



# ZONING TEXT AMENDMENT APPLICATION

## Part I. General Information

Applicant information: Person's Name(s): David Landsverk, Troy A. Mayne (DeWitt LLP), Gary Blazek (Vierbicher)  
Firm Name (if any): (above)  
Representing Anyone? (indicate who): CFM Investments, LLC  
Applicant Address: 2 East Mifflin Street, Suite 600 City: Madison State: WI Zip: 53703  
Telephone: (608) 252-9327 Fax: (608) 252-9327  
e-mail: [tam@dewittllp.com](mailto:tam@dewittllp.com); [David.Landsverk@muellersportsmed.com](mailto:David.Landsverk@muellersportsmed.com); [gbla@vierbicher.com](mailto:gbla@vierbicher.com)

Zoning regulation proposed to be amended: Article (in zoning ordinance): 10-1-0130  
Section Number(s): (f)(2)b.

Summary of proposed text amendment: Specific language to be developed by Village Administrator – and/or consultant:  
Applicant seeks a zoning text amendment that will allow airplane hangars to be sited with a lot line setback of no more than twenty-five (25) feet and revise Section 10-1-0310's restriction of all buildings, structures, outdoor storage areas, and any other activity areas within one hundred (100) feet of all lot lines.

## Part II. Application Submittal Requirements

Along with this application, please submit a non-refundable zoning text amendment application fee of \$400. Also, please submit one easily reproducible electronic copy (e.g., PDF) of the following materials to make a complete application:

- The portion of the current provisions of the zoning ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier.
- The exact text which is proposed to replace the current text. (Applicants are strongly encouraged to consult with the Village Administrator before drafting proposed ordinance text. The Administrator will likely suggest professional assistance in text drafting, at the applicant's expense. The zoning ordinance is the law of the Village, so proper care should be taken when amending it.)

Paper copies of these materials must be provided if requested by the Village Administrator.



**Part III. Comparison of Proposed Zoning Text Amendment with Required Review Criteria (to be completed below or on an attached sheet)**

- 1. Does the proposed zoning text amendment retain or improve consistency between the zoning ordinance and the recommendations of the Comprehensive Plan? Explain how, or why not.

Yes. The proposed amendment improves consistency between the zoning ordinance and the recommendations of the Sauk Prairie Comprehensive Plan (April 11, 2017), as outlined in the Highway 12/PF/Airport Area Plan (June 26, 2012), by providing clarity in the careful and phased development of the AIR district for continued recreational and small business use. This development is supported by reducing the conflicts between zoning ordinances and clarifying the distinct requirements that are required for continued development of airport structures and features. The proposed amendments do not remove requirements for obtaining conditional use permits to approve new or extended airport runways.

- 2. Does the proposed zoning text amendment further the purpose and intent of the zoning ordinance, in Article 0, Section 10-1-0004 of the Village’s zoning ordinance? Explain how, or why not.

Yes. The proposed amendment furthers the purpose of avoiding overcrowding of the land and facilitating the provision of transportation by allowing the careful and phased development of the Airport district in response to the area-wide increased demand in order to benefit the Village and surrounding area.

- 3. Does the proposed zoning text amendment further any purpose of the article and section of the zoning ordinance in which the proposed amendment is located? Explain how, or why not.

Yes. The proposed amendment furthers the purpose of identifying which building setback requirements in the AIR zoning district are allowed, as well as acknowledging the effect of the overlapping FAA guidelines that naturally push buildings and structures to the edge of the property in order to comply with height requirements and runway setback requirements.

- 4. Does the proposed amendment address a change in the land market, or other factors which require a new form of development, type of land use, or procedure? If yes, explain the relevant change.

Yes. The proposed amendment addresses a change in the regional context within which the airport operates and competes. The Middleton Municipal Airport-Morey Field and the Baraboo-Wisconsin Dells Airport have continued to expand their facilities and services in recent years and demand for hangar space has continued to outpace this expansion. The Sauk Prairie airport seeks to grow the region by capturing the increased demand for additional hangar space, while maintaining the type of planes and customers serviced, primarily recreational and business usage of small, single and multi-engine General Activity aircraft, as defined by the Wisconsin State Airport System Plan 2030. Reducing the setback to twenty-five (25) feet will allow the airport to maximize the available space for hanger development and acknowledges the current use of the property. The proposed amendments do not remove requirements for obtaining conditional use permits to approve new or extended airport runways.

- 5. Does the proposed zoning text amendment address new methods of development or providing infrastructure that require changes to meet these new factors? If yes, please explain.

No.

- 6. Does the proposed zoning text amendment address providing or affording public services as it relates to changing government finance? If yes, please explain.

No.



7. Does the proposed zoning text amendment address an error or internal inconsistency in the zoning ordinance? If yes, please note where and how.

Yes. The zoning ordinance sets forth conflicting guidelines for determining the setback distance from a lot line within an AIR district. First, the AIR Airport District text in Section 10-1-0204 states that the allowable land uses are set forth in 10-1-0310. Sect. 10-1-0310 requires a blanket restriction on “all buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas” from being located within one hundred (100) feet of all lot lines. The AIR Airport District text 10-1-0204 also states that all structures and site development shall comply with Figures 10-1-0404(a) and 0404(b). Section 10-1-0402(b) controls setbacks in the AIR Airport district, varying from 175 feet to 15 feet from the specified lot line. The existing usage and structures located on the Sauk Prairie Airport do not comply with the blanket one hundred (100) foot setback established in Section 10-1-0310. The proposed amendment would allow a 25-foot setback from lot lines for existing and proposed structures and airport usages, and rectify conflicts in the zoning ordinance.

8. Will the proposed zoning text amendment maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the resources of the affected zoning districts? How?

Yes. The amendment seeks to maintain the current operations and land use of the Airport and encourage reasonable expansion. Since 1963, the Sauk Prairie Airport, Inc. has been operating and maintaining the property as an airport, currently classified by the WisDOT airport classification system as a medium general aviation airport, providing increased access and transportation services to the community. The support for these services was highlighted in the Prairie Du Sac Comprehensive Plan, as updated by the Highway 12/PF/Airport Area Plan, to allow for consistent small business and recreational use of the airport. Applicant discovered the zoning text challenges while preparing to submit for approval a Site Plan Application for the orderly expansion of the airport to meet increased regional needs in line with the above comprehensive plans and with the 2030 Wisconsin State Airport System Plan.

First, the AIR Airport District set forth in Section 10-1-0204 states that the allowable land uses are set forth in 10-1-0310. This subsection (f) designates that an airport transportation facility shall require “All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas” to be located a minimum of one hundred (100) feet from all lot lines. The AIR Airport District in 10-1-0204 then states that all structures and site development shall comply with Figures 10-1-0404(a) and 10-1-0404(b), which set forth varying setback lines for buildings, structures, pavement, and yards, which range from less restrictive to more restrictive than the one hundred (100) foot blanket setback in 10-1-0310. Finally, within this ordinance the AIR Airport district is then also restricted by the AO-H Airport Height Limitation Overlay District Requirements, which reference applicable restrictions by the Wisconsin Department of Aeronautics. The development of the airport is also subject to compliance with Federal Aviation Administration (FAA), involving submission of a master airport plan. The FAA airport design includes restrictions on building height and other building specification requirements, including mandating structures be a minimum distance from the runway. When the Comprehensive Plan and the zoning guidelines were created, the current airport structures and outdoor uses existed in a similar state to the current location and usage, which do not conform with the uniform one hundred (100) foot setback in Section 10-1-0310.

The contemporaneous Application for Site Plan Approval that is being filed recognizes the airport is located adjacent to a platted residential development, and in the planning process seeks to alleviate development concerns proactively. This request for text amendment seeks to make the continued development process and the code itself more consistent in light of the above described requirements.



**Part IV. Reimbursement for Development Review Services**

The Village Planner, Village Engineer, Public Works Director, Village Attorney, and other Village staff and consultants may expend time in the administration, investigation, and processing of development review applications. In addition, the Village may retain the services of other professional consultants—including but not limited to landscape architects, architects, environmental specialists, and recreation specialists—in the investigation and processing of such applications.

Reinforcing the requirements of Section 10-1-1318(d) of the Village zoning ordinance, the signing and submittal of this application or petition for development review shall be construed as an agreement to pay for professional consulting services associated with the administration, investigation, and processing of this application or petition. The Village Administrator shall retain sole discretion in determining when and to what extent it is necessary to involve one or more professional consultants in the review of each application or petition.

The Applicant shall be responsible for the costs for such professional consulting services. The Applicant shall pay such costs upon receipt of one or more invoices from the Village, following the execution of the development review services associated with the application. In the event the Applicant fails to pay such costs, the responsibility shall pass to the property owner, if different, under the same terms. Development review fees that are assigned to the Applicant or property owner, but that are not actually paid, may then be imposed by the Village as a special charge on the affected property.

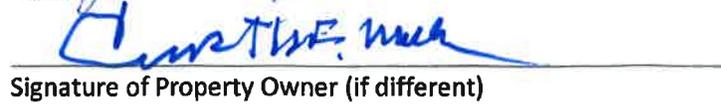
**Part V. Signatures**

By signing and dating below, I/We:

1. Reviewed and understand the Village of Prairie du Sac zoning ordinance and its standards of approval related to this application;
2. Read, understand, and accept my/our responsibilities under the reimbursement section above;
3. Submitted an application that is true, correct, and complete to the best of my/our knowledge;
4. Acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the subject property to inspect or gather information necessary to process this application;
5. Understand that all meeting dates are tentative and may be postponed by the Village for the reason of incomplete submittals or other administrative reasons;
6. If this application is approved, agree to abide by this application, approved plans, and required conditions associated with plan approval in the development of the subject property; and
7. Understand that the Village's zoning ordinance and/or the conditions of development approval may specify timeframes within which I/we must take certain actions related to the development of the subject property, or risk having the approval being nullified.

  
Signature of Applicant

7/8/19  
Date

  
Signature of Property Owner (if different)

9 July 19  
Date



Parcel Address or ID #: 028-0998-0000

**Part VI. Record of Administrative Procedures (to be completed by Village)**

- Verification that petition pertains to (check one):  Village  Town (ET Jurisdiction)  Both
- Pre-application conference with Village Administrator or designee (optional)  
Date of conference: \_\_\_\_\_ Participants: \_\_\_\_\_
- Pre-application conference with Village Plan Commission, Joint ET Committee, or both (optional)  
Date of Conference(s): \_\_\_\_\_
- Application and required plans filed with Village  
Date filed: 07/09/2019  
Name of Village staff person who accepted application: A. Wildman
- Application fee of \$400 received by Village (non-refundable)  
Date received: 07/09/2019  
Name of Village staff person who accepted fee: A. Wildman
- Application and submitted plans verified as being complete  
Date verified: 7/12/2019  
Name of Village staff person who verified application as complete: M. Roffers
- Notice of public hearing sent to owners within 300 feet, clerks within 1,000 feet, & newspaper  
Date sent to nearby land owners and clerks: 7/17/2019  
Date of first publishing in community newspaper: 7/25/2019  
Date of second publishing in community newspaper: 8/1/2019
- Village Plan Commission/Joint ET Committee public hearing  
Meeting date: 8/5/2019 (to be held within 45 days of complete application)
- Village Plan Commission and/or Joint ET Committee recommendation to Village Board  
Meeting date(s): \_\_\_\_\_ (within 75 days after submittal of complete application)  
Recommendations (circle one): Approval as presented    Approval with modifications    Denial
- Village Board Action  
Meeting date: \_\_\_\_\_ (within 90 days of public hearing, or extended by agreement)  
Status (circle one): Approval as presented    Approval with modifications    Denial
- Applicant notified of Village Board action  
Date: \_\_\_\_\_  
Name of Village staff person who notified Applicant: \_\_\_\_\_

- c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.
- d. Signs. All signs shall comply with applicable provisions of Article 9.
- e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

**(r) AIR Airport District.**

- (1) Description and Purpose. The AIR Airport District is intended to provide for land uses essential to and compatible with a small, “Basic Utility –B” airport (classified by the Wisconsin State Airport Plan 2020 and the State of Wisconsin Connections 2030 State-wide Long Range Transportation Plan), serving predominantly small piston-engine aircraft with a gross weight under 12,500 pounds. The AIR district is intended specifically for a unique area northeast of the intersection of Highways 12 and PF identified as “Institutional /Transportation” future land use category in the Comprehensive Plan associated with the existing airport.
- (2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the AIR district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.
- (3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the AIR district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.
- (4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying AIR district. Where AIR and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.
- (5) Other Requirements.
  - a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304.
  - b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.
  - c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.
  - d. Signs. All signs shall comply with applicable provisions of Article 9.
  - e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

- c. In no instance shall activity areas be located within a required frontage landscaping, bufferyard, or Permanent Green Space Areas.
  - d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 10-1-0820.
  - e. Minimum Required Parking: one space for every 20,000 square feet of Gross Storage Area, plus one space for each employee on the largest work shift.
- (5) Waste Disposal or Composting Facility. A Waste Disposal Facility land use is any use engaged in the collection and disposal of solid wastes, organic materials for composting, and recycled materials including those defined by Wisconsin Statutes 289.01(33).

Regulations:

- a. Shall comply with all County, State and Federal regulations.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
- c. All buildings, structures, and activity areas shall be located a minimum of 200 feet from all lot lines.
- d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials in any manner.
- e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading, and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Applicant (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. The requirement for said surety is waived for waste disposal facilities owned by public agencies.
- f. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
- g. Within the A-P district, shall be operated by a governmental, institutional, religious, or non-profit organization and meet all criteria in Section 10-1-1304(d).
- h. Minimum Required Parking: one space for each employee on the largest work shift.

**(f) Transportation Land Uses.**

- (1) Off-Site Parking. Off-Site Parking includes any areas used for the temporary parking of vehicles which are fully registered, licensed and operative.

Regulations:

- a. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

- (2) Airport or Heliport. An Airport or Heliport is a transportation facility providing takeoff, landing, servicing, storage and other services for air transportation vehicles. The operation of any type of air transportation vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport or Heliport. Does not include helipads for hospitals or related uses, which are instead considered accessory uses.

Regulations:

- a. All new or extended airport runways shall require a Conditional Use Permit.

- b. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
  - c. All crops, trees, structures, fences, storage areas, and parking areas shall be located and setback from all runways in accordance an airport master plan developed by the Petitioner in accordance with FAA guidelines and recorded with the Village.
  - d. Minimum Required Parking: one space per each employee on the largest work shift, plus one space per every leasable hangar space plus sufficient parking required for any other approved on-site use.
- (3) Freight Terminal. Freight Terminals are defined as lands and buildings representing either end of one or more truck carrier line(s) principally serving several or many businesses, which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities.

Regulations:

- a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
  - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
  - d. Minimum Required Parking: one space per each employee on the largest work shift.
- (4) Distribution Center. Distribution Centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses which are separately listed and regulated.

Regulations:

- a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
  - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard with area.
  - d. Minimum Required Parking: one space per each employee on the largest work shift.
- (5) Livestock or Farm Commodity Trucking Service. A Livestock or Farm Commodity Trucking Service is a type of freight service dedicated primarily to movement of locally produced agricultural products and may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving one or more farms or lumber operations. Trucking services not specifically related to the local agriculture production shall instead be regulated as a Freight Terminal.

Regulations:

- a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
- b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

**Figure 10-1-0404(b): Business, Office, Manufacturing, Institutional, and Airport District Setback and Height Standards**

Zoning District	Minimum Setbacks (ft) (b)(g)						Minimum Principal Building Separation (ft)	Maximum Building Height (stories/ft)	
	Principal and Accessory Building to Front and Street Side Lot Lines (a)	Principal Building to Interior Side Lot Line	Principal Building to Rear Lot Line	Side/Rear to Accessory Building (d)	Pavement (c)			Principal Bldgs	Accessory Bldgs
					Front or Street Side	Interior Side or Rear			
B-N Neighborhood Business	25	15	20	4/4	10	5	10	2/30	1/20
B-C Central Business	0	0 (f)	0	0/0	5	0	0	3/45	1/20
B-H Highway Business	35	15	30	12/15	10	5	10	3/45	1/20
B-R Rural Business	35	15	30	12/15	10	5	10	3/45	1/20
O-R Office and Research	25	15	20	12/15	10	5	10	4/60	2/35
M-L Limited Manufacturing	25	15	30 (h)	12/15	10	5	10	3/45	1/20
M-G General Manufacturing	35	15	30 (h)	12/15	10	5	10	3/45	2/35
I-1 Institutional (e)	25 (e)	15 (e)	20 (e)	4/4	10 (e)	5 (e)	10 (e)	4/60 (e)	1/20
<b>AIR Airport</b>	<b>35</b>	<b>15</b>	<b>30</b>	<b>12/15</b>	<b>10</b>	<b>5</b>	<b>10</b>	<b>2/30</b>	<b>1/20</b>

- (a) Measured from existing or Officially Mapped right-of-way line, whichever is furthest from the centerline of the street.
- (b) Additional setback may be required along zoning district boundaries for landscape buffers. See Section 10-1-0701.
- (c) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots. See Section 10-1-0808(j) for minimum and maximum driveway widths.
- (d) On corner lots, street side yard setbacks must be equal to or greater than the minimum street side setback for the principal structure.
- (e) I-1 Institutional Districts adjacent to the B-C District shall instead use the same standards as the B-C District.
- (f) If side yard is provided, building must be at least 10 feet from side lot line abutting a non-residential zoning district (15 feet from residential district).
- (g) Minimum setback from US Highway 12 is 175 feet from centerline of highway right-of-way.
- (h) For each principal building constructed prior to August 18, 2011, the minimum setback between such building and the rear lot line shall be 15 feet.