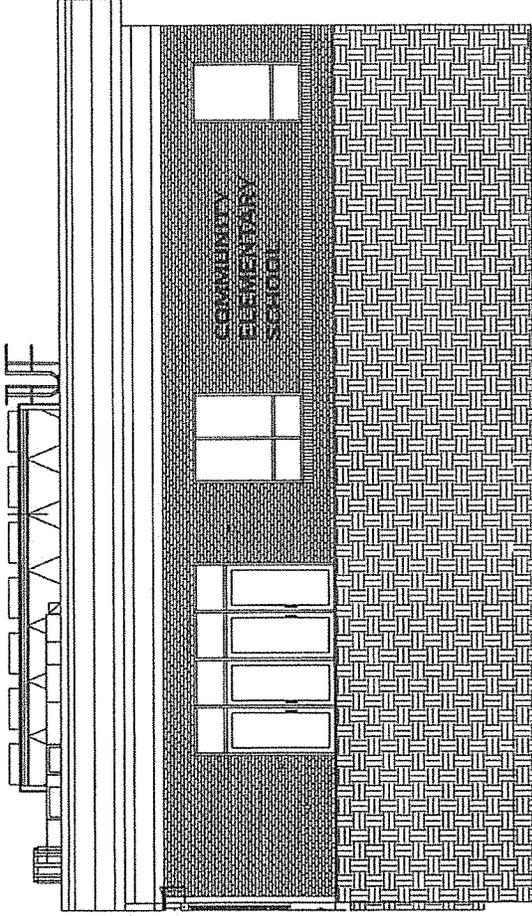
Letters : Gemini cast aluminum 1" Depth, drilled and threaded construction, mounted to exterior wall using 3/16" threaded rod, centered left to right, up and down between windows as shown.

Finishes : Letter exteriors prepped and painted to match Pac-Clad "Midnight Bronze".
Please Note : Pac-Clad paint colors are not standard Gemini colors, color options to be determined.



Pac-Clad "Midnight Bronze"

PRODUCTION APPROVAL	
Please Initial	PRODUCTION SALES
MR	



131 3/4

53 3/16

12

COMMUNITY ELEMENTARY SCHOOL



JINB SIGNS INCORPORATED 1221 Venture Drive, Suite 1, Janesville, WI 53546 Phone: 1-800-943-7997 Fax: 1-608-754-7892

CLIENT: Edgerton Elementary School SALESMAN: Chris Cronin ARTIST: Ryan

JOB SITE: Edgerton, WI DATE: 10-21-19 DRAWING: 08008-01a

CUSTOMERS SIGNATURE: X [Signature] 10/23/19 DATE: 10/23/19

© Copyright

CAST ALUMINUM LETTER SPECIFICATIONS :

Scope of Work : Manufacture and install (1) set of front lit "Edgerton" rail mounted cast letters and (1) set of reverse lit "Performing Arts Center" cast letters.

Edgerton Letters : Gemini cast aluminum, 3" depth, bottom stud mounted to 3" x 3" aluminum angle, fastened to mounting plate provided by others. Faces painted "Dark Bronze" to match (MP41343SP), returns painted "Red" to match (PMS 200C).

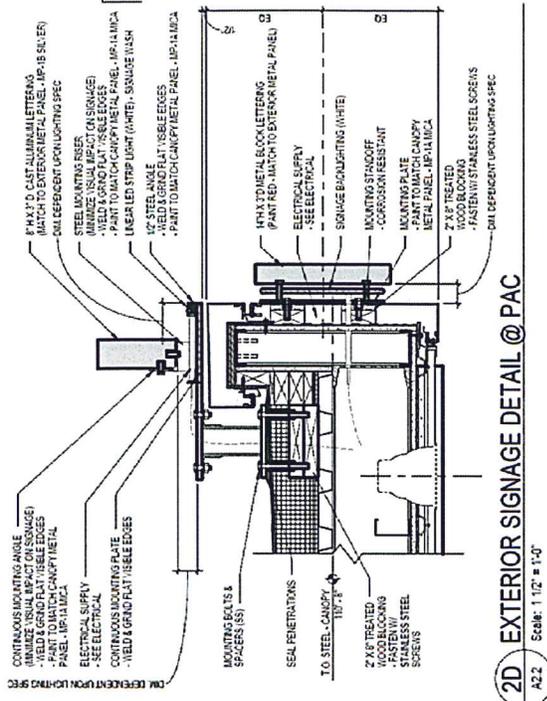
Performing Arts Center : Gemini cast aluminum halo lit, 3" depth, routed lexan translucent letter backs, riv nuts and threaded rod for mounting, faces painted "Red" to match (PMS 200C), returns painted "Dark Bronze" to match (MP41343SP).

****Please Note :** Colors to be confirmed by customer before any production begins.

Lighting : "Performing Arts Center" internally back lit using "White" led modules. "Edgerton" externally front lit using LED light bar. (Light bar to be provided by others)

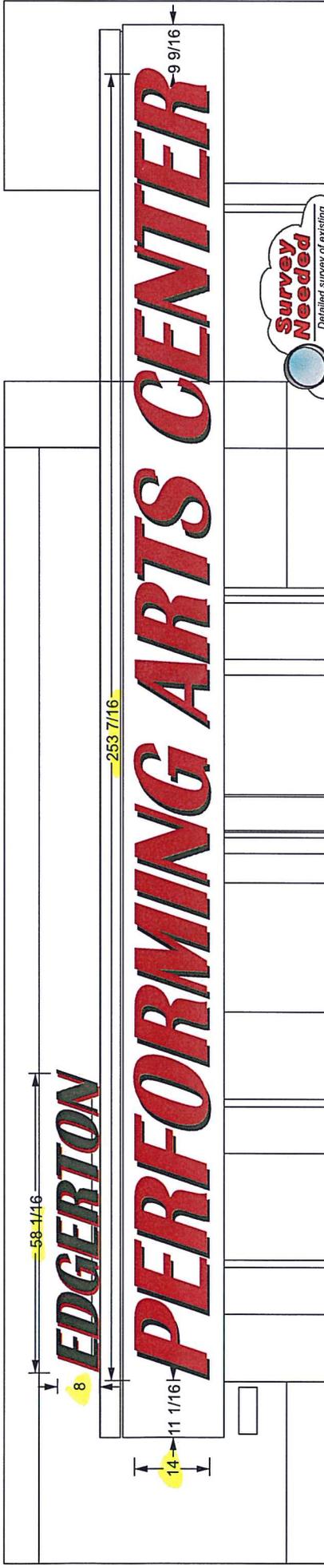
Electrical : 120 volt, UL listed & labeled, power supplies mounted inside of canopy.

Installation : "Edgerton" mounted to top of canopy using 3" x 3" aluminum angle fastened to mounting plate provided by others. "Performing Arts Center" mounted to face of canopy using threaded rod.



VOLTAGE
 120 Volts
 277 Volts

PRODUCTION APPROVAL	
Please Initial	PRODUCTION SALES



JNB SIGNS INCORPORATED 1221 Venture Drive, Suite 1, Janesville, WI 53546 Phone: 1-800-943-7997 Fax: 1-608-754-7822

CLIENT Edgerton High School SALESMAN Matt Stried ARTIST Ryan Edgerton, WI

CUSTOMERS SIGNATURE X DATE 10-21-19 DRAWING 08010-01b

This original and unaltered design is copyrighted and the exclusive property of JNB Signs, Inc. and is not to be published, copied or reproduced in whole or in part without the written permission of JNB Signs, Inc. and is not to be used in any other project or for any other purpose without the express written permission of JNB Signs, Inc. JNB Signs is not responsible for differences in colors between this print and final product. We will attempt to match colors as closely as possible but final choices will be made by you to differing surfaces, materials and paints being applied. Our time exact color matches.

Memo

To: Plan Commission
From: Staff
Date: 4/30/2020
Re: May 4, 2020 Meeting

Proposed text amendments. New text is underlined and deleted text is struckthrough.

Rules for Particular Sign Purposes.

The proposed ordinance amendment below allows institutional users, such as schools and churches, that are located in a residential zoning district to seek a conditional use for signage if the proposed signage exceeds the ordinance standards. Signage regulations in residential districts are very restrictive and commonly do not adequately address the needs of institutional uses. The alternative to a conditional use process is to have the landowner apply for a variance. If the Commission believes institutional uses are significantly different than residential uses and should be considered individually, a conditional use process is more appropriate than a variance process. The proposed amendment allows institutional uses to request a conditional use if a proposed sign does not meet the current sign regulations.

22.504 (2) Rules for Particular Sign Purposes.

(a) Identification Sign.

1. For one-family, two-family, three-family or four-family dwelling:
 - a. Permitted Sign Type: Wall sign
 - b. Maximum Permitted Number per Lot: One
 - c. Maximum Permitted Area per Sign: Two square feet
2. For multi-family dwelling of five or more units or institutional uses*:
 - a. Permitted Sign Type: Wall sign, canopy sign or monument sign
 - b. Maximum Permitted Number per Lot: One monument, plus one wall or canopy
 - c. Maximum Permitted Area per Sign: Twenty-Four square feet
 - d. Minimum Permitted Sign Setback: building setback line

* Institutional uses that do not meet the regulations above may apply for a conditional use in accordance with 22.504(2) a (3) and 22.206.

3. For group developments, institutional uses (not in compliance with 22.504(2)), -or subdivisions:
- a. Permitted Sign Type: Wall sign, canopy sign or monument sign
 - b. Maximum Permitted Number per Development: Per plat or conditional use for group development and institutional uses.
 - c. Maximum Permitted Area per Sign: Thirty-Two square feet.
 - d. Maximum Combined Permitted Area of All Signs: Per plat or conditional use for group development and institutional uses.
 - e. Minimum Permitted Sign Setback: building setback line
-

Definition of Required Yard: The current definition is incorrect and will be corrected by the proposed modification.

Yard, required: The area between the building lot line or right-of-way line and the required setback line.

Gore or odd shaped lots: Lots having very narrow rear yards or those with short side lot line lengths (See attached examples) can be difficult to develop. Some ordinances allow for a principal structure to intrude into a rear yard to address the complications of these odd shaped lots. The disadvantage of this provision is that it allows a structure to be closer to the lot line than would otherwise be allowed. The ordinance sets an ultimate minimum dimension of a rear yard of 15' (25' is the typical minimum rear yard dimension.)

22.302(13) Exceptions to setbacks for gore-shaped lots

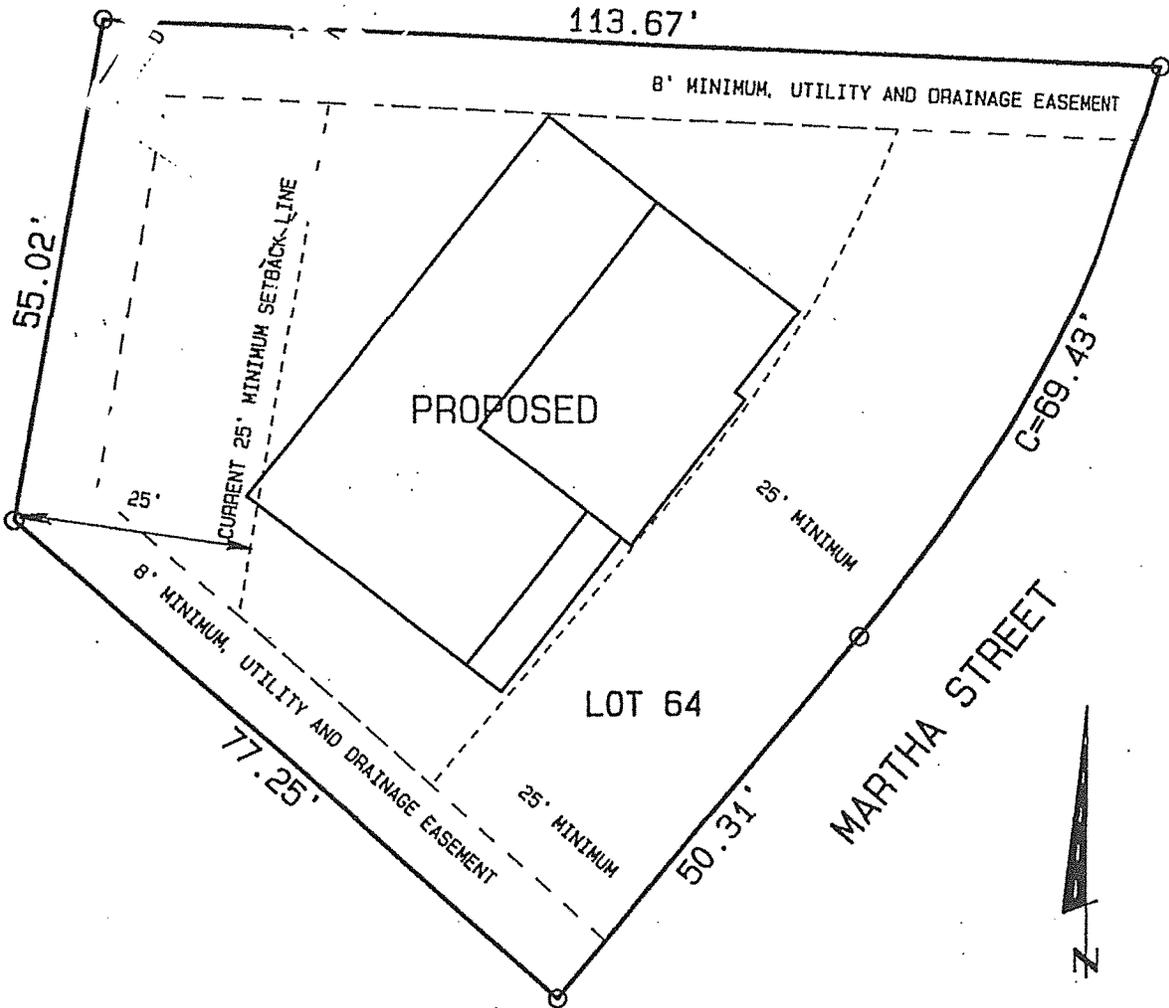
If a side lot line of a gore shaped lot is less than 80', the corner of the structure closest to that side lot line may intrude in the rear yard but not closer than fifteen (15') feet from the rear lot line.

Temporary signs: The City's ordinance, restricting the placement of political signs to no more 30 days prior to an election, is contrary to State Statutes.

SECTION 22.506(4) Temporary Signs

- (4) Temporary political signs are permitted without restriction so long as they do not locate on public property including right-of-ways, do not impair vision, or do not otherwise create a public nuisance. ~~Signs shall not be erected more than 30 days prior to an election~~ Political message signs may be place upon private property anytime during an election campaign period as described in State Statute 12.04(1)(a) and must be removed immediately after the election.
-

SCALE: 1" = 20'



JOB NO. 17R-77-A

Intrusions into yards: The ordinance allows certain improvements to intrude into setbacks. The ordinance does not address how close a porch or similar structure can be to a front or rear lot line. Under normal conditions a house has a 25' front setback and a porch can extend up to 6 feet into the required setback. If an existing house is only 12 feet from the front lot line, the ordinance could be interpreted that a porch is not allowed because it would extend more than 6 feet into a required 25' front yard. (See sketch) The proposed amendment allows structures that do not meet the setbacks to have a porch (and other appurtenances) that extends 6 feet from the structure but in no case can the improvement be closer than 10 feet to a front or rear lot line.

22.302(11) Intrusions into Required Yards.

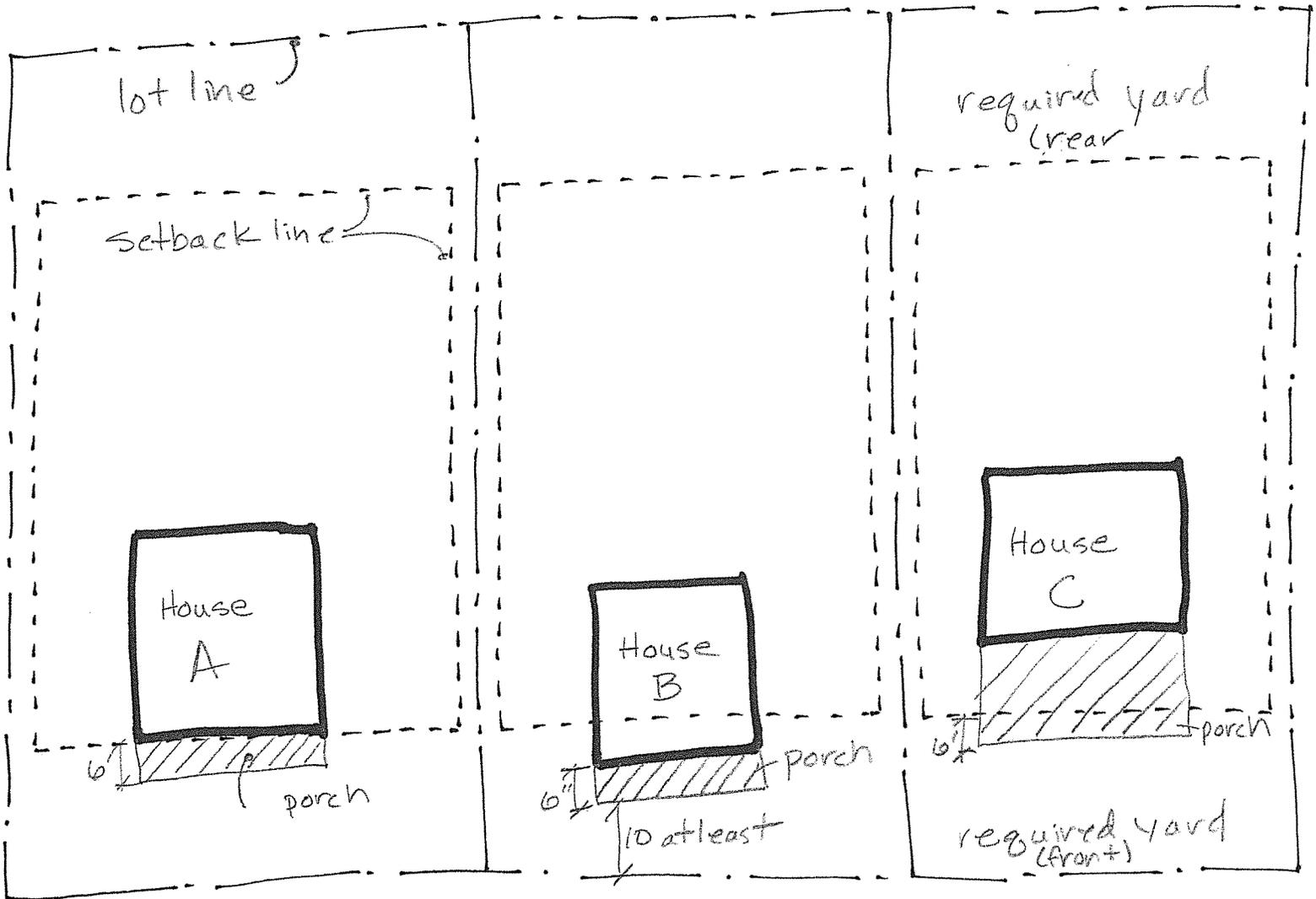
(d) Permitted Intrusions Into Required Yards: The following intrusions by buildings and structures are permitted into the specified required yards:

1. Permitted Intrusions Into Required Front or Street Yards:

c. Terraces, sidewalks, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided, they do not intrude more than six (6) feet into any required street yard and front yard. If the existing principal structure is constructed within the required street of front yard, the appurtenances listed above can extend up to six (6) feet from the principal structure but in no case can the appurtenance be closer -than ten (10) feet to the front or street yard lot line ., except- sidewalks connecting to a public sidewalk may extend to the public sidewalk. Steps may intrude more than six (6) feet into a required street yard or front yard only if required by the elevation of the entry but cannot extend any closer than ten (10) feet to the front or street yard lot line.

3. Permitted Intrusions Into Required Rear Yards:

d. Terraces, sidewalks, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided, they do not intrude more than six (6) feet into any required rear yard. If the existing principal structure is constructed within the required rear yard, the appurtenances listed above can extend up to six (6) feet from the principal structure but in no case can the appurtenance be closer -than ten (10) feet to the rear yard lot line.-



Street

Nonconforming uses, structures, lots: State statutes were amended by restricting municipalities from placing certain limits on the reconstruction of nonconforming uses and structures. The City's current ordinance was also missing several provisions.

22.303 NONCONFORMING USES, STRUCTURES, LOTS.

Existing lawful nonconforming uses, structures, and lots shall meet the provisions of this Section, and those located within floodplains, shorelands, and shoreland-wetlands shall also comply with the City floodplain, shoreland, and shoreland-wetland regulations, whichever is more restrictive.

(1) Nonconforming Use Regulation.

(a) Definition: A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendment thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.

(b) Continuance of a Nonconforming Use: Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.

(c) Modification of a Nonconforming Use: Only that portion of the structure, fixture, land, or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, moved ~~A nonconforming use shall not be expanded,~~ or changed to another nonconforming use; unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Plan Commission). If such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.

(d) Discontinuance of a Nonconforming Use: When any nonconforming use of any structure or land is changed into a conforming use or is discontinued for a period of 12 months, ~~or is changed into a conforming use,~~ any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

(e) Maintenance of a Nonconforming Use::

~~4. Total Lifetime Structural Repairs or alternations to a structure, fixture, or premise containing a nonconforming use shall not exceed 50 percent of the equalized assessed value of the structure, fixture, or premise at the time its use becomes -nonconforming unless it is permanently changed to a conforming use in accordance with the use provisions of this Ordinance. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Some examples of such repairs include painting, caulking, decorating, paneling, and other nonstructural components; and the repair or replacement of doors, windows, utilities, and sewage treatment and water supply systems. Figure No. 1 reflects the method by which the Zoning Administrator shall determine when modifications to nonconforming uses and their structures are equal to 50 percent. The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. In no instance shall said repairs exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said~~

(f) Destruction of a Nonconforming use: ~~2. A~~Whenever a legal nonconforming use that is located in a structure or building which has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or act of God, it may be reestablished ~~reconstructed if it be reconstructed is~~ reestablished within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its equalized assessed value. In such cases, the ~~reconstruction-use~~ shall be limited to uses permitted by the provisions of this Chapter, unless the ability to re-establish a nonconforming use is specifically granted by the City Council following a public hearing. It should be noted that the reestablishing of a nonconforming use by the Council is only permitted under these circumstances.

(gf) Substitution of New Equipment: The Plan Commission may permit the addition of new equipment serving a nonconforming use if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.—**Nonconforming Lots, Structures, & Buildings:** See Sections 22.303(2) and 22.303(3).

~~(hg)Wetland Nonconforming : Notwithstanding s. 62.23(7)(h), the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this ordinance adopted pursuant to s. 62.231, or of an environmental control facility in existence on May 7 1982, related to that structure, is permitted pursuant to s. 62.231(5). Ss. 62.23(7)(h), however, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this ordinance or amendment.~~

(2) Nonconforming Structure and Building Regulations with a conforming use.

(a) Definition: A Nonconforming Structure is a dwelling, building, or other structure that existed lawfully at the time of the effective date of this Ordinance or an amendment thereto that does not conform to one or more of the Development Regulations of this Ordinance.

(b) A Nonconforming Structure with a conforming use lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform to the Development Regulations of this Ordinance.

(c) Nonconforming Structures with a conforming use may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements. No prohibition or limits based on cost may be imposed on the repair, maintenance, renovation, or remodeling of such structures. Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order, or if such building addition shall not extend beyond the current zoning code setback lines for conforming structures.

(db) Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.

(ee) When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure or building shall be in conformance with the provisions of this Chapter.

~~(fd)~~ Whenever a lawful nonconforming structure or building housing a conforming use has been damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the Development Regulations of this Ordinance Chapter, to the extent practicable, and shall commence within 24 months of the date of damage or destruction, unless an extension is granted by the Plan Commission. ~~damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or act of God, it may be reconstructed as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall comply with the lot width, lot area, yard, height, lot setbacks, parking and loading access provisions of this Chapter.~~

~~(ge)~~ Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.

~~(ghf)~~ Alterations, additions, and enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, intensity requirements, other development regulations, and access provisions of this Chapter. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment. ~~may be made to a building containing lawful nonconforming residential units, provided such alterations and/or additions do not increase the number of dwelling units in the building, except that a conforming garage may be added if none previously existed.~~

~~(hig).~~ Existing Nonconforming Structures may be moved and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance.

~~(jig)~~ A legal, nonconforming detached garage may be modified provided the following requirements are met:

- ~~1.~~ That the proposed garage addition complies with the required setback(s).
- ~~2.~~ That precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.
- ~~3.~~ The proposed modification does not result in a detached garage that exceeds any of the area, height, intensity requirements, bulk requirements or other ordinance provisions.

~~(ikh)~~ All garage replacements shall comply with all setback requirements.

~~(iij)~~ Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Chapter, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.

~~(km)~~ Shoreland-Wetland Nonconforming Structures The repair, reconstruction, renovation, remodeling, restoration, or expansion of a legal nonconforming structure, or any environmental control facility related to such structure located in shoreland-wetlands of five acres or more in size and in existence at the time of adoption or subsequent amendment of this Chapter may be permitted in accordance with the provisions of Section 62.231(5) and (5m) of the Wisconsin Statutes.

~~(ln)~~ Floodplain Nonconforming Uses and Structures: Modifications or additions to nonconforming uses and structures in floodplains shall comply with the nonconforming regulations in Chapter 24 of the City of Edgerton Code of Ordinances.

~~(3) Substandard Lot~~ Vacant Nonconforming Lot Regulations.

(a) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Lot Area (MLA) requirements or which does not meet the lot dimension requirements of Section 22.700.

(b) A lot of record existing upon the effective date of this Ordinance ~~in a Residential District~~ which does not meet the Minimum Lot Area (MLA) requirements or which does not meet the lot dimension requirements of Section 22.700 may be developed with a use that is allowed in the zoning district in which it is located~~utilized for a detached single-family dwelling unit~~, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Lots with smaller dimensions than mentioned above shall not be developed unless a variance is granted by the Board of Zoning Appeals. Development of vacant nonconforming lots granted permits under this Section shall be required to meet the yard/setback, height, parking, loading, access provisions, and other Development Regulations, except lot size requirements unless otherwise specified, of this Chapter. ~~Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one of more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter. (Ord. 49-04)~~

(c) In accordance with Section 66.10015(2)(e) of the Wisconsin Statutes, a property owner of a legal nonconforming (substandard) lot may:

1. Convey an ownership interest in a substandard lot.
2. Use the substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other requirements of this Ordinance, except the minimum lot dimensional requirement unless otherwise specified.

(d) In accordance with Section 66.10015(4) of the Statutes, the City may not require one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

(4) Conforming Structures on Nonconforming Lots:

(a) The conforming use of a conforming structure existing at the time of the adoption or amendment of this Chapter may be continued although the lot area and/or width do not conform to the requirements of this Chapter.

(b) Additions and Enlargements to such structures are permitted provided they conform to the established yard/setback, height, parking, loading, access provisions, and other Development Regulations of this Chapter, other than minimum lot dimensional requirements.

(c) Existing Structures on Nonconforming Lots that are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be reconstructed provided they conform to the established yard/setback, height, parking, loading, access provisions, and other Development Regulations of this Chapter, other than minimum lot dimensional requirements.

Figure No. 1

IS IT 50 PERCENT YET?

Sample Problem: Let's assume that the owner of a house with a nonconforming use (i.e., nonconforming institutional use in a residential zoned home) wishes to add a room to the house. If the house had an equalized assessed value of \$100,000 in 1997, the property owner would be able to make improvements valued at up to 50 percent of the present (1997) equalized assessed value of the house, or \$50,000 at that time. The improvement would have to be built to zoning standards. Any further additions or structural alterations could not be allowed unless the use of the structure is permanently changed to a conforming use.

Additions and modifications are based upon a given time over the life of a structure. If, in the example above, the property owner constructed a \$50,000 addition in 1997, no further additions could be allowed because the 50 percent improvement limit had been reached. However, let's assume that the addition was valued at \$20,000 or 20 percent of the 1997 equalized assessed value of the structure (\$100,000). Ten years later, the property owner requests to add a room. In the meantime, the equalized assessed value of the house has increased from \$100,000 in 1997 to \$150,000 in 2007. The value of the storage room is \$15,000 in 2007. The property owner has now accumulated modifications totaling 30 percent of the equalized assessed values from 1997 and 2007.

Finally, ten years later, when the equalized assessed value of the house is \$200,000, the property owner requests to make a modification to the house having a value of \$40,000. The cumulative percentage of the modifications totals 50 percent, based on the cumulative percentage of each modification in relation to the equalized assessed value of the house in the year the modification was made.

This example is further clarified in the following table:

(NOTE - the base for calculation is **not** the original value of the house at the time the Zoning Ordinance was enacted, but is the equalized assessed value of the house at each time the house is modified.)

<u>Year</u>	<u>Equalized Assessed Value of Home</u>	<u>Value of Modification</u>	<u>Modification as a Percentage of Assessed Value</u>	<u>Cumulative Percentage</u>
<u>1997</u>	<u>\$ 100,000</u>	<u>\$20,000</u>	<u>20</u>	<u>20</u>
<u>2007</u>	<u>\$ 150,000</u>	<u>\$ 15,000</u>	<u>10</u>	<u>30</u>
<u>2017</u>	<u>\$200,000</u>	<u>\$40,000</u>	<u>20</u>	<u>50</u>

Definition: Equalized Assessed Value is the value of a structure and/or lot of property as determined by the local assessor with any adjustments made to account for an assessment that does not reflect "full" (100%) value. Full assessed value of the structure and/or lot is usually equivalent to "full" (100%) fair market value at the time assessment is made.

TO: Plan Commission

FROM: Ramona Flanigan

MEETING DATE: May 4, 2020

GENERAL DESCRIPTION

Address: Hickory Nut Lane, Dane County, Albion Township, Section 36

Applicant: Melton

Parcel Size: Approx. 8,630 sf

Description of Request: combine lots

STAFF REVIEW COMMENTS

Staff has reviewed the petition for planning issues in accordance with the Edgerton Master Plan and has the following comments:

1. The proposed land division is within the City of Edgerton's extraterritorial zone. Therefore, the City has land division review authority.
2. The petitioner proposes to combine lots.

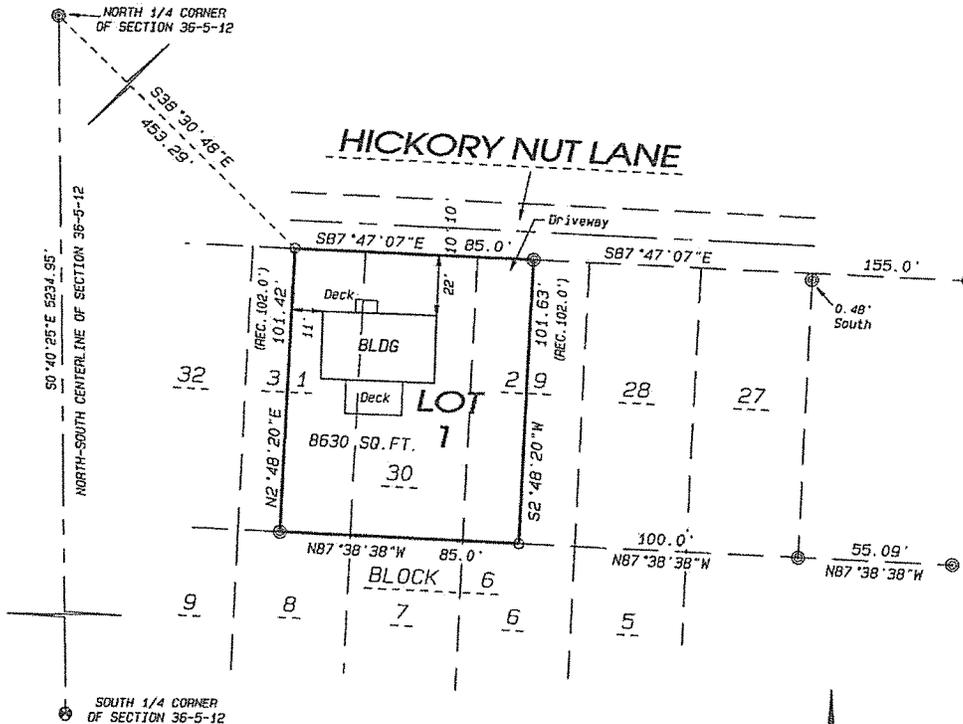
STAFF RECOMMENDATION

Staff recommends the City Council approve the proposed land division.

CERTIFIED SURVEY MAP NO. _____

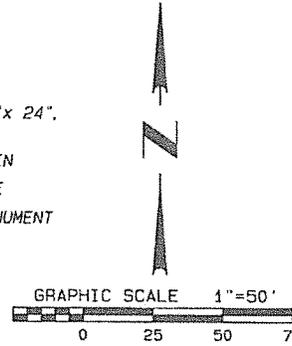
LOT 30 AND PART OF LOTS 29 AND 31, BLOCK 6, HIGHWOOD ESTATES
THIRD ADDITION AND LOCATED IN GOVERNMENT LOT 1 OF FRACTIONAL
SECTION 36, T.5N., R.12E. OF THE 4TH P.M., TOWN OF ALBION, DANE
COUNTY, WISCONSIN.

OWNER OF RECORD:
KYLE A. MELTON
11323 N KENLYN RD
EDGERTON WI 53534



LEGEND:

- SET IRON PIN, 3/4" x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- ⊙ FOUND 1" IRON PIPE
- ⊕ FOUND ALUMINUM MONUMENT



NOTE: FIELDWORK COMPLETED _____

NOTE: ASSUMED S0°40'25"E ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 36-5-12.

NOTE: PLSS CORNERS AND TIES WERE LOCATED IN GOOD CONDITION AND FIELD VERIFIED.

Project No. 120 - 098 For: MELTON

SHEET 1 OF ___ SHEETS

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- LAND PLANNING
- CIVIL ENGINEERING

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