



# PLAN COMMISSION MEETING AGENDA

February 17, 2025 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

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**1. CALL MEETING TO ORDER**

- A. Pledge of Allegiance
- B. Roll Call

**2. ANNOUNCEMENT OF PUBLIC HEARING - PROPOSED ZERO LOT LINE ORDINANCE LANGUAGE.**

Proposed Zero Lot Line Ordinance Language:

The proposed ordinance language is intended to allow Zero-Lot-Line Residences. A zero-lot-line residence is a piece of residential real estate in which the structure comes up to, or very near to, the edge of the property line. Some of the advantages are they cost less than homes with larger lots. They offer greater privacy than a condo since they share less or no walls. They maximize the use of available space and reduce maintenance responsibilities. Being in close proximity or sharing a common wall with your neighbors gives a sense of community, as residents are more likely to interact and develop closer relationships. A complete copy of the proposed revisions is available for viewing at the Village of Kronenwetter Municipal Center. All persons interested are invited to attend this hearing and be heard.

**3. CLOSE PUBLIC HEARING**

**4. PUBLIC COMMENT**

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

**5. APPROVAL OF MINUTES**

- C. January 8, 2025 Plan Commission Meeting Minutes

**6. REPORTS AND DISCUSSIONS**

- D. Community Development/Planning and Zoning Director Report.

**7. OLD BUSINESS**

- E. Discussion and possible action: § 520-121. - Conditional use permits.
- F. Discussion and possible action: Denyon Homes Concept Plan (revised).

**8. NEW BUSINESS**

- G. Discussion and possible action: Proposed Zero-lot-line Language.
- H. Discussion and possible action: § 520-124. - Site plan procedures.

**9. NEXT MEETING: MARCH 17, 2025**

**10. CONSIDERATION OF ITEMS FOR FUTURE AGENDA**

**11. ADJOURNMENT**

**NOTE: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made at least 24 hours in advance to the Village Clerk's office at (715) 693-4200 during business hours.**

Posted: 02/14/2025 Kronenwetter Municipal Center and [www.kronenwetter.org](http://www.kronenwetter.org)

Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee Times, Wausau Pilot and Review, City Pages



# PLAN COMMISSION MEETING MINUTES

January 08, 2025 at 6:00 PM

Kronenwetter Fire Department Meeting Room

## 1. CALL MEETING TO ORDER

*Village President Chris Voll called the January 8, 2025 Plan Commission Meeting to order at 6 p.m.*

### A. Pledge of Allegiance

*Those in attendance were invited to recite the Pledge of Allegiance.*

### B. Roll Call

**PRESENT:** *President Chris Voll, Trustee Ken Charneski, Dick Kvapil, Tony Stange (on phone), Bruce Sinkula, Rick Grundman, Dan Lesniak*

**STAFF:** *Community Development Director Peter Wegner, Clerk Jennifer Poyer*

## 2. PUBLIC COMMENT

**Guy Fredel, 2240 Ruby Drive, Kronenwetter, WI 54455** – *Fredel reviewed the Village's five criteria for conditional use permits. He said each criterion requires a yes. He assessed each criterion to the Milestone Materials Conditional Use Permit Application and said it does not meet the criteria. (Documents distributed are attached to minutes.*

**Tom Burch, 833 State Hwy. 153, Mosinee, WI 54455** – *Burch spoke to the possible Kowalski Road interchange and listed possibilities if it should happen in the future after the nonmetallic mining operation took place. Also talked of the necessity for the land to be raised because it is in the flood fringe.*

**Mitch Olsen – Milestone Materials Attorney** – *Olsen spoke to the current inactivity of TID 1. He said the nonmetallic mining operation would generate revenue and allow for future development. He said the issues regarding the TID are not sufficient to disallow the CUP.*

## 3. APPROVAL OF MINUTES

### C. 2024 10 21 PC Meeting Minutes

*Motion by Kvapil, Charneski to approve the October 21, 2024 Plan Commission Minutes. Motion carried by voice vote. 7:0.*

## 4. OLD BUSINESS

### D. Discussion and possible action: Milestone Materials Conditional Use Permit Application for a Nonmetallic Mining Operation.

*Motion by Charneski/Stange to deny the Milestone Materials Conditional Use Permit Application.*

*Motion carried by roll call vote. 6:1. Voting yea: Chris Voll, Ken Charneski, Dick Kvapil, Tony Stange, Bruce Sinkula, Dan Lesniak Voting nay: Rick Grundman*

*Discussed the nonmetallic mining operation's lack of meeting the Village's criteria for issuing conditional use permits. Discussed possible development opportunities after the completion of the mining operation. Discussed possibly adding conditions to the permit.*

## 5. NEXT MEETING: January 20, 2025

## 6. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

## 7. ADJOURNMENT

*Motion by Lesniak/Voll to adjourn the January 8, 2024 Plan Commission Meeting. Motion carried by voice vote. 7:0.*

Minutes prepared by Jennifer Poyer.

Approved by the Plan Commission on

*Meeting adjourned at 7:18 p.m.*

*Section 5, Item C.*



The zoning administrator and building inspector shall issue no permits to enable commencement of building and other activities authorized by the conditional use permit and shall issue a stop-work order for any such activities already commenced.

- (2) The zoning administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for village board consideration.
- (3) The village board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in subsection G and shall have all of the powers of the commission under this section. The village board's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

G. *Review criteria for conditional use permit.* Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:

- (1) Is the proposed conditional use in harmony with the comprehensive plan, this chapter, and any other plan, program, or ordinance adopted by the village?
- (2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted by the village?
- (3) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- (4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
- (5) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

H. *Issuance and recording of permit.* Within 30 days following the granting of a conditional use permit, the zoning administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The zoning administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant.

**LEGAL STATUS**

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**LEGAL STATUS**

## Interstate System Access

A Rule by the Federal Highway Administration on 11/07/2024

**PUBLISHED CONTENT - DOCUMENT DETAILS**

**Agencies:** Department of TransportationFederal Highway Administration

**Agency/Docket Number:** Docket No. FHWA-2020-0006

**CFR:** 23 CFR 624

**Document Citation:** 89 FR 88118

**Document Number:** 2024-25757

**Document Type:** Rule

**Pages:** 88118-88128 (11 pages)

**Publication Date:** 11/07/2024

**RIN:** 2125-AF89

**PUBLISHED DOCUMENT:** 2024-25757 (89 FR 88118)

**DOCUMENT HEADINGS**

Department of Transportation

Federal Highway Administration

23 CFR Part 624

[Docket No. FHWA-2020-0006]



RIN 2125-AF89

Section 5, Item C.

**AGENCY:**

Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:**

Final rule.

**SUMMARY:**

This final rule amends FHWA regulations governing changes in access to the Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate System). As a condition of funding for Federal-aid highway projects, Federal law prohibits State departments of transportation (State DOT) from adding any point of access to or from the Interstate System **without the approval of the Secretary of Transportation**. This final rule codifies and clarifies existing policies and practices regarding State DOT requests for, and FHWA approval of, changes in access to the Interstate System.

**DATES:**

**This final rule is effective December 9, 2024. Use of this new regulation is required for all State DOT requests for, and FHWA approval of, changes in access to the Interstate System documented in an Interstate Access Justification Report dated after December 9, 2025.**

**FOR FURTHER INFORMATION CONTACT:**

Mr. Clayton Wellman, Office of Preconstruction, Construction and Pavements (HICP-10), (202) 366-4658, or via email at [Clayton.Wellman@dot.gov](mailto:Clayton.Wellman@dot.gov) (<mailto:Clayton.Wellman@dot.gov>), or Mr. Lev Gabrilovich, Office of the Chief Counsel (HCC-30), (202) 366-3813, or via email at [Lev.Gabrilovich@dot.gov](mailto:Lev.Gabrilovich@dot.gov) (<mailto:Lev.Gabrilovich@dot.gov>). Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Electronic Access and Filing

This document, as well as the notice of proposed rulemaking (NPRM) and all comments received, may be viewed online through the Federal eRulemaking portal at [www.regulations.gov](http://www.regulations.gov) (<http://www.regulations.gov>) using the docket number listed above. Electronic retrieval help and guidelines are also available at [www.regulations.gov](http://www.regulations.gov) (<http://www.regulations.gov>). An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at [www.FederalRegister.gov](http://www.FederalRegister.gov) (<http://www.FederalRegister.gov>) and the U.S. Government Publishing Office's website at [www.GovInfo.gov](http://www.GovInfo.gov) (<http://www.GovInfo.gov>).

## Background and Legal Authority

It is in the national interest to preserve and enhance the Interstate System to meet the needs of the 21st century by ensuring that it provides the highest level of service in terms of safety and mobility. Full control of access along the Interstate mainline and ramps, along with control of access on the crossroad at interchanges, is critical to such service. Under 23 U.S.C. 111 (<https://www.govinfo.gov/link/uscode/23/111>) (section 111), **all agreements between the Secretary and State DOTs for the construction of projects on the Interstate System shall provide that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Any change to an access point can potentially add or remove access from the Interstate System. Therefore, FHWA historically has interpreted the addition of an access point to include the addition of a new, or modification of an existing, interchange or access point along the Interstate System.**<sup>[1]</sup>

The Secretary has delegated authority to administer section 111 to the Federal Highway Administrator pursuant to 49 CFR 1.85(a)(1) ([https://www.ecfr.gov/current/title-49/section-1.85#p-1.85\(a\)\(1\)](https://www.ecfr.gov/current/title-49/section-1.85#p-1.85(a)(1))). Section 111(e) allows FHWA to delegate to a State DOT authority to approve Interstate Access Justification Reports (IAJR) pertaining to certain changes in access to the Interstate System.

## Statement of the Problem and Regulatory History

The FHWA published a NPRM on September 19, 2023 (88 FR 64388 (/citation/88-FR-64388)), seeking public comment on proposed amendments to its regulations to incorporate provisions governing changes in access to the Interstate System at new 23 CFR part 624 (<https://www.ecfr.gov/current/title-23/part-624>). The FHWA received 57

comments submitted to the docket from 19 commenters representing State DOTs, individuals, and planning organizations. After carefully considering the comments received in response to the NPRM, FHWA is promulgating final regulations with changes from the proposed regulatory text. The FHWA did not receive comments on the new information collection associated with this proposal, specifically the submittal of two reports that State DOTs have submitted to FHWA for years under the existing policy: the IAJR and the Programmatic Agreement (PA) annual report. ( print page 88119)

To facilitate implementation of the statutory requirements regarding changes in access to the federally-funded Interstate System, FHWA recognizes a need to codify and clarify current practices, as set forth in FHWA policy, in regulations. When considering a request for a change in access to the Interstate System, FHWA examines the safety, operations, and engineering (SO&E) aspects of the requested change in access. Historically, FHWA has done this by relying on the information provided in an IAJR submitted by the State DOT. The IAJR contains the project layouts, technical analyses, and other information supporting the change in access request. To date, FHWA has determined whether to approve the request based on the factors listed in FHWA's policy on Access to the Interstate System (Policy).

The FHWA initially developed and published the Policy in October 1990 (55 FR 42670 (/citation/55-FR-42670)) due to numerous requests by States for additional clarity regarding the justification and documentation necessary to substantiate proposed changes in access to the Interstate System. The FHWA issued subsequent revisions in February 1998, August 2009, and May 2017. The February 11, 1998, revision (63 FR 7045 (/citation/63-FR-7045)) reflected the planning requirements of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 (Pub. L. 102-240) as implemented in 23 CFR part 450 (<https://www.ecfr.gov/current/title-23/part-450>), to clarify coordination between the access request and environmental processes, and to update language. The FHWA issued the 2009 Interstate Access Policy (2009 Policy), published August 27, 2009 (74 FR 43743 (/citation/74-FR-43743)), to reflect the direction provided in Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59 (<https://www.govinfo.gov/link/plaw/109/public/59>)) to clarify the operational and safety analysis and assessment of impacts that provides the basis for proposed changes in access to the Interstate System. The 2009 Policy also updated language to reference Federal laws, regulations, and FHWA policies. Finally, FHWA issued the 2017 Interstate Access Policy (2017 Policy), dated May 22, 2017 ( [www.fhwa.dot.gov/programadmin/](http://www.fhwa.dot.gov/programadmin/)



*fraccess.cfm* (<http://www.fhwa.dot.gov/programadmin/fraccess.cfm>)), to reduce duplication with other project reviews. The 2017 Policy focused on the technical feasibility of any change in access in support of FHWA's determination of safety, operational, and engineering acceptability without including additional documentation related to other activities in the project development ( i.e. planning, preliminary design, environmental analysis, final design, right-of-way acquisition, and construction) process. Codifying and clarifying current practices under the 2017 Policy in regulation facilitates implementation of the statutory requirements regarding changes in access to the Interstate System. This process is separate from the de-designation of Interstate segments that are processed through FHWA's Office of Planning, Environment, and Realty, and this rulemaking does not impact the separate de-designation process.

## **Interstate System Access Regulation at 23 CFR Part 624 (<https://www.ecfr.gov/current/title-23/part-624>)**

This rule establishes requirements for the justification and documentation necessary for a State DOT to substantiate proposed changes in access to the Interstate System. These requirements are consistent with the existing policies and practices described above. It facilitates decisionmaking regarding proposed changes in access to the Interstate System in a manner that considers SO&E. Consistent with 23 U.S.C. 109(a)

(<https://www.govinfo.gov/link/uscode/23/109>) and (b)

(<https://www.govinfo.gov/link/uscode/23/109>) and 23 U.S.C. 111

(<https://www.govinfo.gov/link/uscode/23/111>), new or modified points of access to the Interstate System must be approved by FHWA if a Federal-aid project agreement has ever been executed on the segment of Interstate highway impacted by the proposal. To facilitate these approvals, such new or modified points of access must be developed in accordance with the requirements of this regulation. In addition, new or modified points of access must comply with the requirements in 23 CFR part 625

(<https://www.ecfr.gov/current/title-23/part-625>), Design Standards for Highways. As discussed in § 624.8, change in access requests will not be accepted from other parties besides a State DOT. Thus, for projects that do not include State DOT involvement, such as discretionary grants awarded directly to local government entities, any change in access requests must come from the appropriate State DOT.

The FHWA's decision to approve new or revised access points to the Interstate System must be supported by information justifying and documenting the proposed change in access. Therefore, the decision to approve a request is dependent on the IAJR demonstrating that the proposed change in access will not result in a significant adverse impact on the Interstate System traffic operations or the safety in the project's area of influence. In addition, the proposed access must connect to a public road, provide for all traffic movements, be designed to meet or exceed current standards, and demonstrate that the change in access can be clearly and adequately signed.

This regulation identifies the requirements for the change in access request and documentation necessary to substantiate any request that is submitted by a State DOT to FHWA for approval. Once the State DOT's analysis is completed, the analysis must be documented in the form of a standalone IAJR and submitted by the State DOT to FHWA for a SO&E determination. The FHWA expects that an IAJR will be clearly written for someone who is not familiar with the project, the area, or the State. The technical analysis presented in the IAJR enables FHWA to make an informed decision about safety and operational impacts of the change in access to the Interstate System and make the SO&E determination based on those impacts.


The regulation does not alter or restrict the option for FHWA to delegate approval authority for the determination of SO&E acceptability of IAJR to a State DOT pursuant to 23 U.S.C. 111(e) (<https://www.govinfo.gov/link/uscode/23/111>). Nor does it alter a State DOT's ability to assume FHWA environmental review responsibilities under 23 U.S.C. 326 (<https://www.govinfo.gov/link/uscode/23/326>) (State assumption of responsibility for categorical exclusions (CE)) or 23 U.S.C. 327 (<https://www.govinfo.gov/link/uscode/23/327>) (Surface Transportation Project Delivery Program). The FHWA may grant final approval of an Interstate System change in access request once a favorable SO&E determination has been made by FHWA, and the applicable transportation planning, conformity, and National Environmental Policy Act (NEPA) procedures have been completed. In addition, the alternative selected and approved in the NEPA decision must also be the subject of a favorable SO&E determination. The FHWA retains authority for final approval of changes in access to the Interstate System under the regulation, consistent with current practice.

The section-by-section analysis provides a detailed discussion of the final rule.



## Section-by-Section Discussion

Section 5, ItemC.

The FHWA received 57 comments submitted to the docket from 19 commenters representing State DOTs, individuals, and planning organizations. The following summarizes the comments received and FHWA's responses to the most significant issues raised in the comments. This section discusses the changes to 23 CFR part 624 (<https://www.ecfr.gov/current/title-23/part-624>) that FHWA is making in this final rule. For each section, FHWA describes the final rule, explains how, if at all, it differs from the proposed change described in the NPRM, and states the reasons for any changes from the proposal. (  print page 88120)

### General Comments

*Comment:* The commenters recommended that the name of the technical report required for the justification and documentation of requests for changes in access to the Interstate System be changed from “Interstate Justification Report” to a name that clearly identifies the purpose of the documentation that is provided in the report.

*Response:* Section 111(e), Title 23 U.S.C., uses the term, “Justification Report” when referring to the technical report developed for the purpose of justifying new or modified access to the Interstate System. States have used various names for these reports to more closely describe the purpose of the report. The FHWA does not propose to require States to use one name for the justification reports but agrees with the commenters that a name more consistent with the purpose of the report would be beneficial. The name of the report has been revised to “Interstate Access Justification Report” throughout part 624.

*Comment:* A commenter inquired if the 2010 Interstate System Access Informational Guide will be revised to accompany this new Federal Rule.

*Response:* The FHWA is examining the Interstate System Access Information Guide consistent with the provisions of this final rule.

*Comment:* One commenter recommended adding information to explain when the final rule will take effect and to which IAJRs it would apply.

*Response:* The effective date of this regulation is shown above under **DATES** . Use of this new regulation is required for all State DOT requests for, and FHWA approval of, changes in access to the Interstate System documented in an IAJR dated after December 9, 2025.



*Comment:* One individual recommended that the Policy be returned to the 2009 version of the Policy.

Section 5, Item C.

*Response:* The streamlined Policy adopted in 2017 eliminated duplicative documentation with other project reviews and has been meeting the needs of the statute. No change was made in the final regulatory text.

### **§ 624.1 Purpose**

Consistent with the proposed regulatory text contained in the September 19, 2023, NPRM, FHWA sets forth the purpose of Part 624 in § 624.1. No change was made in the final regulatory text.

### **§ 624.3 Applicability**

Consistent with the proposed regulatory text, § 624.3 specifies the conditions under which proposed part 624 is applicable. Changes were made to the proposed regulatory text to add two more exceptions in § 624.3(d) and (e) based on comments received.

In § 624.3(d), an exception was added to exclude access to State maintenance facilities located within the Interstate right-of-way and not open to the public from this regulation. Section 111, Title 23 U.S.C., provides the statutory authority for the Interstate System Access rulemaking. The statute applies to added or modified connections from outside of the right-of-way or connections between Interstate highways. State maintenance facilities located within the right-of-way with no connections outside of the right-of-way are not subject to these requirements. Access to these facilities should be evaluated by the State DOT to ensure the design of access points will not have a significant adverse impact on safety and operations.

In § 624.3(e), an exception was added to exclude access points to non-freeway sections of the Interstate System located in Alaska or Puerto Rico with average daily traffic volumes less than 400 vehicles per day from this regulation. The Interstate System in Alaska and Puerto Rico are subject to different design standards under 23 U.S.C. 103 (<https://www.govinfo.gov/link/uscode/23/103>), therefore their Interstate System highways are sometimes two-lane rural highways. This exception applies to non-freeway Interstate System segments located in Alaska or Puerto Rico with average daily traffic volumes less than 400 vehicles per day. In such cases, the FHWA Division Administrator shall determine the level of analysis required to secure FHWA approval of the access modification.

*Comment:* Regarding the applicability of the regulation in § 624.3, a commenter recommended flexibility for Alaska to approve certain types of access that are less than interchange/freeway situations, noting that Alaska is permitted to follow geometric and construction standards that differ from other States and that much of their Interstate system are low volume roads. They requested clarification be added to § 624.3 Applicability or § 624.13 Programmatic Agreement.

*Response:* Section 111(e), Title 23 U.S.C., provides some flexibility for State DOTs to approve justification reports through the Interstate System Access PA process. The FHWA can provide assistance with exploring the PA process and how it pertains to Alaska's circumstances. The FHWA has revised § 624.3 to clarify an exception for low volume connections to non-freeway segments of the Interstate System located in Alaska or Puerto Rico.

*Comment:* A commenter requested clarification on whether the exemption in § 624.3(b) includes maintenance access to support facilities such as stormwater management ponds, and other maintenance installations, that are located within the Interstate System right-of-way.

*Response:* Maintaining stormwater management ponds and other supportive infrastructure would be treated similar to mowing grass along the Interstate, which does not require Interstate Access approval. State DOTs would follow their processes and procedures to ensure that current standards are applied to develop and implement a traffic control plan that maintains safety and operations along the Interstate when maintenance activities are performed. This rulemaking will not impact routine maintenance activities performed within the right-of-way to maintain Interstate facilities. No change was made in the final regulatory text. However, in response to another comment, a new exception was added to the regulatory text in § 624.3 to provide an exception for State maintenance facilities located within the Interstate right-of-way.

*Comment:* A commenter sought clarification on whether the exemption in § 624.3(b) applies to access to State DOT salt sheds or other maintenance facilities not open to the public and accessible to vehicles only to and from the Interstate System.

*Response:* Access to State DOT salt sheds or other State maintenance facilities within the Interstate System right-of-way that are not open to the public should be evaluated by the State DOT to ensure the design of access points will not have a significant adverse impact on safety and operations. The FHWA has added an exception to the applicability of this regulation in § 624.3(d) to provide an exception for State maintenance facilities located within the Interstate right-of-way and not open to the public.

*Comment:* Regarding the exception provision in § 624.3(c), a commenter noted that connection ramps between toll facilities and general-purpose lanes often have a significant impact on the operation and safety of the general-purpose lanes, particularly concerning merging and diverging movements. They recommended further clarification regarding this exception. ( print page 88121)

*Response:* Section 111, Title 23 U.S.C., provides the statutory authority for the Interstate System Access rulemaking. The FHWA interprets that the statute applies to added or modified connections from outside of the right-of-way or connections between Interstate highways. The FHWA Policy has been to exclude changes in access between managed lanes and general purpose lanes from FHWA review and action, as noted in the 2010 *Interstate Access Informational Guide*, section 3.3.2. The guide is available at [www.fhwa.dot.gov/design/interstate/pubs/access/access.pdf](http://www.fhwa.dot.gov/design/interstate/pubs/access/access.pdf) (<http://www.fhwa.dot.gov/design/interstate/pubs/access/access.pdf>). The FHWA agrees that it is important for State DOTs to carefully consider the safety and operational impacts of connections between managed lanes and general purpose lanes, but an IAJR is not required because no connections are provided from outside of the right-of-way or between Interstate highways. No change was made in the final regulatory text.

## § 624.5 Definitions

Changes to the proposed regulatory text were made based on comments received pertaining to the definitions in § 624.5. The definition for *Access Point* was revised to include connections to managed lanes, such as high-occupancy vehicle (HOV) lanes, value priced lanes, high-occupancy toll (HOT) lanes, or exclusive or special use lanes, since they are part of the Interstate System and access to them must be controlled. While connections between managed lanes and general purpose lanes on the same Interstate highway are exempted from this regulation under § 624.3(c), inclusion here clarifies that other connections to managed lanes are subject to this regulation. A definition for *Final Approval* was added for clarity. The name for the technical report submitted by the State

was changed to *Interstate Access Justification Report (IAJR)* to clarify that the report addresses access to the Interstate System, not justification for the Interstate overall. Consistent with the revised definition of *Access Point*, the definition of the *Interstate System* was revised to include managed lanes because these are a critical part of the Interstate System. The definition of the *Interstate System* was also revised to include portions of frontage roads that function as part of an interchange by providing movements to and from the crossroad. Since publishing the proposed rule, FHWA has fielded technical assistance questions regarding frontage roads and determined it important to clarify this point in the definition, consistent with guidance found at [www.fhwa.dot.gov/planning/national\\_highway\\_system/interstate\\_highway\\_system/frontage.cfm](http://www.fhwa.dot.gov/planning/national_highway_system/interstate_highway_system/frontage.cfm) ([http://www.fhwa.dot.gov/planning/national\\_highway\\_system/interstate\\_highway\\_system/frontage](http://www.fhwa.dot.gov/planning/national_highway_system/interstate_highway_system/frontage)). Access to frontage roads should be fully controlled in the vicinity of ramp gores, as described in the American Association of State Highway and Transportation Officials *A Policy on Design Standards—Interstate System*, 2016, which has been adopted by FHWA as a standard in § 625.4(a)(2). New or modified access to the frontage road is controlled by the State DOT and an IAJR under this regulation is not required. Therefore, the reference to a portion of frontage roads has not been added to the definition of *Access Point* in the final regulatory text. The definition for *safety rest area* was modified to limit the scope of the definition for the purposes of this regulation to safety rest areas located within the Interstate System right-of-way.

*Comment:* One individual suggested that the definition of “Access Point” in § 624.5 was not precise enough and could cause some ambiguity in the interpretation of what constitutes an access point to the Interstate System. They suggested FHWA specify the type and configuration of the access point, such as whether it is a ramp, a lane, a road, or a bridge, and how it connects to the Interstate mainline or crossroad.

*Response:* The definition of “Access Point” is centered on connections to Interstate System elements such as through lanes or shoulders, managed lanes, collector-distributor roads, or ramps that would provide direct access to the Interstate System consistent with the 1990 and 1998 policies. It is not specific to the type and configuration of the access point. Consistent with changes to the definition of “Interstate System” in § 624.5, the definition for *Access Point* was revised to include connections to managed lanes, such as HOV lanes, value priced lanes, HOT lanes, or exclusive or special use lanes, since they are part of the Interstate System and access to them must be controlled. While connections

between managed lanes and general purpose lanes on the same Interstate highway exempted from this regulation under § 624.3(c), inclusion here clarifies that other connections to managed lanes are subject to this regulation.

*Comment:* A commenter recommended expanding the definition of “Change in Access” in § 624.5 to exclude modification of an entrance or exit ramp location by less than 200 ft with no change in the number of access points or interchange configuration.

*Response:* The FHWA has determined that establishing a specific distance is not appropriate because each location is unique. The 2010 *Interstate Access Informational Guide*, section 3.3.2 lists some project types that may not require FHWA review and action, including shifts in a ramp's location within the same interchange configuration when the resulting ramp spacing will meet FHWA's design criteria adopted in § 625.4. No change was made in the final regulatory text.

*Comment:* A commenter recommended providing a definition in § 624.5 for “Final Approval” because it is unclear to what the final approval applies.

*Response:* The FHWA agrees with the suggestion and has added a definition for “Final Approval” in § 624.5.

*Comment:* One individual recommended that the definition of “Interstate System” be modified to include managed lanes (HOV lanes, etc.).

*Response:* The FHWA agrees that managed lanes within the Interstate right-of-way function as part of Interstate and impact the operations of the Interstate facility. The definition for the “Interstate System” in § 624.5 was modified to include managed lanes (including HOV lanes, value priced lanes, HOT lanes, or exclusive or special use lanes).

*Comment:* A commenter inquired whether a State DOT can install locked gate access for maintenance of the Interstate System without FHWA approval.

*Response:* The change in definition of an “Access Point” in § 624.5 allows State DOTs to install locked gate access without FHWA approval if the access does not provide a connection to the through lanes or shoulders, managed lanes, collector-distributor roads, or ramps on the Interstate System. No change was made in the final regulatory text.

*Comment:* A commenter inquired in § 624.5 about the definition of “Access Point” differentiating between locked gate access for vehicular use versus an access point for bikes and pedestrians.

*Response:* Locked gate access that provides a connection to through lanes or shoulders, managed lanes, collector-distributor roads, or ramps on the Interstate System will require an IAJR documenting an analysis to determine the safety, operations, and engineering aspects of the change. There is no distinction based on the mode of travel. Access points for pedestrians and bicyclists that do not connect to the roadways that comprise the Interstate System are not subject to this part. Coordination with FHWA is required to determine if a right-of-way use agreement is required in accordance (□ print page 88122) with 23 CFR 710.405 (<https://www.ecfr.gov/current/title-23/section-710.405>) and to evaluate any potential impact to the Interstate System safety or operations. No change was made in the final regulatory text.

*Comment:* Several commenters recommended amending the definition of “Safety Rest Area” in § 624.5 to include language that specifies the safety rest areas are within the Interstate right-of-way.

*Response:* Part 624 provides requirements for consideration of changes in access to the Interstate System. Safety Rest Areas located outside of the Interstate right-of-way with no connection to the Interstate System are not subject to the requirements of part 624. To clarify this point, FHWA revised the definition in § 624.5 of the final regulatory text to clarify that “Safety Rest Area” means a safety rest area that is located within the Interstate System right-of-way.

*Comment:* A commenter recommended clarifying the applicability of this part 624 to facilities serving active transportation users such as pedestrians, bicyclists, and micromobility users; and clarifying the intent of the NPRM language as it relates to all road users. A commenter also recommended clarifying the intended user application in the definitions or clarifying the steps required for bike/pedestrian/etc. facilities only.

*Response:* “Access point” is defined in § 624.5 as a permanent connection to facilities comprising the Interstate System, such as the through lanes or shoulders, managed lanes, collector-distributor roads, or ramps. There is no distinction based on the mode of travel. Access points for pedestrians and bicyclists that do not connect to the roadways that



comprise the Interstate System are not subject to this part. Coordination with FHWA required to determine if a right-of-way use agreement is required in accordance with 23 CFR 710.405 (<https://www.ecfr.gov/current/title-23/section-710.405>) and to evaluate any potential impact to the Interstate System safety or operations. No change was made in the final regulatory text.

*Comment:* Several commenters asked for additional clarity on the definition of area of influence and recommend expanding the definition to include more detail.

*Response:* The definition of “Area of Influence” (AOI) in § 624.5 provides a basic understanding how the AOI extents are determined. Section 624.11(b)(3) provides the framework for determining the minimum extent of the AOI. The safety and operational impacts of the proposed change in access impel the need to extend the limits, as necessary, to support making an informed decision based on the consequences of the project. The FHWA should be consulted early in this process to ensure the proposed limits are adequate to evaluate the request for a change in access to the Interstate System. No change was made in the final regulatory text.

## **§ 624.7 Interstate System Access Requirements**

Consistent with the proposed regulatory text, § 624.7 specifies the requirements applicable to Interstate System access. The phrase “safety for all roadway users” was replaced with “safety for all users of the transportation system” to be consistent with Agency guidance and clarify that this statement applied to all users of the transportation system, including trail users, rather than only users of the roadway. This change is also consistent with BIL language regarding Complete Streets. In addition, changes were made based on comments received. In § 624.7(a), the requirements regarding the currency for the operational and safety data used in the analysis have been separated to clarify that the safety analysis shall include the most recent 3 years of available safety data. The FHWA did not intend to limit safety data to 5 years. If the State DOT believes the older data is relevant based on the context of the project, it can be included in the safety data set for the project, as long as the most recent safety data is included. In § 624.7(f)(4), FHWA added an additional scenario where FHWA may grant an exception to the requirements in paragraphs (b) through (d) for locked gate access to a safety rest area from a local public road for the limited purpose of providing access to safety rest area employees, deliveries, and emergency vehicles.

*Comment:* A commenter recommended in § 624.7 that FHWA provide a time limitation guideline for microsimulation data so that there is no misunderstanding when agencies use microsimulation.

*Response:* The purpose of this requirement is to provide a general limitation on the age of data used in a traffic analysis. The FHWA provides guidance for applying microsimulation modeling software in the FHWA Traffic Analysis Toolbox Volume III. (

<https://ops.fhwa.dot.gov/publications/fhwahop18036/index.htm>

(<https://ops.fhwa.dot.gov/publications/fhwahop18036/index.htm>)). Coordination with FHWA is recommended when developing State specific guidance for traffic analysis tools. No change was made in the final regulatory text.

*Comment:* Several commenters expressed concern about references in § 624.7 of the preamble to the 3-year travel demand model update timeframe, noting that while there is a 3-year requirement for the development of the Metropolitan Transportation Plans in non-attainment areas, no baseline requirement for this frequent of a model update exists for areas in attainment with National Ambient Air Quality Standards.

*Response:* The FHWA is not imposing new requirements for updating travel demand models on a 3-year cycle. The intent of § 624.7(a) is to ensure that reasonably current traffic data is being used in the operational analysis for justification reports since these reports provide the basis for decisionmaking. No change was made in the final regulatory text.

*Comment:* A commenter sought clarification on whether the traffic data requirement in § 624.7 applies outside of the metropolitan planning organizations (MPO).

*Response:* The traffic data requirement in § 624.7 applies to all requests for new or modified access to the Interstate System. No change was made in the final regulatory text.

*Comment:* A commenter sought clarification on what constitutes a partial interchange, particularly where a single interchange serves more than one crossroad in § 624.7.

*Response:* A partial interchange is an interchange that does not provide all of the basic movements, as defined in § 624.5. Movements can be accomplished utilizing more than one crossroad in close proximity where those crossroads are connected by frontage roads



without being considered a partial interchange. For example, a split diamond interchange configuration can reduce the number of movements within each interchange and serve multiple crossroads. No change was made in the final regulatory text.

*Comment:* A commenter sought clarification regarding the § 624.7 preamble discussion on existing and projected land uses that should be examined as part of the proposed access modification.

*Response:* Section 624.7(a) requires that proposals for modified access consider the traffic operations and safety for all users of the transportation system in the project's area of influence, both now and in the future. Examining existing and projected land uses are a critical factor in these analyses. The scope of the review should include local future land use plans and approved developments. The design should be compatible with the communities' goals and needs that are demonstrated in their plans and policies which ensures a design that fits land use contexts of the ( print page 88123) community. No change was made in the final regulatory text.

*Comment:* A commenter recommended in § 624.7 that FHWA consider specifically mentioning the Highway Safety Manual methodologies.

*Response:* There are several safety analyses tools and techniques (quantitative or qualitative) that can be deployed to analyze build and no-build configurations of a proposed access modification. The FHWA does not require the use of any specific tool. The FHWA encourages the use of appropriate tools in a scope commensurate with the project complexity. No change was made in the final regulatory text.

*Comment:* Commenters suggested in § 624.7 that FHWA include more clarity on the definition of a significant adverse impact and asked whether State DOTs should work with FHWA to determine the significance of impacts. Two individuals suggested that FHWA provide objective and quantifiable criterion for determining the significance of an impact and provide more requirements in metro areas for determining whether a proposed change in access has a significant adverse impact on the safety or operations of the Interstate System.

*Response:* Defining a threshold for significant adverse impact is difficult without understanding the context of the unique project conditions and the users impacted. Based on the safety and operations analyses, judgement is used to determine whether an adverse impact is significant and employ mitigation to address concerns identified. State DOTs are encouraged to coordinate with FHWA to assist with determining the significance of impacts. No change was made in the final regulatory text.

*Comment:* A commenter is concerned that in § 624.7(a) adding "safety for all users within the project's area of influence" would add time to project scoping to define area of influence for each individual Interstate Access Point Approval project.

*Response:* The DOT is committed to the long-term goal of reaching zero roadway fatalities and has adopted the Safe System Approach to help address the crisis on our roadways. The Safe System Approach is the guiding paradigm of the National Roadway Safety Strategy (NRSS), and we are dedicated to implementing the actions outlined in the NRSS to move us closer to our zero deaths goal. Safety for all users, rather than focusing only on motor vehicle operators, must be our focus to reach this goal. This provision of § 624.7(a) ensures that proposals to modify access examine the impacts to all users of the transportation system and seize opportunities to improve the safety for vulnerable users when developing an access request. To that end, the existing and projected land use along the crossroad should be examined and opportunities to improve connectivity for pedestrian and bicycle travel should be considered as part of the access modification. This ensures the proposed design fits the land use contexts in the community in which the project is built. No change was made in the final regulatory text.

*Comment:* Regarding § 624.7(a), several commenters asked for clarification on whether data sets that include crash data more than 5 years old may be utilized in the safety evaluation.

*Response:* The purpose of this requirement is to ensure the most recent crash data available is being used to support the analysis. Using crash data that is outdated would not provide an accurate assessment of the safety performance of the facility because there may have been significant changes to travel patterns and conditions as evidenced by the need for the proposed access modifications. If the data collection includes data that is more than 5 years old and the State DOT believes the older data is relevant based on the context of the project, it can be included in the data set for the project, as long as the most

recent data is also included. Coordination with FHWA in these situations would be recommended to discuss the justification for using older data in addition to recent data. The FHWA agrees that clarification is needed and revised § 624.7(a) to require the use of at least the most recent 3 years of available safety data.

*Comment:* Commenters recommend extending the time period in § 624.7(a) for which traffic and safety data is accepted for analysis beyond 5 years with a traffic validation.

*Response:* In FHWA's experience, the 5-year window will generally allow State DOTs to utilize the latest model developed by the MPO in which the project falls, if applicable. If the State DOT is performing an analysis and the MPO data is more than 5 years old, the State may develop their own data suitable for the analysis. It is critical for FHWA to evaluate a proposed access modification based on reasonably current data, keeping in mind that the State DOT may not begin construction for up to another 5-year period following an affirmative SO&E determination, in accordance with § 624.9(e). No change was made in the final regulatory text.

*Comment:* Commenters recommend in § 624.7(a) that FHWA clarify when the 5-year time period will be applied, specifically at the time of submission to FHWA.

*Response:* This requirement applies to the time period when the IAJR is submitted to FHWA. However, if there are significant delays in addressing initial FHWA comments and resubmitting the report to FHWA, then there may be a need for the State DOT to verify the data. State DOTs are encouraged to coordinate with FHWA early in the process when developing requests for Interstate System access to avoid significant delays to the review and approval processes.

*Comment:* A commenter recommended adding language to § 624.7(a) to suggest that safety hotspots identified within the area of influence but outside of the project limits should be communicated to the jurisdiction responsible for that roadway.

*Response:* The intent of the area of influence is to determine the comprehensive safety and operational impacts of the proposed access modification. If it is determined that the project is significantly impacting safety within the area of influence, then the project

should mitigate for the impacts. The State DOT may need to coordinate with other jurisdictions to ensure local impacts are addressed. No change was made in the final regulatory text.

*Comment:* A commenter recommended in § 624.7(a) replacing the “or” with an “and”, and inserting the “20-year” traffic projection.

*Response:* The FHWA uses “or” to indicate that both the operations of the Interstate System and safety for all users in the projects area of influence are important and should be considered when developing a project. If there is a significant impact to either, the project would need to adequately address the impacts identified. Regarding future traffic projections, the 20-year traffic projection requirement is contained in 23 U.S.C. 109(b) (<https://www.govinfo.gov/link/uscode/23/109>) and must be addressed as part of the analysis, but is not the focal point of this regulation. No change was made in the final regulatory text.

*Comment:* A commenter sought clarification on whether § 624.7(b) would prohibit a private road or commercial entrance from being located directly across a public roadway from the access point.

*Response:* The intent of this provision is to prevent access point connections that connect directly to private developments, parking lots, or private roads to ensure that the access point connection will remain open to the public and receive routine maintenance. A private connection across the public roadway from the terminus of the ramp (□ print page 88124) at a crossroad is not expressly prohibited. However, as stated in *A Policy on Design Standards—Interstate System* published by the American Association of State Highway and Transportation Officials in 2016, which is the adopted standard under § 625.4(a)(2), controlling access on crossroads in the vicinity of interchanges can provide significant benefits to traffic operations and safety performance through the interchange area. For example, if a connection is made opposite an exit ramp terminus, the design needs to mitigate the potential for wrong way movements on the exit ramp. No change was made in the final regulatory text.

*Comment:* A commenter recommends adding language that would allow gated access for rest area employees and deliveries via local roads without direct access to the Interstate.

*Response:* The FHWA has determined that allowing a locked gate access for the limited purpose of providing access to safety rest area employees, deliveries, and emergency vehicles via local roads would be in the public interest by removing this traffic from the Interstate System. The FHWA has revised § 624.7(f) to add an exception for this purpose.

## § 624.9 Approval Process

Consistent with the proposed regulatory text, § 624.9 sets out the approval process for a change in access to the Interstate System. The phrase “congestion management process” was removed from § 624.9(d)(1) because this process is covered in the transportation planning regulations at 23 CFR part 450 (<https://www.ecfr.gov/current/title-23/part-450>)—Planning Assistance and Standards. A minor change to the proposed regulatory text was made to change the reference to the technical report from IJR to IAJR, consistent with the revised definition.

*Comment:* A commenter recommended including an appeal process for when the FHWA's decision differs from the State DOT's recommendation.

*Response:* The FHWA is supportive of State DOTs when it comes to developing and building projects. Early coordination between the State DOT and FHWA can help ensure that FHWA concerns are addressed early in the process. In the event FHWA's decision differs from the State DOT's recommendation, FHWA is open to having discussions with the State DOT to work on finding a path forward to ensure the project meets the safety and operational needs of the Interstate System Access process. No change was made in the final regulatory text.

*Comment:* Commenters recommended in § 624.9 that FHWA provide timeframes for the review and the steps involved in the approval process.

*Response:* Section 624.9 provides the framework of the process to receive approval for a proposed change in access. The State DOT is responsible for developing their policies and procedures as related to submitting requests for proposed changes in access. The State DOT may coordinate with FHWA to determine specific timeframes based on their policies and procedures. No change was made in the final regulatory text.

*Comment:* A commenter seeks clarification in § 624.9(d) on whether the SO&E determination can be made after a favorable NEPA decision.

*Response:* The SO&E determination can be made before or after receiving an approved NEPA decision. No change was made in the final regulatory text.

Section 5, Item C.

*Comment:* A commenter seeks clarification on whether the NEPA decision or the SO&E determination can occur independently from one another. They also seek to clarify, if a State DOT can decide to advance the NEPA process or the IAJR first.

*Response:* In § 624.9(d), FHWA provides the conditions that must be met for a State DOT to receive Final approval for a proposed change in access. The FHWA does not determine the order in which a State DOT advances the transportation planning, conformity, and NEPA requirements or seeks a SO&E determination for a proposed change in access. A State DOT can decide to advance either the NEPA process or the IAJR first or in parallel. No change was made in the final regulatory text.

*Comment:* In § 624.9(e), a commenter recommended extending the time period in between affirmative SO&E determination and proceeding to construction to 6 years while keeping a maximum of 10 years from the time the data was collected.

*Response:* The 5-year time period commencing after an affirmative SO&E determination for proceeding to construction provides up to 10 years to develop and begin construction on a project, but the 10-year window is not specified in the regulation, as proposed. If the project has not progressed to construction within 5 years of receiving an affirmative SO&E determination, FHWA has flexibility to allow the project to proceed to construction based on verification from the State DOT demonstrating that the requirements of § 624.7 are still met. No change was made in the final regulatory text.

*Comment:* Several commenters expressed support for extending the time period for projects to commence construction from 3 to 5 years in § 624.9(e). Several commenters would also welcome a further increase to the 8 years previously allowed under the 2009 Policy.

*Response:* In FHWA's experience, 5 years strikes the right balance of moving forward with projects based on reasonably current data versus requiring repetitive updates of access modification proposals by State DOTs. No change was made in the final regulatory text.



## § 624.11 Interstate Access Justification Report

Section 5, Item C.

Consistent with the proposed regulatory text, § 624.11 sets out the minimum requirements for the technical report submitted by the State for a change in access to the Interstate System. A minor change to the proposed section title and regulatory text was made to change the name of the technical report to *Interstate Access Justification Report (IAJR)*, consistent with the revised definition.

*Comment:* A commenter seeks clarification in § 624.11(a) on what “other documents” means.

*Response:* “Other documents” means any document other than the IAJR that are often referenced in the IAJR but may not be available to the FHWA reviewer. As noted in the parentheses, these include feasibility studies, NEPA documents, or preliminary engineering reports that were developed by a State DOT during their project development process. No change was made in the final regulatory text.

*Comment:* In § 624.11(b)(3), a commenter recommended revising the minimum limits of the Area of Influence to an adjacent interchange within 2 miles of the proposed change in access, rather than the adjacent interchange with no limit on the distance.

*Response:* Section 624.11(d) provides FHWA with flexibility to determine the extent of the safety and operational analysis based on the complexity of the project. The State DOT can coordinate with FHWA to discuss and provide justification for proposed analysis limits for a project. No change was made in the final regulatory text.

*Comment:* A commenter recommended that § 624.11(b)(3) provide flexibility to shrink as well as expand the analysis limits based on the project complexity.

*Response:* Section § 624.11(b)(3) provides flexibility to extend the analysis to ensure that the limits are appropriate to fully understand the ( print page 88125) impact of the proposed changes in access on the Interstate System and local road network. Section § 624.11(d) provides flexibility to determine the extent of the analysis (shrink the limits, if justified) based on the complexity of the project. The State DOT can coordinate with FHWA to discuss and provide justification for proposed analysis limits for a specific modification

request. In addition, the 2010 *Interstate Access Informational Guide*, section 3.3.2 lists some project types that may not require FHWA review and action. No change was made in the final regulatory text.

*Comment:* A commenter suggested that § 624.11(c) include more detailed language on wrong way movements to focus on isolated exit ramps without a corresponding entrance ramp.

*Response:* Section 624.11(c) provides the requirements and considerations that must be addressed when seeking approval for a partial interchange. The proposed regulatory text requires that the potential for wrong-way movements be addressed as part of the justification for a partial interchange, while allowing State DOTs to provide the justification appropriate for each specific proposal. No change was made in the final regulatory text.

### **§ 624.13 Programmatic Agreement**

Consistent with the proposed regulatory text, § 624.13 specifies the provisions a State DOT must follow if they wish to enter into a PA with FHWA that would delegate to the State DOT responsibility for making SO&E determinations on behalf of FHWA in accordance with 23 U.S.C. 111(e) (<https://www.govinfo.gov/link/uscode/23/111>) and section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21). No change was made in the final regulatory text.

## **Rulemaking Analyses and Notices**

### **Executive Order 12866 (/executive-order/12866) (Regulatory Planning and Review), Executive Order 13563 (/executive-order/13563) (Improving Regulation and Regulatory Review), and DOT Rulemaking Policies and Procedures**

The Office of Management and Budget (OMB) has not designated this rule a significant action under section 3(f) of Executive Order (E.O.) 12866. Accordingly, OMB has not reviewed it. This action complies with E.O.s 12866 and 13563 to improve regulation. This final rule codifies existing policy, processes and procedures relating to new or modified access to the Interstate System. The FHWA anticipates that this rule does not adversely affect, in any material way, any sector of the economy. In addition, the rule does not interfere with any action taken or planned by another agency and does not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. The rule



also does not raise any novel legal or policy issues. The FHWA anticipates that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not necessary.

## Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601-612 (<https://www.govinfo.gov/link/uscode/5/601>)), FHWA has evaluated the effects of this rule on small entities, such as local governments and businesses. Based on the evaluation, FHWA has determined that this action is not anticipated to have a significant economic impact on a substantial number of small entities. The rule codifies the processes that are currently in-use by State DOTs when changes in access to the Interstate System are sought, and States are not included in the definition of small entity set forth in 5 U.S.C. 601 (<https://www.govinfo.gov/link/uscode/5/601>). The FHWA has determined that the projected impact upon small entities that utilize Federal-aid highway program funding for the development of highway improvement projects on the National Highway System is expected to be negligible. Therefore, FHWA certifies that the action will not have a significant economic impact on a substantial number of small entities.

## Unfunded Mandates Reform Act of 1995

The FHWA has determined that this rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4 (<https://www.govinfo.gov/link/plaw/104/public/4>), 109 Stat. 48) (UMRA). The actions in this final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$168 million or more in any one year (when adjusted for inflation). In addition, the definition of "Federal Mandate" in the UMRA excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

## Executive Order 13132 (/executive-order/13132) (Federalism Assessment)

The FHWA has analyzed this final rule in accordance with the principles and criteria contained in E.O. 13132 (/executive-order/13132). The FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a

federalism assessment. The FHWA has also determined that this action does not p any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Section 5, Item C.

## **Executive Order 12372 (/executive-order/12372) (Intergovernmental Review)**

The regulations implementing E.O. 12372 (/executive-order/12372) regarding intergovernmental consultation on Federal programs and activities apply to this program. This E.O. applies because State and local governments are directly affected by the regulation, which is a condition on Federal highway funding. Local entities should refer to the Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, for further information.

## **Paperwork Reduction Act**

The FHWA identified a paperwork burden and published the required notices at <https://www.federalregister.gov/documents/2023/09/19/2023-20218/interstate-system-access> (<https://www.federalregister.gov/documents/2023/09/19/2023-20218/interstate-system-access>). The OMB control number for the information collection is 2125-0679.

## **National Environmental Policy Act**

The FHWA has analyzed this final rule for the purposes of the NEPA (42 U.S.C. 4321 (<https://www.govinfo.gov/link/uscode/42/4321>), et seq.) and has determined that it qualifies for a CE under 23 CFR 771.117(c)(20) ([https://www.ecfr.gov/current/title-23/section-771.117#p-771.117\(c\)\(20\)](https://www.ecfr.gov/current/title-23/section-771.117#p-771.117(c)(20))), which applies to the promulgation of regulations, and that no unusual circumstances are present under 23 CFR 771.117(b) ([https://www.ecfr.gov/current/title-23/section-771.117#p-771.117\(b\)](https://www.ecfr.gov/current/title-23/section-771.117#p-771.117(b))). Categorically excluded actions meet the criteria for CEs under the Council on Environmental Quality regulations and under 23 CFR 771.117(a) ([https://www.ecfr.gov/current/title-23/section-771.117#p-771.117\(a\)](https://www.ecfr.gov/current/title-23/section-771.117#p-771.117(a))) and normally do not require any further NEPA approvals by FHWA. This rule would not affect the NEPA process for Interstate access requests and FHWA will not grant a project final approval until the NEPA process was completed.

## **Executive Order 13175 (/executive-order/13175) (Tribal Consultation)**

Section 5, Item C.

The FHWA has analyzed this final rule under E.O. 13175 (/executive-order/13175) and anticipates that it will not have substantial direct effects on one or more Indian Tribes, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal law. This final rule will not impose any direct compliance requirements on Indian Tribal governments nor will it have any economic or other impacts on the viability of Indian Tribes. Therefore, the funding and consultation requirements (□ print page 88126) of E.O. 13175 (/executive-order/13175) do not apply and a Tribal summary impact statement is not required.

## **Executive Order 12898 (/executive-order/12898) (Environmental Justice)**

The E.O. 12898 (/executive-order/12898) requires that each Federal Agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. The FHWA has determined that this proposed rule does not raise any environmental justice issues.

## **Rulemaking Summary, 5 U.S.C. 553(b)(4) (<https://www.govinfo.gov/link/uscode/5/553>)**

As required by 5 U.S.C. 553(b)(4) (<https://www.govinfo.gov/link/uscode/5/553>), a summary of this rule can be found in the Abstract section of the Department's Unified Agenda entry for this rulemaking at [ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2125-AF89>].

## **Regulation Identifier Number**

A RIN is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

## **List of Subjects in 23 CFR Part 624 (<https://www.ecfr.gov/current/title-23/part-624>)**

- Grant programs—transportation
- Highways and roads
- Reporting and recordkeeping requirements

Issued under authority delegated in 49 CFR 1.81 (<https://www.ecfr.gov/current/title-49/section-1.81>) and 1.85 (<https://www.ecfr.gov/current/title-49/section-1.85>).

Kristen R. White,

Acting Administrator, Federal Highway Administration.

In consideration of the foregoing, FHWA amends title 23 of the Code of Federal Regulations (<https://www.ecfr.gov/current/title-23>), by adding part 624 to read as follows:

## PART 624—INTERSTATE SYSTEM ACCESS

### Sec.

- 624.1 Purpose.
- 624.3 Applicability.
- 624.5 Definitions.
- 624.7 Interstate System access requirements.
- 624.9 Approval process.
- 624.11 Interstate Access Justification Report.
- 624.13 Programmatic Agreement.

**Authority:** 23 U.S.C. 109(a) (<https://www.govinfo.gov/link/uscode/23/109>) and (b) (<https://www.govinfo.gov/link/uscode/23/109>) and 111 (<https://www.govinfo.gov/link/uscode/23/111>); 23 CFR 1.32 (<https://www.ecfr.gov/current/title-23/section-1.32>); 49 CFR 1.85 (<https://www.ecfr.gov/current/title-49/section-1.85>).

#### § 624.1 Purpose.

To prescribe requirements and procedures for State requests for, and FHWA consideration of, changes in access to the Interstate System.

#### § 624.3 Applicability.

(a) Except as provided in paragraphs (b) through (e) of this section, this part is applicable to all segments designated as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate System) for which Federal-aid highway funds or other funds administered under title 23, United States Code, have been used in the past or are used to develop a project.

(b) This part is not applicable to ramps providing access to safety rest areas, information centers, weigh stations, and truck inspection stations located within the Interstate right-of-way when such areas are accessible to vehicles only to and from the Interstate System. Connections from other public facilities to facilities within the Interstate System right-of way, if an exception is granted in accordance with § 624.7(f), are subject to the requirements of this part.

(c) This part is not applicable to connections between managed lanes and general-purpose lanes on the same Interstate highway.

(d) This part is not applicable to State maintenance facilities that are located within the Interstate System right-of-way and not open to the public.

(e) This part is not applicable to access points to non-freeway Interstate System segments located in Alaska or Puerto Rico with average daily traffic volumes less than 400 vehicles per day. In such cases, the provisions of 23 U.S.C. 111 (<https://www.govinfo.gov/link/uscode/23/111>) apply and the FHWA Division Administrator shall determine the level of analysis required to secure FHWA approval of the access modification.

#### § 624.5 Definitions.

The following terms used in this part are defined as follows:

*Access point.* Any permanent connection (including those metered or closed at times) to the through lanes or shoulders, managed lanes, collector-distributor roads, or ramps on the Interstate System, including “locked gate access”.

*Area of influence.* The geographic extent to which a proposed change in access will affect traffic operations and safety.

*Change in access.* The addition of a new, or modification of an existing, interchange or access point along the Interstate System.

*Final approval.* Acceptance for the proposed change in access granted by FHWA upon completion of the appropriate transportation planning, air quality conformity, and environmental review requirements under National Environmental Policy Act (NEPA) and receiving concurrence on the Safety, Operations, and Engineering (SO&E) determination.

*Interchange.* A system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.

*Interstate Access Justification Report (IAJR).* A technical report that documents the safety, operations, and engineering aspects of a proposed change in access to the Interstate System and demonstrates that the proposal meets the provisions of this part.

*Interstate System.* The term "Interstate System" as defined in 23 U.S.C. 101 (<https://www.govinfo.gov/link/uscode/23/101>), and includes mainline lanes; shoulders; existing, new, or modified ramps; collector-distributor roads; managed lanes (including high-occupancy vehicle lanes, value priced lanes, high-occupancy toll lanes, or exclusive or special use lanes); ramp termini; and portions of frontage roads that function as part of an interchange. For purposes of this part, the Interstate System shall be limited to those routes for which Federal-aid highway funds or other funds administered under title 23, United States Code, have been used in the past or will be used to develop a project.

*Partial interchange.* An interchange that does not provide for each of the eight basic movements (or four basic movements in the case of a three-legged interchange).

*Programmatic Agreement (PA).* Agreement between FHWA and a State DOT under 23 U.S.C. 111(e) (<https://www.govinfo.gov/link/uscode/23/111>) to allow a State to review and make the Safety, Operations, and Engineering (SO&E) determination.

*Public road.* The term “public road” as defined in 23 U.S.C. 101 (<https://www.govinfo.gov/link/uscode/23/101>).

*Safety, Operations, and Engineering (SO&E) determination.* Technical determination of whether the proposed location, configuration, geometric design, and signing related to the proposed change in access may be reasonably expected to serve the anticipated traffic of the Interstate System in a manner that is conducive to safety, durability, and economy of maintenance.

*Safety rest area.* The term “safety rest area” as defined in 23 CFR 752.3(a) ([https://www.ecfr.gov/current/title-23/section-752.3#p-752.3\(a\)](https://www.ecfr.gov/current/title-23/section-752.3#p-752.3(a))) that ([print page 88127](#)) is located within the Interstate System right-of-way.

**§ 624.7 Interstate System access requirements.**

(a) The proposed change in access to the Interstate System shall not result in a significant adverse impact on the Interstate System traffic operations or the safety for all users of the transportation system in the project's area of influence, as demonstrated by operational and safety analyses based on both the current and future traffic projections using traffic data that is no more than 5 years old and at least the most recent 3 years of available safety data.

(b) Interstate System access points shall connect only to a public road. Connections directly to private developments, parking lots, or private roads are prohibited.

(c) Connections from outside of the Interstate System right-of-way to safety rest areas, information centers, weigh stations, and truck inspection stations located within the Interstate System right-of-way are prohibited.

(d) Each interchange shall provide for all traffic movements.

(e) A proposed change in access shall be designed to meet the standards in accordance with 23 CFR part 625 (<https://www.ecfr.gov/current/title-23/part-625>) or have approved exceptions and shall comply with 23 CFR part 655 (<https://www.ecfr.gov/current/title-23/part-655>).



(f) On a case by case basis, FHWA may grant exceptions to the requirements paragraphs (b) through (d) of this section for:

- (1) Locked gate access to private property for purposes of public safety;
- (2) Locked gate access from an information center, weigh station, and truck inspection station to a local road for the purposes of public safety;
- (3) Access from a safety rest area to an adjacent publicly owned conservation and recreation area if access to this area is available only through the safety rest area as allowed under 23 CFR 752.5(d) ([https://www.ecfr.gov/current/title-23/section-752.5#p-752.5\(d\)](https://www.ecfr.gov/current/title-23/section-752.5#p-752.5(d)));
- (4) Locked gate access from a local public road to the safety rest area for the limited purpose of providing access to safety rest area employees, deliveries, and emergency vehicles; or
- (5) A partial interchange where necessary to provide special access, such as to managed lanes or park and ride lots, or where factors such as the social, economic, and environmental impacts of a full interchange justify an exception.

**§ 624.9 Approval process.**

- (a) To propose a change in access to the Interstate System, the State DOT shall submit electronically to FHWA a request letter and an IAJR complying with § 624.11 demonstrating that the proposed change in access meets the requirements of this part. Change in access requests will not be accepted from other parties besides a State DOT.
- (b) Approval of a change in access to the Interstate System requires a SO&E determination and a final approval.
- (c) The SO&E determination shall be based on the safety, operations, and engineering aspects of the request as documented in an IAJR meeting the requirements of this part. The FHWA shall make the SO&E determination, except where FHWA has delegated to a State DOT the authority to make the SO&E determination on behalf of FHWA by entering into a PA that meets the requirements of § 624.13.



(d) If a favorable SO&E determination is made, FHWA will consider whether final approval is appropriate for the proposed change in access to the Interstate System. Final approval may only be granted by FHWA and constitutes a major Federal action under NEPA. Final approval may be granted if the following conditions are met:

(1) Applicable transportation planning, conformity, and NEPA procedures have been completed.

(2) The alternative covered by the favorable SO&E determination is of the same scope and design as the alternative selected and approved in the NEPA decision.

(e) If the project has not progressed to construction within 5 years of receiving an affirmative SO&E determination, FHWA may require the State DOT to provide verification that the requirements of § 624.7 continue to be met based on current and projected future conditions.

**§ 624.11 Interstate Access Justification Report.**

(a) The IAJR shall be a standalone report. Relevant information from other documents (such as feasibility studies, NEPA documents or preliminary engineering reports) must be included in the appropriate section of the IAJR.

(b) At a minimum, an IAJR submitted to FHWA shall include all of the following, except as provided under paragraph (d) of this section.

(1) A description and overview of the proposed change in access including a project location map and distances to adjacent interchanges.

(2) Preliminary design documents sufficient to demonstrate the geometric viability of the proposal. The design documents shall include the design criteria, existing geometry overlaid with clearly labeled proposed geometric plan views, lane configuration schematics, typical sections, control-of-access lines, interchange spacing, ramp spacing, and other design features necessary to evaluate the proposed design.

(3) Operational and safety analyses that evaluate the impact of the proposed change in access on the Interstate System and local road network extending to the following area of influence limits at a minimum:

(i) Along the Interstate System, and interchanging freeway if applicable, to the adjacent existing or proposed interchange on either side of the proposed change in access, extending further as needed to ensure the limits of the analysis are appropriate to fully understand the impact of the proposed change in access on the Interstate System.

(ii) Along each crossroad to the first major intersection on either side of the proposed change in access, extending further as needed to demonstrate the safety and operational impacts that the proposed change in access and other transportation improvements may have on the local road network.

(4) A conceptual plan showing the type and location of the signs proposed to support the proposed design.

(c) The IAJR for a proposed partial interchange shall meet the following additional requirements.

(1) The IAJR shall include a full-interchange option with a comparison of the operational and safety analyses to the partial interchange option. The IAJR shall justify the necessity for a partial interchange alternative.

(2) The IAJR shall describe why a partial interchange is proposed and include the mitigation proposed to compensate for the missing basic movements, including wayfinding signage, local intersection improvements, mitigation of driver expectation leading to wrong-way movements on ramps, and other proposed strategies as necessary.

(3) The IAJR shall describe whether future provision of a full interchange is precluded by the proposed design.

(d) FHWA will consider the complexity of a change in access when determining the extent of the safety and operational analysis and the format of the IAJR.

**§ 624.13 Programmatic Agreement.***Section 5, Item C.*

A State DOT may submit to FHWA a written request to enter into a PA with FHWA that delegates to the State DOT the authority to make the SO&E determination on behalf of FHWA in accordance with 23 U.S.C. 111(e) (<https://www.govinfo.gov/link/uscode/23/111>) and the requirements of this part.

(a) A PA may allow a State DOT to make the SO&E determination for all or ( print page 88128) any part of the following types of change in access requests:

- (1) New freeway-to-crossroad (service) interchanges;
- (2) Modifications to existing freeway-to-crossroad (service) interchanges; and
- (3) Completion of basic movements at freeway-to-crossroad (service) interchanges.

(b) The State DOT request to enter into a PA with FHWA shall include:

(1) The types of changes in access listed in paragraph (a) of this section for which the State DOT would like to make SO&E determinations; and

(2) A discussion of controls the State DOT has implemented, resources available, and actions that would be taken if the PA is approved, as needed to address the considerations outlined in paragraph (c) of this section.

(c) Upon receipt of the request, FHWA will:

(1) Verify that appropriate controls and processes have been developed and implemented by the State DOT, and that the State DOT has the necessary resources and commits to conduct future actions in compliance with the terms of the requested PA. The FHWA will examine:

(i) State DOT policies, standard operating procedures, and processes, either in place or modified as needed to carry out the requirements of the PA;

(ii) Documentation demonstrating the processes and guidance that have been developed and implemented to support the development, analysis, documentation, review, and potential processing of each type of proposed change in access to the Interstate System to which the terms of the PA would apply;

(iii) Documentation demonstrating the process, guidance, assistance, and oversight the State DOT will provide to support local agencies ( e.g., cities, counties, toll authorities, MPOs) that may propose or submit requests to the State DOT for changes in access to the Interstate System to which the terms of the PA would apply;

(iv) Documentation demonstrating that the State DOT has the expertise and resources ( e.g., training, analysis tools) needed to carry out the requirements of the PA;

(v) Documentation of State DOT procedures to provide the necessary oversight, monitoring, and annual reporting to FHWA to ensure the changes in access to the Interstate System are processed consistent with the terms of the PA; and

(vi) Any other factors deemed necessary by the Secretary.

(2) Establish, with input from the State DOT, the scope and conditions for the State DOT's review of change in access requests and the process by which the State DOT will make the SO&E determination.

(d) A PA shall require that the State DOT submit electronically an annual report to FHWA summarizing its performance under the PA. The report shall, at a minimum:

(1) Include the results of all changes in access to the Interstate System that were processed and received a SO&E determination under the terms of the PA for the previous calendar year;

(2) Summarize the changes in access to the Interstate System that the State DOT plans to process in the coming calendar year;

(3) Assess the effectiveness of and verify that all changes in access to the Interstate System processed through this agreement were evaluated and processed in a manner consistent with the terms of this PA;

(4) Identify any areas where improvements are needed and what actions the State DOT is taking to implement those improvements; and

(5) Include actions taken by the State DOT as part of its quality control efforts.

(e) When all concerns have been addressed to the satisfaction of the Secretary, the PA may be executed.

## Footnotes

1. See, e.g., *2017 Interstate Access Policy*, dated May 22, 2017 ( <https://www.fhwa.dot.gov/programadmin/fraccess.cfm> ( <https://www.fhwa.dot.gov/programadmin/fraccess.cfm>)).

[Back to Citation](#)

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*Public notice.* Notice of the plan commission public hearing shall be sent by regular mail to the

Section 5, Item C.

applicant, each landowner adjoining the subject property and each landowner within 500 feet of the subject property. Notice of the planning commission public hearing shall be sent at least ten calendar days prior to the planning commission public hearing. The notice shall be prepared and mailed by the village. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.

(3) *Local government notice.* The village shall send one copy of the application at least ten calendar days prior to the plan commission public hearing to the adjoining local government for review and comment when the project affects another municipality, or the primary access to the affected property is through an adjoining municipality.

(4) *Village website.* Notice of the plan commission public hearing shall be posted on the village webpage.

F. *Public hearing and recommendation.* The plan commission shall hold a public hearing on all proposed amendments to the official zoning map. Following the public hearing, and after consideration of comments provided therein, the plan commission shall review the proposed amendment to the official zoning map and shall within 45 days of the public hearing make a recommendation to the village board that the application be granted as requested, modified, or denied. If the commission fails to make a recommendation within this time frame, the proposed amendment shall be forwarded to the village board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant.

G. *Review criteria for amendments to official zoning map.* The plan commission and village board shall utilize the following criteria when reviewing each application to amend the official zoning map:

- (1) Is the proposed rezoning consistent with the comprehensive plan, as is required by Wisconsin Statutes?
- (2) Does the rezoning further the purpose and intent of this chapter?
- (3) Does the rezoning address any of the following that are not properly addressed on the current official zoning map?
  - (a) A mistake was made in mapping on the official zoning map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the village may intend to stop an undesirable land use pattern from being perpetuated.
  - (b) Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.



(c) Growth patterns or rates have changed, thereby creating the need for a rezoning.

Section 5, Item C.

- (4) Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- (5) Does the rezoning meet the minimum requirements for frontage or parcel size? A lot, lots, or parcel of land shall not qualify for a zoning map amendment unless it possesses 200 feet of frontage or contains 25,000 square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning map amendment.
- (6) For applications to rezone land to a multifamily, commercial or industrial zoning district, is, or will there be, adequate public infrastructure available to accommodate the range of uses allowed in that zoning district?

#### H. *Village board action.*

- (1) The zoning administrator shall schedule the proposed amendment for potential village board action. After careful consideration of all comments, the village board shall, within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.
  - (2) The village board may approve an amendment by a simple majority of a voting quorum, except that when an official protest against the proposed amendment to the official zoning map is signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, then approval of the amendment to the official zoning map shall require a favorable vote from three-quarters of the members of the village board voting on the proposed change.
- I. *Effect of denial.* No application that has been denied shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.
  - J. *Fee.* The village may require a fee as established by the village board and stated in the village's fee schedule.

(Ord. No. 16-07, 6-20-2016; Ord. No. 21-11, 7-27-2021)

## § 520-119. - Zoning permits.



## **Community Development/Planning and Zoning Director Report**

February 17, 2025

Peter S. Wegner, Community Development/Planning and Zoning Director

- Complaints/Enforcement.
- Correspondence Denyon Homes Inc. Subdivision Concept Plan.
- Correspondence possible rezone Kowalski Road.
- Correspondence Crossroads K-9 Rescue.
- Correspondence with Developer re: Industrial Rezone vs. General Commercial Rezone.
- Correspondence regarding possible sale of Village owned property off Kronenwetter Drive.
- Correspondence with Attorney Richard Carlson, Eau Claire River, LLC vs. Village of Kronenwetter.
- Correspondence with American Asphalt regarding New CUP Application.
- Correspondence with Developer re: 2070 Queenland Drive.
- Review TID #1 Project Plan.
- Correspondence with Developer re: CUP, Site Plan and Development Agreements.
- Review Kronenwetter Drive Village owned parcels Wetland Delineation.
- Preliminary Review Maple Ridge Commercial Animal Establishment CUP.
- Correspondence with Special Prosecutor re: Straub Enforcement.
- Open Records requests.
- Review 520-90 Exterior Lighting Standards.
- POWTS Zoom Meeting.
- Correspondence with Ehlers re: Residential Land Uses (Multifamily Residence and Workforce Multifamily Housing).
- Correspondence Developer re: Old Hwy 51 Multifamily Development.
- Research § 520-27. - X. Residential greenhouse (for residential use) language.
- Correspondence re: Zoning Districts and Conditional and Permitted Land Uses Gardner Park Rd.
- Correspondence re: Denyon Homes Inc. Development Agreement Kronenwetter Drive.
- Research pole building constructed over the lot line in two different zoning districts.

**Report to Planning Commission**

**Agenda Item:** Discussion and possible action related to § 520-121 - Conditional use permits.

**Meeting Date:** February 17, 2025

**Referring Body:** Plan Commission

**Committee Contact:** Chris Voll

**Staff Contact:** Peter Wegner, CD/PZ Director

**Report Prepared by:** Peter Wegner, CD/PZ Director

**AGENDA ITEM:** Discussion and possible action related to § 520-121 - Conditional use permits.

**OBJECTIVE(S):** Review and discuss draft language and to continue CUP Renewal discussion.

**HISTORY/BACKGROUND:** On 10/21/2024 the Plan Commission discussed various aspects of § 520-121 - Conditional use permits. Staff provided background information regarding the Conditional Use Process, Review Criteria, Conditions of Approval, 2017 ACT 67, Renewals, Transfers and Appeals and Possible Changes to Existing Language. Staff was given direction and asked to place this item on the 11/18/2024 PC Meeting Agenda.

On 11/18/2024, the Plan Commission reviewed draft language and discussed the issue of renewals. Staff was directed to research further.

**RECOMMENDED ACTION:** Review updated information and direct staff to make changes as needed.

**ATTACHMENTS:** Proposed Changes from 11/18/2024 and Conditional Uses and Renewal vs Revocation handout.

Proposed Changes 11/18/2024

§ 520-121 Conditional use permits.

- A. Initiation of conditional use permit. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.
  
- B. Application for conditional use permit. No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required notice of public hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hardcopies in a quantity directed by the Zoning Administrator. Said complete application shall be composed of all of the following:
  - (1) A completed conditional use permit application form furnished by the Zoning Administrator.
  - (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
  - (3) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
  - (4) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this section.
  - (5) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the intent of this chapter is fulfilled.

- (6) A fee as established by the Village Board and stated in the Village of Kronenwetter's fee schedule.

C. Zoning Administrator review and recommendation.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under Subsection D. The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.
- (2) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in Subsection G below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission.

D. Notice of public hearing.

- (1) Upon receipt of a conditional use permit application, and following publication in the Village of a class 2 notice under Wis. Stat. ch. 985, the Village shall hold a public hearing on the application.
- (2) Public notice. Notice of the Plan Commission public hearing shall be sent by regular mail to the applicant, each landowner adjoining the subject property and each landowner within 500 feet of the subject property. Notice of the Planning Commission public hearing shall be sent at least 10 calendar days prior to the Planning Commission public hearing. The notice shall be prepared and mailed by the Village. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.
- (3) Local government notice. The Village shall send one copy of the application at least 10 calendar days prior to the Plan Commission public hearing to the adjoining local government for review and comment when the project affects another municipality, or the primary access to the affected property is through an adjoining municipality. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.

- (4) Village website. Notice of the Plan Commission public hearing shall be posted on the Village webpage. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.
- E. Review and action by Plan Commission. Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission, the Plan Commission shall take final action on the conditional use permit request. The Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission members in attendance.
  - F. Appeal to the Board of Appeals. An appeal of a decision under Subsection E may be taken to the Board of Appeals by any person, firm or corporation or any officer, department, board, commission or agency of the Village who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within 30 days after the date of the Plan Commission's written decision. In the case of an appeal:
    - (1) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit and shall issue a stop-work order for any such activities already commenced.
    - (2) The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for consideration by the Board of Appeals.
    - (3) The Board of Appeals shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving the Plan Commission's record and reviewing the Commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in Subsection G and shall have all of the powers of the Plan Commission under this section. The Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.
  - G. Review criteria for conditional use permit.

(1) In this paragraph:

- (a) “Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the Village, but does not include a variance.
- (b) “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(2)

- (a) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the Village ordinance(s) or those imposed by the Village Plan Commission, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance(s) and be based on substantial evidence.
- (b) The requirements and conditions described under subd. (2)(a) must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny the permit must be supported by substantial evidence.

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

(4) If the Village denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in Wis. Stat. § 62.23(7)(e)10. a., or if the decision is on an application for an approval, as defined in Wis. Stat. § 781.10(1)(a), under the procedures described in Wis. Stat. § 62.23(7)(e)10. b.

- (5) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in an unduly adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.
  - (6) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
  - (7) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
- H. Issuance and recording of permit. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant.
- I. Effect of denial. No conditional use permit application that has been denied shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- J. Termination of approved conditional use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this chapter. Any conditional use found not to be in compliance with the terms of this chapter or the approved conditional use permit shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.
- K. Time limits on development of conditional use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of



said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this section, "operational" shall be defined as occupancy of the conditional use.

- L. Renewals. The permit holder may submit an application for renewal along with the appropriate fee for renewal prior to the expiration of the time limit on the permit, if any. No conditional use permit renewal shall be required to go through a new public hearing.
- M. Discontinuance of approved conditional use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated and receive no treatment as a legal prior nonconforming use. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.
- N. Change of ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission, shall be considered a violation of this chapter and shall be grounds for revocation of said conditional use permit.
- O. Uses now regulated as conditional uses that were legal land uses (permitted by right or as conditional uses) prior to effective date of this section. A use now regulated as a conditional use that was a legal land use — either permitted by right or as a conditional use — prior to the effective date of this section shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this section.

## CUP Renewal vs. Revocation Requirements

2/17/2025

Once granted, a conditional use permit remains in effect as long as the conditions upon which the permit was issued are followed. A renewal requirement may be a condition of approval depending on the type of use to ensure compliance. Another option is to adding language allowing the revocation of conditional use permit that is non-compliant.

### § 520-121. - Conditional use permits

J. Termination of approved conditional use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this chapter. Any conditional use found not to be in compliance with the terms of this chapter or the approved conditional use permit shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. *A conditional use permit may be revoked for such a violation by the plan commission, following the procedures outlined for original granting of a conditional use permit.*

L. Renewals. The permit holder *may* submit an application for renewal along with the appropriate fee for renewal prior to the expiration of the time limit on the permit. No conditional use permit renewal shall be required to go through a new public hearing.

Consider adding/replacing highlighted language:

### K. Revocation of Permits

The Planning Commission shall retain continuing jurisdiction over all activities authorized by the permit to assure compliance with this ordinance, other ordinances, and the permit terms. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Planning Commission of an alleged violation of any permit, in its sole discretion, the Planning Commission may hold a public hearing to consider amending, suspending, or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department prior to conducting the public hearing. The notice shall contain the date, time, and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Planning Commission, at its sole discretion, may hold additional public hearings. If the Planning Commission finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend, or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.

# **§ 520-134. - Violations and penalties.**

A. Violations. It shall be unlawful to construct, develop or use any structure, land, water, or air anywhere within the village in violation of any of the provisions of this chapter or action or order taken under this chapter. In case of any violation, the village may institute appropriate action or penalty, citation, or some combination, as outlined in this section. Adoption of this section does not preclude the village board from adopting any other ordinance or providing for the enforcement of any other law or ordinances relating to the same or other matter.

The uses in red are commonly associated with a renewal requirement.

## **Allowable Uses in Rural, Open Space and Residential Zoning Districts**

### **Agricultural Land Uses**

(1) Agricultural Use

(2) Agricultural-Related Use

### **Institutional and Recreational Land Uses**

(2) Active Outdoor Public Recreation

(3) Indoor Institutional, General

(5) Outdoor Institutional

(9) Community Living Arrangement (9-15 residents)

### **Commercial Land Uses**

(4) Group Day-Care Center

(12) Commercial Animal Establishment

(13) Bed-and-Breakfast

(15) Campground

(17) Tourist Rooming House

### **Storage or Disposal Land Uses**

(3) Personal Storage Facility

(4) Junkyard or Salvage Yard

(5) Solid Waste Disposal, Composting, and/or Recycling Facility

### **Transportation Land Uses**

(2) Airport or Heliport

(5) Livestock or Farm Commodity Trucking

### **Industrial Land Uses**

(3) Communications Tower

(4) Nonmetallic Mineral Extraction

### **Accessory and Miscellaneous Land Uses**

(4) Intermediate Day-Care Home

(6) Residential Business

(7) Animal Fancier

(15) Small Exterior Communication Device

(16) Large Exterior Communication Device

(21) Private Lake (Pond)

(22) Vehicle Course or Track

(23) Donation Dropoff Box or Vending Machine

(24) Solid-fuel-fired heating devices

## **Allowable Uses in Nonresidential and Mixed-Use Zoning Districts**

### **Residential Land Uses**

- (2) Two-Family Residence
- (3) Multifamily Residence (3-16 unit building)
- (4) Multifamily Residence (17+ unit building)
- (6) Mixed-Use Dwelling Unit
- (7) Workforce Multifamily Housing

### **Agricultural Land Uses**

- (2) Agricultural-Related
- (3) Community Garden

### **Institutional and Recreational Land Uses**

- (2) Active Outdoor Public Recreation
- (3) Indoor Institutional, General
- (4) Indoor Institutional, Intensive
- (5) Outdoor Institutional
- (7) Institutional Residential
- (8) Community Living Arrangement (1-8)
- (9) Community Living Arrangement (9-15)
- (10) Community Living Arrangement (16+)

### **Commercial Land Uses**

- (1) Office
- (2) Personal or Professional Service
- (3) Artisan Studio
- (4) Group Day-Care Center

- (5) Indoor Sales or Service
- (6) Outdoor Display
- (8) Outdoor and Vehicle Repair and Maintenance
- (9) Drive-In or Drive-Through Sales or Service
- (10) Indoor Commercial Entertainment
- (11) Outdoor Commercial Entertainment
- (13) Bed-and-Breakfast
- (14) Boardinghouse
- (15) Campground
- (16) Commercial Indoor Lodging
- (17) Tourist Rooming House
- (18) Adult Entertainment or Adult-Oriented Establishment
- (19) Large Retail and Commercial Service Development
- (20) Micro beverage Production Facility

#### **Storage or Disposal Land Uses**

- (1) Indoor Storage or Wholesaling
- (2) Outdoor Storage or Wholesaling
- (3) Personal Storage Facility
- (4) Junkyard or Salvage Yard
- (5) Solid Waste Disposal, Composting, and/or Recycling Facility
- (6) Auction Yard

#### **Transportation Land Uses**

- (1) Off-Site Parking
- (2) Airport or Heliport
- (3) Freight Terminal

- (4) Distribution Center
- (5) Livestock or Farm Commodity Trucking

#### **Industrial Land Uses**

- (1) Light Industrial
- (2) Heavy Industrial
- (3) Communications Tower

#### **(4) Nonmetallic Mineral Extraction**

#### **Accessory and Miscellaneous Land Uses**

- (5) Home Occupation
- (6) Residential Business
- (7) Animal Fancier**
- (12) Light Industrial Activities Incidental to Indoor Sales or Service
- (13) Outdoor Display Incidental to Indoor Sales or Services
- (14) Outdoor Alcohol Area**
- (16) Large Exterior Communication Device
- (20) Outdoor Solid-Fuel-Fired Heating Device
- (22) Vehicle Course or Track**
- (23) Donation Dropoff Box or Vending Machine



### **Report to Planning Commission**

**Agenda Item:** Concept Plan Denyon Homes Inc., Vacant No Address, Kronenwetter, WI 54455. PARCEL # 145-2708-051-0985, 145-2708-051-0988, 145-2708-051-0987 AND 145-2708-051-0989.

**Meeting Date:** February 17, 2025

**Referring Body:** Plan Commission

**Committee Contact:** Chris Voll

**Staff Contact:** Peter Wegner, CD/PZ Director

**Report Prepared by:** Peter Wegner, CD/PZ Director

**AGENDA ITEM:** Concept Plan Denyon Homes Inc., Vacant No Address, Kronenwetter, WI 54455.

**OBJECTIVE(S):** To review the revised Denyon Homes Inc. Concept Plan.

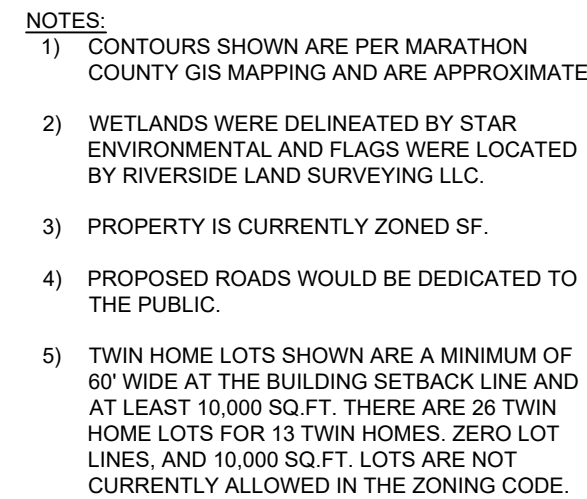
**HISTORY/BACKGROUND:** Denyon Homes Inc. is proposing a 109 lot, one outlot subdivision on an 82.9acre parcel located off of Pine and Pleasant Road. On January 20, 2025 the Planning Commission reviewed the Concept Plan and provided comments. As a result, the applicant made the following revisions stated below.

“We were able to get a 1.5 acre piece that could be used for a park and future road extension to the South if needed. Then if the property to the Southeast is ever developed they could add onto the park if desired. We also removed the access to Pleasant since you had emailed that it is classified as a collector which means there is not the separation needed between CTH X and Pine to allow another street, so we have two access points out to Pine. We removed the stub road connection on the East side as well. I also reconfigured the lots and streets to make room for the park and shrunk some of the lots down to the minimum size so we now have 116 Lots (Including the 26 twin home lots...13 twin homes) not counting the outlot for the pond and the Dedicated area to the public for park and future road.”

**RECOMMENDED ACTION:** To review the proposed revised Concept Plan.

**ATTACHMENTS:** Revised Subdivision Concept Plan.

33' RESERVED FOR FUTURE ROAD  
RIGHT-OF-WAY  
SHOWN ON C.S.M. 16224



**Report to Planning Commission**

**Agenda Item:** Public Hearing, Zero-lot-line Language.

**Meeting Date:** February 17, 2025

**Referring Body:** Plan Commission

**Committee Contact:** Chris Voll

**Staff Contact:** Peter Wegner, CD/PZ Director

**Report Prepared by:** Peter Wegner, CD/PZ Director

**AGENDA ITEM:** Public Hearing proposed Zero-lot-line Language.

**OBJECTIVE(S):** Review and discuss Zero-lot-line Language.

**HISTORY/BACKGROUND:** I have received inquiries regarding the concept of Zero-Lot-Line Residences. A zero-lot-line residence is a piece of residential real estate in which the structure comes up to, or very near to, the edge of the property line. Rowhouses, garden homes, patio homes, and townhomes are all types of properties that may be zero-lot-line homes. Zero-lot-line residences can be attached or detached, and are especially popular in urban areas.

The Planning Commission discussed this concept on 10/21/2024. As a result, staff was directed to draft language to allow zero-lot-line “duplex type structures” under Two-Family Residential Zoning. On 1/20/2025 the Planning Commission reviewed language with changes from previous meeting and directed staff to hold a public hearing.

**RECOMMENDED ACTION:** Consider public comments. Direct staff to draft an ordinance amendment for Village Board approval.

**ATTACHMENTS:** Proposed Language and Tables.

Proposed Zero-Lot-Line Structures Ordinance Language

Public Hearing Draft

## ARTICLE IV. - LAND USE DESCRIPTIONS AND STANDARDS

### § 520-20. - Residential land use types.

#### B. Two-family residence.

(1) A two-family residence is a single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-family residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side by side, both dwelling units must share the same lot; the individual units may not be on separate lots as a "zero lot line" structure.

#### (2) Performance standards:

(a) Each two-family residence constructed after June 20, 2016, shall meet the performance standards in subsection A(2)(a) through (f) above, except where otherwise allowed by conditional use permit.

(b) The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).

(c) Where side by side, a building-code-required, fire-rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.

(d) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.

(e) The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.

(f) Each unit within each new two-family residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.

(g) Minimum required off-street parking: two outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface as defined in section 520-138, or on a graveled surface if such surface was legally established before January 1, 2015.

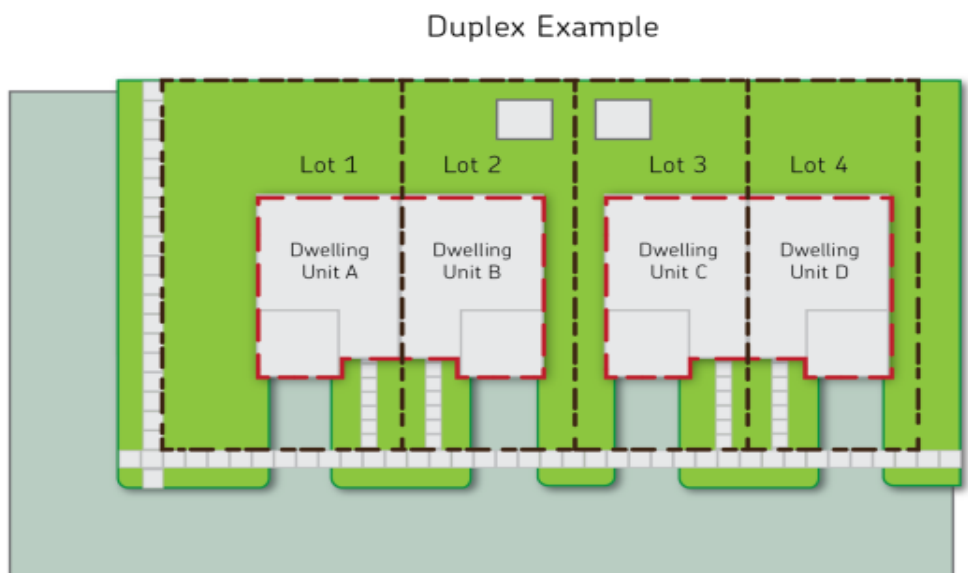
(h) Zero Lot Line Structures (see Figure 520-20C). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a

separate lot, having a private individual exterior access, and no shared internal access within the building, the following additional standards shall apply:

1. The duplex shall meet the front, side, and rear setbacks required for the applicable zoning district, except that the shared wall shall have no minimum setback requirement.

2. The builder shall provide, with the zoning permit or building permit application, an agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the builder against all affected properties prior to occupancy of the dwelling as a zero-lot line structure.

Figure 520-20C: Example of Zero Lot Line Structure



~~(H)~~ (i) For single-family detached residences utilizing driveways greater than 660 feet in length:

1. A turnout near the driveway's midpoint shall be required. In those instances where a driveway exceeds 1,320 feet in length, turnouts shall be provided no more than 660 feet apart.
2. A turnout shall also be provided within 100 feet of the structure.
3. The minimum turning radius shall be 45 feet.
4. A typical cross-section shall be submitted with the building permit application. A typical driveway cross-section example is depicted in figure 520-20A.
5. The driveway shall be constructed to be 14 feet wide at all points.
6. The driveway shall not exceed an eight percent grade.
7. The driveway shall be constructed with an adequate base to support 55,000 pounds during any weather.
  - a. This requirement can be met by having a certified engineer design a driveway and create a typical cross-section for that driveway. The design of any driveway will need to be stamped and/or signed by that engineer to certify the driveway will be constructed to meet this weight standard. A typical cross-section example is depicted in figure 520-20A.
  - b. This requirement can also be met by constructing the driveway to the standards outlined in figure 520-20B. A cross-section detailing the driveway construction will need to be submitted and certified that it will be constructed to satisfy the code requirements. Base course thickness is based on soil drainage class.

Figure 520-20A: Typical Driveway Cross-Section

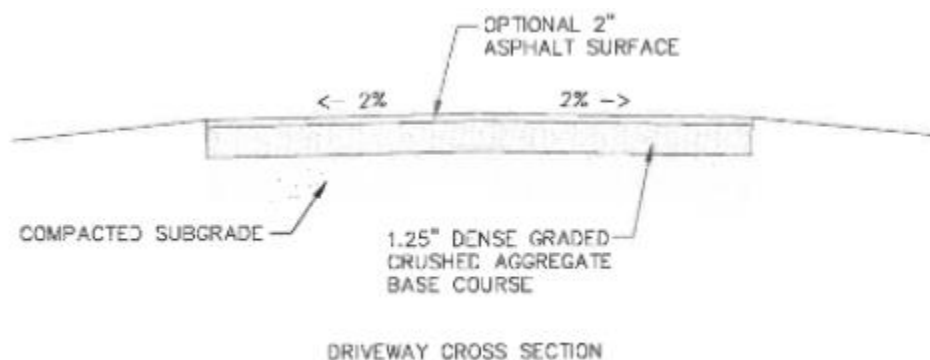


Figure 520-20B: Village of Kronenwetter Minimum Long Driveway Standards that Satisfy the Weight Standard During Any Weather



MINIMUM STANDARDS

MINIMUM BASE COURSE THICKNESS

EXISTING SUBGRADE SOIL TYPES	WITH 2" ASPHALT SURFACE	WITHOUT 2" ASPHALT SURFACE
WELL-DRAINED	8"	8"
POORLY-DRAINED	8"	10"

DRIVEWAYS NOT ALLOWED OVER PEAT, ORGANIC SILT, ORGANIC CLAY

KRONENWETTER LONG  
DRIVEWAY STANDARDS

\*well-drained and poorly-drained soils will be determined through the Natural Resources Conservation Service Web Soil Survey. Excessively drained, somewhat excessively drained, well-drained, and moderately well drained will be classified as 'well-drained soils'. Somewhat poorly drained, poorly drained, very poorly drained, and subaqueous will be classified as 'poorly-drained soils'. If any part of the proposed driveway extends through a poorly-drained soil classification, the entirety of the driveway shall be constructed to the poorly-drained minimum driveway standard\*

8. The driveway shall maintain an overhead clearance of 15 feet and five feet of cleared brush on each side of the driveway.
9. Bridges and culverts shall be designed to support at least 55,000 pounds and should provide a minimum of 14 feet of unrestricted width and height.

**(+) (i)** For single-family detached residences utilizing private roads accessing three or more lots: Approval from the village public works director shall be required to ensure the roadway will meet village standards for a typical rural road section, except for the public right-of-way requirement. The width of the travel surface shall be 22 feet, with a three-foot shoulder on each side. Property owners shall sign a private roadway maintenance agreement.

ARTICLE XVI. – DEFINITIONS

§ 520-138. - Definitions.

Zero Lot Line Structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero-lot line duplex.

PART II: - GENERAL LEGISLATION  
Chapter 520 - ZONING  
- FIGURES  
ATTACHMENT 3 RURAL LOT DIMENSIONS

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PART II: - GENERAL LEGISLATION  
Chapter 520 - ZONING  
- FIGURES  
ATTACHMENT 3 RURAL LOT DIMENSIONS

### ATTACHMENT 3 RURAL LOT DIMENSIONS

**Figure V(1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards**

Zoning District	Minimum Lot Area	Minimum Lot Width (ft) <sup>(a)</sup>	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) <sup>(b, c)</sup>	Minimum Landscape Surface Ratio (LSR)
AR Agriculture and Residential	20 acres	600	200	N/A	10,000	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	300	100	20%	5,000	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	80	20%	3,000	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	50%
SF Single Family	20,000 square feet	100	50	30%	2,510 x lot area in acres <sup>(e, d)</sup>	50%
2F Two-Family Residential <sup>(d, b &amp; e)</sup>	20,000 square feet	100	40	40%	2,510 x lot area in acres <sup>(e, d)</sup>	40%
MF Multifamily Residential <sup>(e, f)</sup>	5,000 square feet/dwelling unit	100	40	40%	10% of lot area	30%
MH Mobile Home	5,000 square feet/home <sup>(f)</sup>	50	N/A	40%	350	30%

PART II: - GENERAL LEGISLATION  
Chapter 520 - ZONING  
- FIGURES  
ATTACHMENT 3 RURAL LOT DIMENSIONS

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**NOTES:**

- (a) The minimum lot width shall be measured at the front of the building.
- (b) For zero lot line structures, each lot shall have a minimum lot area of 10,000 square feet per unit and must be of at least 40 feet in width within two family residential zoning districts.
- ~~(b)~~(c) Maximum accessory structure floor area may be increased by site plan approval under § 520-124 and per the standards in § 520-27.B.
- ~~(c)~~(d) The floor area shall not exceed 2,510 square feet, with a maximum of three accessory structures allowed on the same zoning lot over one acre and a maximum of two accessory structures allowed on the same zoning lot under one acre.
- ~~(d)~~(e) Single-family detached residences within the 2F District shall comply with the SF District requirements.
- ~~(e)~~(f) Single-family detached residences within the MF District shall comply with the SF District requirements. Two-family residences within the MF District shall comply with the 2F District requirements.
- (f)(g) Total area of each mobile home community shall be a minimum of 10 acres.

(Ord. No. 16-07, 6-20-2016; Ord. No. 17-07, 4-11-2017; Ord. No. 17-20, 9-26-2017)

## ATTACHMENT 4 RURAL SETBACK STANDARDS

Figure V(2): Rural, Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) <sup>(b)</sup>								Minimum Principal Building Separation (ft)	Maximum Building	
	Principal Residential Building including Attached Garage				Detached Accessory Building <sup>(a)</sup>		Hard or Gravel Surface <sup>(d)</sup>			Principal Building	
	Front <sup>(a)</sup>	Street Side <sup>(a)</sup>	Interior Side	Rear	Interior Side <sup>(c)</sup>	Rear	Interior Side or Rear	Front or Street <sup>(a)</sup>		Feet	Floors
AR	50	30	20	40	12	12	0	0	10	35	2.5
RR-5	50	30	20	25	12	12	6	10	15	35	2.5
RR-2	50	30	20	25	12	12	6	10	15	35	2.5
PR	30	30	12	20	12	12	6	10	30	35	2.5
SF	50	25	12	12	5	5	6	10	20	35	2.5
2F(e)	30	30	8	12	5	5	6	10	20	35	2.5
MF(f)	30	30	8	12	5	5	6	10	20	40	3
MH	20(g)	20(g)	8	12	5	5	6	10	10	20	1

### NOTES:

- (a) See section 520-27.B for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
- (b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for the particular land use under article IV or section 520-79.C(4).
- (c) Minimum streetside yard setbacks are equal to the minimum streetside setback for the principal structure.
- (d) Includes all gravel and hard surfaces as defined in section 520-138, along with recreational vehicles. 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.
- (e) Single-family detached residences shall comply with the requirements for the SF District. No interior side yard setbacks for zero lot line structures.
- (f) Single-family detached residences shall comply with the requirements of the SF District. Two-family residences shall comply with the requirements for the 2F District.
- (g) A minimum one-hundred-foot-wide buffer must be provided around the perimeter of each mobile home community.

(Ord. No. 16-07, 6-20-2016)

PART II: - GENERAL LEGISLATION  
Chapter 520 - ZONING  
- FIGURES  
ATTACHMENT 4 RURAL SETBACK STANDARDS

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*Section 8, ItemG.*



### **Report to Planning Commission**

**Agenda Item:** Discussion and possible action related to § 520-124. - Site plan procedures.

**Meeting Date:** February 17, 2025

**Referring Body:** Plan Commission

**Committee Contact:** Chris Voll

**Staff Contact:** Peter Wegner, CD/PZ Director

**Report Prepared by:** Peter Wegner, CD/PZ Director

**AGENDA ITEM:** Discussion and possible action related to § 520-124. - Site plan procedures.

**OBJECTIVE(S):** Review and discuss draft language to address consistency with

**HISTORY/BACKGROUND:** The Plan Commission has been reviewing proposed changes to § 520-121 - Conditional use permits. Specific changes in 520-121 related to the Appeal Process are also found in 520-124 Site Plan Procedures. For consistency, staff recommends the Planning Commission consider similar proposed changes to 520-124.

**RECOMMENDED ACTION:** Review proposed language and direct staff to make changes as needed.

**ATTACHMENTS:** Proposed Changes to § 520-124. - Site plan procedures.

## Draft Proposed Changes 2/17/2025

**§ 520-124. - Site plan procedures.****Sections A. – G. unchanged**

H. Action by plan commission; appeal procedure. Except as provided in subsection I, the plan commission shall, within 45 days of a complete submittal, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, indicating reasons for rejection, unless this time frame is extended by written agreement of the applicant. Such deadline may be extended by written or electronic agreement from the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within ~~20~~ 30 days of such action, the applicant may appeal in writing all or part of the plan commission's decision to the ~~village board~~ Board of Appeals. During the appeal process, the zoning administrator and building inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the zoning administrator's decision, and to issue a stop-work order for any such activities already commenced. The ~~village board~~ Board of Appeals may affirm, modify, or reverse the plan commission's decision. The plan commission shall inform the village board of all site plans submitted, reviewed, approved, and rejected under this subsection H during each meeting.

## I. Action by village board.

(1) The plan commission shall not determine a site plan application, but shall forward the complete site plan application or components thereof, all associated materials, and a report and recommendation to the village board in all cases where at least one of the following conditions is present:

- (a) The applicant has indicated on the application form a desire for village board action instead of plan commission action.
- (b) The application is filed concurrently with a rezoning application for the same site.
- (c) The site plan is for a large retail and commercial service development as described in section 520-77.
- (d) The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the commission requires such improvements.
- (e) A written agreement between the village and applicant requires village board approval of the site plan.

(2) In the above instances, the village board shall, between ten and 60 days of submittal of plan commission referral, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, including reasons for rejection, unless this time frame is extended by written or electronic agreement of the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for this purpose.

J. Appeal to ~~village board~~ the Board of Appeals. An appeal of a decision under subsection H may be taken to the ~~village board~~ Board of Appeals by any person, firm or corporation or any officer, department, board, commission or agency of the village who is aggrieved by the decision. Such appeal shall be made in writing to the zoning administrator within ~~ten~~ 30 days after the date of the commission's decision. In the case of an appeal:

(1) The zoning administrator and building inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the site plan, and shall issue a stop-work order for any such activities already commenced.

(2) The zoning administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for consideration ~~village board~~ by the Board of Appeals.

(3) The ~~village board~~ Board of Appeals shall, ~~by resolution,~~ make a final decision to grant, with or without conditions, or to deny each application for site plan approval after receiving and reviewing the commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in subsection G, and shall have all of the powers of the Plan ~~Commission~~ under this section. The ~~village board's~~ Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.