

# **CHAPTER 10**

## **ZONING AND FLOOD PLAIN REGULATIONS**

- 10.01 Definitions
- 10.02 Establishment of Districts
- 10.03 Uses Permitted or Excluded from Districts
- 10.04 Village of Stoddard Comprehensive Plan
- 10.05 Regulations – A Districts
- 10.06 Regulations – R Districts
- 10.07 Regulations – M Districts
- 10.08 Regulations – C-1 Districts
- 10.09 Regulations – C-2 Districts
- 10.10 Regulations – I Districts
- 10.11 Regulations – OC Districts
- 10.12 Unused
- 10.13 Additional Use Provisions and Restrictions
- 10.14 Additional Uses Permitted with Conditional Use Permits
- 10.15 Nonconforming Uses
- 10.16 Automobile Parking and Truck Parking and Loading  
Spaces Required
- 10.17 Additional Regulations –Yards, Lot Areas, Open Spaces
- 10.18 Board of Appeals
- 10.19 Amendments
- 10.20 Unused
- 10.21 Unused
- 10.22 Enforcement, Violation, Forfeiture
- 10.23 Unused
- 10.24 Floodplain Zoning Ordinance
- 10.25 Shoreland - Wetland Zoning Ordinance for the Village  
of Stoddard

**CHAPTER 10**  
**ZONING AND FLOOD PLAIN REGULATIONS**

10.01 DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word “shall” is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

- (A) **BUILDING:** A structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary, and geodesic domes.
- (B) **BUILDING ACCESSORY:** A subordinate building, the use of which is incidental to that of the main building on the same lot.
- (C) **BUILDING, HEIGHT OF:** The vertical distance from the average elevation of the finished ground at the exterior walls of a building to the highest point of the roof or in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof.
- (D) **DWELLING UNIT:** A dwelling, or portion thereof, providing complete living facilities for one family, including permanent provision for living, sleeping, eating, cooking and sanitation, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.
- (E) **DUMP (OR JUNK YARD):** Any area used for the outdoor storage, keeping or abandonment of junk or discarded materials, rubbish, trash, cans, bottles, garbage, vehicles, machinery or parts.
- (F) **FAMILY:** One or more persons, including foster children, with their domestic servants, occupying a dwelling unit as a single, non-profit housekeeping unit.
- (G) **GARAGE, PRIVATE:** An accessory building or part of a main building used for the storage only of motor vehicles as an accessory use.
- (H) **HOME OCCUPATION:** A customary use carried on for gain or as a hobby entirely within a dwelling or within an accessory building by a member or members of a family therein, and which is clearly incidental and secondary to the residential use of the premises and does not change its character.
- (I) **HOME PROFESSIONAL OFFICE:** The office or studio of a physician, surgeon, clergyman, architect, artist, engineer, attorney at law or similar professional person, located in the dwelling of the principal practitioner, but not including any display of such use outside the dwelling.

- (J) LOT: An entire parcel or tract of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefore by this ordinance and other applicable law.
- (K) MOBILE HOME: A detached single family dwelling unit designed for long-term occupancy; and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; which unit is mounted upon wheels or other supports and capable of moving under its own power or with the aid of another vehicle.
- (L) NON-CONFORMING USE: A building or use, lawfully established, that does not conform to the regulations of this ordinance.
- (M) PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under public regulation to the public, electricity, gas, heat, power, steam, telephone, video, telegraph, other communication, transportation or water.
- (N) STRUCTURAL ALTERATION: Any change in or addition to the supporting members of a structure, including any enlargement or extension of outside building dimensions or building height or depth.
- (O) TRAVEL TRAILER: A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile home.
- (P) USE, ACCESSORY: A subordinate use on the same lot with the principal use incidental and accessory thereto.
- (Q) VISUAL CLEARANCE TRIANGLE: A triangle bounded by the intersecting street, alley or highway right of way lines at an intersection and a line connecting points on these intersecting right of way lines which points are 20 feet distant from the point of intersection of the right of way lines in the case of the intersection of an alley with any other thoroughfare, and 30 feet distant from the point of intersection of these right way lines in the case of the intersection of two thoroughfares neither of which is an alley.
- (R) YARD, FRONT: A yard extending across the full width of a lot whose depth is the shortest distance between the front line of the lot and the main building, including an enclosed or covered porch, provided that the depth shall be measured from a future street line for a street on which a lot fronts, when such line is shown on the district map, on an adopted street map or is otherwise established.
- (S) YARD, SIDE: A yard between the side line of the lot and the main building extending from the front yard to the rear yard whose width is the shortest distance between said side and the main building.

(T) YARD, REAR: A yard extending across the full width of a lot whose depth is the shortest distance between the rear lot line and the main building.

## 10.02 ESTABLISHMENT OF DISTRICTS

(A) SEVEN ZONING DISTRICTS, AS FOLLOWS, ARE HEREBY ESTABLISHED

- (1) A – Agricultural district.
- (2) R – One and two family residential districts.
- (3) M – Multiple residential districts.
- (4) C-1 – Local and commercial districts.
- (5) C-2 – Central commercial districts.
- (6) I – Industrial districts.
- (7) O-C – Open development, conservancy districts.

(B) DISTRICT MAP-BOUNDARIES OF DISTRICTS: Said districts are shown on the District Map as filed in this Office of the Village Clerk and by reference made a part of this ordinance, and shall be as much a part of this ordinance as if they were all fully described herein. District boundary lines on the District Map shall be determined as follows:

Where district boundary lines obviously follow road, street, alley, water, lot or property lines, such lines shall be the boundaries.

In subdivided property or where a district boundary line divides a lot or parcel of property, dimensions on the map shall be used to locate district boundaries, and in the absence of dimensions, the map scale be applied.

If uncertainty exists, the Board of Appeals established hereby shall determine the location of boundaries.

(C) ANNEXATION DISTRICTS: Lands hereinafter annexed to the Village of Stoddard shall be subject to regulations of the R Districts, provided that, upon study and recommendation by the Village Board, within 90 days of the date of annexation, the Village Board may adopt other districts for all or a portion of lands.

## 10.03 USES PERMITTED OR EXCLUDED FROM DISTRICTS

No building shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose or use other than that permitted herein in the district in which located, subject to other applicable regulations hereof including the securing of permits and conditional use permits as required by the

provisions in certain sections hereof. Each building hereafter erected or moved shall be located on a lot, as defined herein, and there shall be no more than one main building on one lot, unless otherwise provided herein. Each building containing dwelling units or guest rooms shall be erected on a lot at least one line of which shall abut for not less than 30 feet along a public street or, if approved by the Building Inspector for the purpose, for 30 feet along a permanent, unobstructed easement of access to the lot from a public street.

#### 10.04 UNUSED

#### 10.05 REGULATIONS – A DISTRICTS

General farming, including truck, growing, dairying and horticultural uses, and stock, animal and poultry raising, except that:

- (a) Hog, goat and sheep raising and cattle feed yards not incidental to general farming, are permitted only with a conditional use permit.
- (b) No animal barns, pens or kennels, or feeding areas, no fowl raising and no slaughter of animals or fowl shall be permitted closer than 500 feet to any R or M Districts.

One family and two family dwellings and non-farm dwellings.

Plant nurseries and greenhouses.

Public buildings and uses including elementary and secondary schools, school athletic fields, parks, playgrounds, libraries, museums, community and recreation centers, police and fire stations, water towers and reservoirs, pumping stations.

Churches, parsonages, convents, child nurseries, nursery schools, and private schools for educational purposes similar to public schools.

#### (B) USES PERMITTED WITH CONDITIONAL USE PERMIT IN A DISTRICTS

- (1) Hospitals and clinics, nursing, convalescent and rest homes for the aged, philanthropic and charitable institutions.
- (2) Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and additional recreational facilities and areas, but limited to non-commercial kinds for private use and private club purposes.
- (3) Sale, on the premises, of farm products produced on the premises.
- (4) Hog, goat and sheep raising and cattle feed yards, not incidental to general farming.

- (5) Fur farms.
- (6) Private information and directional signs, any permit for which shall be valid for one year only, unless renewed.

**(C) YARDS AND SPACES REQUIRED IN A DISTRICTS**

- (1) Minimum front yard – 25 feet.
- (2) Minimum side yards – 20 feet for two (2) family dwellings – 10 feet for one (1) family dwellings.
- (3) Minimum rear yard – 25 feet.
- (4) Minimum lot area – Four (4) acres for farm dwellings and accessory buildings – One (1) acre for non-farm dwellings and accessory buildings.
- (5) Minimum lot width – 200 feet for farm dwellings – 100 feet for non-farm dwellings.
- (6) Parking space – See Section 10.16.
- (7) Lot coverage by buildings – maximum lot coverage by a main building and all accessory buildings – 25 percent of lot area.
- (8) Minimum floor area required – 720 square feet for a one family dwelling – 1,200 square feet for a two (2) family dwelling.

**(D) BUILDING HEIGHT LIMIT IN A DISTRICTS: 35 feet.**

**10.06 REGULATIONS – R DISTRICTS**

**(A) USES PERMITTED – R DISTRICTS**

- (1) Uses permitted in A Districts, except that restricted farming is permitted only with a condition use permit.

**(B) USES PERMITTED WITH CONDITIONAL USE PERMIT IN R DISTRICTS**

- (1) Same conditional uses as in A Districts except the following, which are prohibited in R Districts:
  - (a) General farming, fruit and berry raising, and noncommercial plant nurseries and greenhouses.
- (2) Crop and tree farming, fruit and berry raising, and noncommercial plant nurseries and greenhouses.

**(C) YARD AND SPACES REQUIRED IN R DISTRICTS**

Minimum front yard – 25 feet.

Minimum side yard – 20 feet for two family dwellings, 10 feet for one family dwellings.

Minimum rear yard – 20 feet.

Minimum lot area – 9,600 square feet for non-farm dwelling in an established area with the final plat approved on or before July 1, 1974 will be taken permit by permit. (10.17)(D)

Minimum lot width – 150 feet for farm dwellings – 80 feet for non-farm dwellings.

Parking space – See Section 10.16.

Lot coverage by buildings – maximum lot coverage by a main building and all accessory buildings. – 35 percent of lot area.

Minimum floor area required – 720 square feet for a one family dwelling – 1,200 square feet for a two family dwelling.

Minimum primary structure width – 24 feet.

**(D) BUILDING HEIGHT LIMIT IN R DISTRICTS: 35 FEET.**

**(E) FOUNDATIONS:**

- (1) All principal structures must be on an enclosed concrete, masonry or treated wood foundation supporting the structure.
- (2) All new or relocated modular or site constructed dwellings shall be properly anchored to foundations.

**(F) ZERO LOT-LINE HOUSING**

The lot width and area requirements contained in the R-District shall not apply to owner occupied zero lot-line housing located within a single structure where the common wall between dwellings is approximately perpendicular to the street right-of-way line so long as the lot of record before division and upon which the single structure sits meets this distinction. Provided further that the outside wall of this structure is set back a minimum of 20 feet from the side property lines of the lot of record before subdivision, said side yard set back to be measured along a parallel to the street from the closest point of the structure to the side property line. Provided further that an appropriate document be submitted to the Inspection Department and

filed with the Register of Deeds which provides for the maintenance of common areas and facilities and resolutions of disputes with respect to maintenance of the entire structure and grounds. Said documents to be signed, recorded and remain as a condition on the real estate. This provision shall apply only to new construction commenced after November 14, 2006.

(G) Duplex and Zero Lot-Line Housing in R District

- 1.) Minimum lot area – 9,600 sq. ft.
- 2.) Minimum lot width – 80 ft.
- 3.) Minimum Front yard – 25 ft.
- 4.) Minimum rear yard – 20 ft.
- 5.) Minimum side yard – 20 ft.
- 6.) Minimum floor area - 1,200 sq. ft.
- 7.) Maximum building height – 35 ft.
- 8.) Parking – 2 parking spots per duplex
- 9.) Lot coverage – 35 %

10.07 REGULATIONS – M DISTRICTS

(A) USES PERMITTED – M DISTRICTS

- (1) Uses permitted in R Districts.
- (2) Multiple dwellings having three or more dwelling units.

(B) USES PERMITTED WITH CONDITIONAL USE PERMIT IN M DISTRICTS

- (1) Same conditional uses as in R Districts and the following.
- (2) Mobile home parks and travel trailer parks.
- (3) Boarding and lodging houses.
- (4) Hotels, motels, which located within 500 feet of a C-1 or C-2 District, provided no other business shall be conducted therein except that which is for the service and convenience of the guests thereof.
- (5) Clubs, lodges, noncommercial in nature.
- (6) Plant nurseries and greenhouses.

(C) YARDS AND SPACES REQUIRED IN M DISTRICTS

- (1) Front yard – 25 feet.
- (2) Side yard – 20 feet for multiple dwellings, 20 feet for two family dwellings, 10 feet for one family dwellings.



- (3) Rear yard – 25 feet.
- (4) Minimum lot area – 9,600 square feet for one (1) and two (2) family dwellings; 10,500 square feet per family for three (3) family dwellings; 14,000 square feet for four (4) family dwellings plus 2,000 square feet for each family over four (4) families.
- (5) Minimum lot width – 80 feet.
- (6) Parking spaces – See Section 10.16.
- (7) Lot coverage by buildings – maximum lot coverage by a main building and all accessory buildings – 35 percent of lot area.
- (8) Minimum floor area required – 720 square feet for a one family dwelling – 600 square feet per dwelling unit for two family dwellings and multiple dwellings.

(D) BUILDING HEIGHT LIMIT: 45 feet.

#### 10.08 REGULATIONS – C-1 DISTRICTS

##### (A) USES PERMITTED – C-1 DISTRICTS

- (1) One family and two family dwellings permitted only on second floor or above.
- (2) Retail stores and shops and small service businesses such as: art shops; professional studios; clothing, drug, grocery, fruit, meat, vegetable, confectionery, hardware, sporting goods, stationery, music, variety and notion stores; household appliances, fixture and furnishing stores and repair shops; stores and shops for barbers, beauticians, cabinet makers, electricians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, and photographers.
- (3) Advertising signs and bulletin boards pertaining to the name and use of the property on which located, and signs permitted A Districts.
- (4) Offices and office buildings for business and professional firms, including banks, medical and dental offices, and public and private utility offices.
- (5) Automobile display and salesroom, parking lots and structures, and when accessory thereto, the retail sale of automobile parts and accessories, and the washing, cleaning, greasing and servicing of automobiles, including repairs, overhauling and rebuilding but no demolition or spray painting.
- (6) Cleaning and dyeing and laundry pick up stations, self-service laundries and cleaning shops.

- (7) Bakeries, confectioneries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale.
- (8) Restaurants.
- (9) Frozen food lockers for service of families and individuals.
- (10) Liquor stores and taverns.
- (11) Radio (A.M. or F.M.) or television broadcasting studios.
- (12) Clubs, lodges, meeting rooms, with seating capacities less than 300 persons.
- (13) Other retail stores and shops, and small businesses catering to neighborhood patronage, but only those deemed to be as appropriate located in C-1 Districts as those enumerated above, and only those not dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and not impairing the use, enjoyment or value of any property.

**(B) USES PERMITTED WITH CONDITIONAL USE PERMIT IN C-1 DISTRICTS**

- (1) Multiple dwellings.
- (2) Auto courts, motels.
- (3) Drive-in restaurants and refreshment stands.
- (4) Gasoline service stations.
- (5) Auto wash, except steam.
- (6) Commercial recreation uses other than marinas and boat storage facilities.

**(C) YARDS AND SPACES REQUIRED IN C-1 DISTRICTS**

- (1) Side yards – 3 feet when adjacent to an A, R or M District.

**10.09 REGULATIONS - C-2 DISTRICTS**

**(A) USES PERMITTED**

- (1) Uses permitted in C-1 Districts, provided that no dwelling or dwelling units are permitted without conditional use permits.
- (2) Bakeries, candy making.
- (3) Bars, taverns, nightclubs.

- (4) Boat and mobile home salesrooms and lots.
- (5) Cleaning and dyeing plants.
- (6) Department stores.
- (7) Engraving, photoengraving, photo-finishing, lithographing, printing, publishing and bookbinding plants.
- (8) Household equipment repair shops.
- (9) Laboratories; medical, dental and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
- (10) Laundries.
- (11) Paint shops, including sign and other paintings.
- (12) Repair garages and shops for motor vehicles and including parking, storage, repair, maintenance and washing of vehicles and parts.
- (13) Retail, wholesale and jobbing businesses.
- (14) Tire repair shops.
- (15) Used car, farm implement sales lots.
- (16) Other retail or wholesale sales and services used considered to be as appropriate and desirable for inclusion within C-2 Districts as those permitted above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of another property; but no including any uses excluded hereinafter.

**(B) USES PERMITTED WITH CONDITIONAL USE PERMIT IN C-2 DISTRICTS**

- (1) Automobile courts, hotels, motels.
- (2) Bottling works, bottling non-alcoholic beverages.
- (3) Bottled gas storage for local distribution.
- (4) Truck terminals, and storage; railroad lines, spurs and passenger terminals and dangerous gases.
- (5) Dairies, ice cream plants.
- (6) Drive-in restaurants, refreshment stands.

- (7) Gasoline service stations.
- (8) Hatcheries.
- (9) Mortuaries.
- (10) Ice plants, cold storage plants.
- (11) Multiple dwellings.
- (12) Shops for the following and similar occupations; blacksmith, mason, tinsmith.
- (13) Warehouse.
- (14) Vocational and trade schools.
- (15) Marinas and boat storage facilities.

(C) USES EXCLUDED

- (1) Any use permitted in only I Districts, and any use excluded from I Districts.
- (2) Junk yards.
- (3) Manufacturing and processing other than an accessory use customarily incidental to permit commercial sales and service uses.
- (4) Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.

(D) YARDS AND SPACES REQUIRED

- (1) Front yards – none.
- (2) Side yards – 10 feet on the side of lot adjoining any A, R, M, or C-1 Districts, and on the street side of a corner lot whose rear line adjoins any such district. None, otherwise, unless required by other applicable regulations.

- (E) BUILDING HEIGHT LIMIT: 75 feet, but not exceeding 45 feet on any portion of a lot less than 20 feet distant from any portion of a lot in any A, R, and M of C-1 District.

10.10 REGULATIONS – I DISTRICTS

(A) USES PERMITTED – I DISTRICTS

- (1) Uses permitted in C-2 Districts, except of any religious, educational, charitable or medical nature and except any dwelling or lodging place for either permanent or tourist accommodations provided that a dwelling for a watchman or caretaker employed on the premises, and his family is permitted.
- (2) Industrial type uses consisting of manufacturing, processing, assembling, storing, distributing and transporting of materials, goods and food-stuffs, provided none of the types listed below, shall be permitted without a conditional use permit.

(B) USES PERMITTED WITH CONDITIONAL USE PERMIT

- (1) Auto wrecking, junk or scrap yards, or the baling of junk, scrap or rags.
- (2) Garbage, offal, dead animal or fish reduction or other waste dumping.
- (3) Forge plants, foundries.
- (4) Refining or tank farm storage of inflammable gasses or liquids.
- (5) Refining of petroleum, refining or smelting of ores.
- (6) Sawmills, planing mills.
- (7) Steam power plants.
- (8) Stockyards or slaughter of animals, or poultry.
- (9) Any other use which is not objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.

(C) FRONT YARD: 25 feet.

(D) SIDE YARD: Same as in C-2 District.

(E) REAR YARD: 25 feet.

(F) LOT WIDTH: 100 feet.

(G) PARKING SPACE: See Section 10.16.

(H) BUILDING HEIGHT LIMIT: 100 feet, but not exceeding 45 feet on any portion of a lot less than 20 feet distant from any portion of a lot in any other district.

## 10.11 REGULATIONS – OC DISTRICTS

### (A) USES PERMITTED – OC DISTRICTS

- (1) Management of forestry, wildlife and fish.
- (2) Facilities and structure for drainage, flood control areas, power transmission, ponding, conservation, erosion control, reclamation, fire prevention.
- (3) Parks and open recreational areas.
- (4) Public buildings and accessory facilities.
- (5) Uses accessory or customarily incidental to any of the above facilities.

**(B) USES PERMITTED WITH CONDITIONAL USE PERMIT IN OC DISTRICTS**

- (1) Crop and tree farming, provided that harvesting does not remove protective watershed tree cover.
- (2) Fuel transmission lines and related facilities.

**10.12 UNUSED**

**10.13 ADDITIONAL USE PROVISIONS AND RESTRICTIONS**

**(A) USES PERMITTED IN DISTRICTS**

- (1) Accessory buildings and uses and those customarily incidental to permitted uses including public and private ways and easements for essential services.
  - (a) No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall such use impair the enjoyment or value of any property, and
  - (b) No accessory dwelling unit in any R District shall be let for living purposes for compensation.
- (2) Home gardening and crop growing may be accessory use on any dwelling lot or the principal use on any vacant lot or parcel.
- (3) A home occupation or home professional office, as defined herein, is permitted in a dwelling, provided that in a dwelling district there shall be no external evidence thereof, except a nameplate.

**(B) BASEMENT DWELLINGS: No basement dwellings shall hereafter be permitted in any district.**

**10.14 ADDITIONAL USES PERMITTED WITH CONDITIONAL USE PERMITS**

(A) The following uses as well as those previously designated as such, shall be permitted in certain districts only after securing conditional use permits therefore, following approval by the Board of Appeals, as provided in Section 10.18 hereof.

- (1) Automobile parking lots and parking structures in M Districts, for providing required off-street parking spaces.
- (2) Mortuaries in M, C-1 and C-2 Districts.

#### 10.15 NONCONFORMING USES

The lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform to the provisions hereof. Such non-conforming use may not be extended. The total structural repairs or alterations in such a non-conforming building shall not during its life exceed 35 percent of the assessed value of the building unless permanently changed to a conforming use. If such non-conforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to this ordinance.

#### 10.16 AUTOMOBILE PARKING AND TRUCK PARKING AND LOADING SPACES REQUIRED

Off-street automobile parking spaces and truck parking and loading spaces shall be provided in A, R, M, C-1, C-2 and I Districts as required below for buildings hereafter erected, reconstructed or moved, for uses hereafter established, and for extensions and enlargement of buildings and uses.

**AUTOMOBILE PARKING SPACES:** Automobile parking spaces, each space not less than 200 square feet in area, shall be provided as follows for buildings and uses.

- (1) One family and two family dwellings – two spaces for each dwelling unit.
- (2) Multiple dwellings – One and one half spaces for each dwelling unit.
- (3) Motels, hotels, tourist homes and courts – one space for each guest overnight accommodation, plus one space for manager and for each employee.
- (4) Restaurants, taverns, nightclubs – One space for each three seats provided for customers, plus one space for each employee.
- (5) Car service drive-in stands - Five spaces for each employee required during periods of capacity patronage.
- (6) Retail business and service establishments – one space for each 165 square feet of gross business floor area.

- (7) Service station – Spaces for all vehicles used in the business, plus one space for manager and for each employee, two spaces for each gas pump, and three spaces for each grease rack and auto wash space.
- (8) Hospitals, convalescent and nursing homes – One space for each three beds, plus one space for each two employees on the two largest shifts combined, plus one space for each staff doctor, in addition to spaces required for ambulances and other vehicles for patient delivery and pick up.
- (9) Doctor, dentist offices and medical clinics – Four spaces for each doctor and dentist, plus one space for each employee.
- (10) Bowling alleys – Seven spaces for each alley, plus one space for each employee at peak employment.
- (11) Warehouses, industries – One space for each two employees on the two largest shifts combined.
- (12) Boat marinas – One and one half spaces per boat slip and five spaces for auto and boat trailers for each boat launch ramp.
- (13) Other uses – In applying for permits for buildings and uses not included above, the applicant shall specify the minimum off-street parking spaces to be provided, and the Building Inspector shall issue the permit subject to such provisions, and on the condition that spaces for additional need shall be provided if and when such need accrues.

**TRUCK PARKING AND LOADING SPACE REQUIREMENTS:** Off-street spaces sufficient for all truck loading and truck storage and parking shall be provided for all buildings and uses delivering and receiving goods, materials and supplies by truck and those using truck in their business or operation.

#### **SUPPLEMENTAL PARKING AND LOADING SPACE REQUIREMENTS**

- (1) Each parking space shall be not less than 200 square feet in area and 9 feet in width, exclusive of aisles, driveways and walks, and shall not include any portion of a street or alley.
- (2) Required parking spaces for dwellings, travel trailers, coaches, mobile homes, motels, auto courts, and auto camps shall be located on the same premises as the use served. For other uses, where this would be unreasonable or any unnecessary hardship, the Board of Appeals may approve the location of a portion of the required stalls on other nearby property.
- (3) Required parking spaces provided on a lot or in a building shall be kept clear of other uses and obstructions to parking.



- (4) All parking spaces shall be graded and drained and parking lots containing three or more spaces shall be given a dust-free surfacing.

#### 10.17 ADDITIONAL REGULATIONS – YARDS, LOT AREAS, OPEN SPACES

**LOTS UNSERVED BY SEWER:** Minimum lot area permitted for dwelling shall be one-half acre and minimum lot width shall be 100 feet for any lot or parcel unserved by Village sanitary sewer or by a community-type sewage disposal system approved by the Village Engineer as adequate for the purpose.

**YARD, LOT AREA, MEASUREMENT FROM FUTURE STREET LINE:** Whenever a future street line is established by this ordinance and shown on the district map, or is established otherwise and shown on an adopted street widening map, measurements of required lot area and required depth or width of a yard adjoining such street shall be made from such future street line instead of from the existing street line.

**YARD SIZES, SETBACKS, ON CONTROLLED-ACCESS HIGHWAY:** On lots abutting a controlled-access highway, a setback distance of 70 feet from the highway right-of-way line shall be required.

**LOT AREA EXCEPTION:** On an existing lot of record, a one-family dwelling may be erected in districts in which permitted when the lot area or lot width, or both, are less than required in the district. There are to be no exceptions to 35 percent lot coverage rule.

#### STRUCTURES IN YARDS AND COURTS:

- (1) Accessory buildings are permitted in a rear yard and shall be no closer than three feet to any lot line, when not more than 15 feet in height, with one additional foot or distance required for each 3 feet of additional height to a height limit of 24 feet.
  - (a) Accessory buildings used for storage purposes shall not be larger than a total of 168 square feet – maximum height of 8 feet. They will be permitted within three feet of the side or rear lot line. Only one accessory building of this type is permitted on each lot or parcel. (This rule applies particularly to prefabricated building of this type or others constructed for this purpose).
- (2) Sills, cornices, buttresses, eaves, open work fire balconies and fire escapes, chimneys, flues and similar building appurtenances, may extend not more than 4 feet into a required yard.
- (3) Uncovered porches and steps to building entrances may extend not more than 12 feet into any required front yard or rear yard and not more than 4 feet into any required yard.
- (4) Walks, steps on ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas, structures used ornamentally and for

essential services and for yard and garden purposes and for private recreations, when accessory to and customarily incidental to the principal use, are permitted in yards and courts. Limitations:

Definitions.

- (1) Fences. A barrier made of wood, iron, stone or other material.
- (2) Hedge. A barrier consisting of natural or artificial vegetation.

Permit required. No person shall erect a fence or plant a boundary hedge in the Village unless a permit is first obtained by the owner or his agent from the Building Inspector.

Property Boundary Determinations. Fences and hedges shall be erected on owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence or planting the hedge or upon mutual agreement with the adjoining property owner.

Construction and Maintenance. Every fence shall be constructed and shall be maintained and repaired. No fence or hedge shall be allowed to deteriorate into an unsightly or hazardous condition. The finished side of the fence shall be faced to the outside of the property lines.

Prohibited Construction Materials. The use of barbed wire, electric wire or double or triple strand wire shall not be used in the construction of a fence, except as specifically allowed under the appropriate provisions of this Section.

Nonconforming Fences and Hedges. All fences and hedges which exist on May 1, 2003 and do not conform to this division may be maintained; however, no alteration, modification or improvement on such nonconforming fence or hedge shall be permitted unless said nonconforming fence has been destroyed by an act of God or by the criminal acts of another person

Residential Fences and Hedges.

- (1) All rear and side fences or hedges, but shall not exceed a height of six (6) feet. Rear and side yard fences or hedges may be solid fences. If separate fences are desired on a common lot line, then a separation of three (3) feet between the fences must be established for future maintenance purposes.
- (2) All front yard fences or hedges shall be no higher than three (3) feet in height. Front yard fences or hedges shall be at least fifty percent (50%) open to vision. All fences and hedges in the front yard shall cease three (3) feet from the property line

on interior lots and ten (10) feet from the property line on corner lots. If a back yard overlaps a front yard on side yard of an abutting property owner, a special exception must be obtained to construct a fence or plant a hedge with greater dimensions than those allowed for front yard requirements.

**Ornamental Fences.** Ornamental Fences may be permitted in the street yard in any district, but shall not be erected in a street right-of-way and shall not exceed a height of four (4) feet. Ornamental fences shall not be constructed as to impede traffic visibility. If separate fences are desired on a common lot line, then a separation of 3 feet between the fences must be established for future maintenance programs. If less than 20 feet in length, and must

**Business and Thoroughfare Commercial Fences and Hedges.** In a business of thoroughfare commercial zone, a fence consisting of chain links without barbed wire shall be allowed in the rear yard, front yard and side yards; however, the fence shall not exceed eight (8) feet in height. Any fence constructed of other materials shall abide by the regulations of residential fences and hedges.

**Industrial Fences.** In an industrial zone, a chain link fence not exceeding eight (8) feet in height with two (2) barbed wires tilting into the inside of the property will be permitted in the rear yard, front yard, and side yards. The fencing material requirements and fencing/hedge requirements of the other zoned areas shall also be permitted in the industrial zone.

#### (5) Swimming Pool, Wading Pool and Hot Tubs

(a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.

(b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

(c) Permit Required. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. With the building permit plans as to the capacity of the pool and the proposed location on the tract of land must be submitted.

(d) Design and Construction Requirements.

- (1) When the walls of a pool exceed 2 feet 6 inches in height, the walls shall be vertical for a minimum distance of 2 feet 6 inches. Conspicuous markings shall show the depth of the points where the slope of the bottom of the pool changes, except that such markings will not be required for pools of generally uniform depth.
- (2) Overflow gutters shall completely surround the pool provided that pools less than 30 feet in width may be provided with skimmers built into the side and corners of the pool to take the place of gutters if approved by the County Health Department.
- (3) The pool shall be completely surrounded by a walkway of concrete or other approved material, at least 4 feet in width and sloping away from the pool drainage, provided, however, that this requirement may be waived for above ground pools.
- (4) All connections to the Village water supply or sewer system shall be approved by the Inspection Department.
- (5) All outdoor swimming pools and any adjacent pool association paved areas shall be completely surrounded by a fence or wall at least 48 inches high of such construction as will make access difficult. Access shall be through self-closing and latching gates at the shallow end of the pool. The latch shall be as high on the gate as possible to prevent the entrance of children. The wall of building may be accepted as part of the required fence when found by the Inspection Department to provide a sufficient degree of protection.

(6) Drainage

Run-off shall not be altered in any such way as to cause increased drainage upon any adjoining lot. Drainage from each lot shall be directed in such a way as to direct flow to the lots lines and not directly, or indirectly, to any other property or structure.

(F) MINIMUM SPACES AND FACILITIES FOR MOBILE HOME PARKS AND FOR TRAVEL TRAILER PARKS

(1) Mobile Home Park (MHP).

- (a) Maximum number of mobile homes per acres – Eight.
- (b) Minimum size of MHP – Two acres.
- (c) Minimum dimensions of a mobile home lot – Fifty feet wide by eight-five feet long.
- (d) Minimum yards around each individual unit – Fifteen feet.
- (e) Automobile parking spaces required – One and one half spaces per unit.
- (f) Minimum width or depth of exterior yards – Forty feet on each side.
- (g) Each Travel Trailer Park shall conform to additional requirements of Chapter DHS 178, Wisconsin Administrative Code.
- (h) The mobile/manufactured home shall be anchored and tied down.
- (i) All mobile/manufactured homes shall have skirting or foundations.
- (j) Hitches shall be removed from all mobile/manufactured homes after placement has been completed on the home site.

(G) PLANNED UNIT DEVELOPMENT DISTRICT: In the Planned Unit Development District, land shall be used for group buildings (two or more buildings) and use complexes with a continuity of design and development, under unified controls, whether by single, corporate, condominium or association ownership. The use or uses or each Planned Unit Development District shall be individually or specifically approved, and may be a use permitted in the R, M, C-1, C-2, or I Districts or a combination of uses permitted in such districts.

- (1) A gross area of six acres or more shall be required for each Planned Unit Development and such acreage shall be under unified control.
- (2) Height, yard, vision, setback, parking, building coverage and other regulations applicable to similar uses in other districts shall be considered by the Planning Committee and the Village Board in establishing individual regulations for each Planned Unit Development District.
- (3) A comprehensive development plan shall be filed with the application for zoning amendment including the following:

- (a) All information required for a preliminary plat together with the dimensions and locations of all proposed structures, areas to be reserved for vehicular and pedestrian traffic, driveways, parking, public access and easements.
  - (b) Architectural drawings showing design of structures and their relationship.
  - (c) A description of uses for land and a plan for construction and financing of all public and private utilities and streets.
- (4) The Planning Committee shall consider the application for zoning and the comprehensive development plan and recommend any desired changes to the Village Board. The comprehensive development plan shall not be approved or modified unless adopted by two-thirds vote of the members of the Village Board.
  - (5) Within six months of the approval of a Planned Unit Development District or an amendment to an existing Planned Unit Development District the owner shall record in the office of the Register of Deeds, either a final plat or a Certified Survey Map as required by the Wisconsin Statutes.
  - (6) All construction shall be completed within three years of the date of the final plat or certified survey approval. This period may be extended by the Village Board only for good cause. Failure to complete construction within the time limit shall justify action by the Village Board to rezone the area or any part thereof to any other district classification.

#### (H) BUILDING HEIGHT LIMIT EXCEPTIONS

- (1) Established building height limits shall not apply to belfries, cupolas, spires, monuments, radio or television antennas, flag poles, chimneys or flues, silos, water towers or to poles, towers and other structures for essential services, not to similar structures or necessary mechanical appurtenances extending from a roof upward and not occupying more than 25 percent of the area of such roof as projected into a horizontal plane.
- (2) When permitted in a district, public buildings, community buildings, schools, churches, hospitals, and other institutions, public utilities and public service buildings and those for essential services may be erected to a height not exceeding 75 feet provided the side yard width and the rear yard depth be each increased one foot over and above the district requirement for each two feet of building height above the height limit.
- (3) In order to minimize any potential odor, noise and nuisances caused by sewage treatment facilities, and to enhance plat security and reliability, commercial establishments and buildings occupied or intended for residential use shall be isolated from sewage treatment facilities. A separation distance of 750 ft. from the property line of the Village of Stoddard Aerated Lagoon site shall be maintained.

- (4) The Village of Stoddard may reduce the separation distance to 500 ft. if the affected property owner executes an agreement which states that the property owner has been informed of the potential nuisances which may result from the operations of the sewage treatment facilities and that the property owner does not object to the operation and future expansion of the sewage treatment facilities within the boundary of the Village property.

- (I) VISUAL CLEARANCE TRIANGLES: All other provisions of this ordinance notwithstanding, no building, structure, accessory or use placed upon or made of any land shall obstruct free visibility in a visual clearance triangle over a height of three feet from the ground.

#### 10.18 BOARD OF APPEALS

A Board of Appeals is hereby established. The Board shall be appointed and shall have the powers and duties as specified in Section 62.23 (7) (e), Wisconsin Statutes.

##### (A) POWERS OF THE BOARD OF APPEALS

- (1) To hear and decide appeals where it is alleged that the Building Inspector or Zoning Board has erred in the enforcement of this ordinance.
- (2) To hear and decide special exceptions to the terms of this ordinance and to approve or disapprove the issuance of conditional use permits as authorized in the various sections hereof.
- (3) To authorize, upon appeal in specific cases variances from the terms of this ordinance where due to special conditions a literal enforcement of the terms will result in practical difficulty or unnecessary hardship.
- (4) To permit, in appropriate cases, a building to be erected or premises to be used for such public utility purposes in any location which are reasonably necessary for the public convenience and welfare.
- (5) To interpret the words, terms, rules, regulations, provisions, and restrictions of this ordinance, where there is doubt of the intended meaning, and to determine the location of boundaries of districts where there is uncertainty after the rules in Section 10.02 hereof for determining said boundaries have been applied.

In its action, the Board shall impose appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, any violation of which shall be considered a violation of this ordinance.

- (B) HEARING AND NOTICE: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest, and decide such matters and appeals within a reasonable time. At any hearing any party may appear in person or be represented by an agent or by an attorney.

- (C) **LIMITATIONS OF POWERS OF BOARD OF APPEALS:** The powers of the Board, except its power of interpretation, shall be limited to action on specific appeals and applications, only. No Board action shall change or have the effect of changing any rule, regulation, provision or restriction of this ordinance, without amending this ordinance, but shall affect only its application in a specific case before the Board.

#### 10.19 AMENDMENTS

The Village Board may from time to time, on its own motion or on petition, amend, supplement or change the district boundaries or the regulations herein or subsequently established by following the procedure outlined in Section 62.23 (7) of the Wisconsin Statutes.

#### 10.20 UNUSED

#### 10.21 UNUSED

#### 10.22 ENFORCEMENT, VIOLATION, FORFEITURE

- (A) **ISSUANCE OF PERMITS AND LICENSES:** All departments, officials and employees of the Village of Stoddard who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this ordinance.
- (B) **INJUNCTIVE ACTION:** The Village of Stoddard, or any adjacent neighboring property owner who would be specially damaged by such violation may institute appropriate injunctive action to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- (C) **OTHER MEASURES OF ENFORCEMENT AND REMEDIES:** This ordinance may be enforced by the measures authorized by Section 62.23 (8), Wisconsin Statutes.

#### 10.23 UNUSED

#### 10.24 FLOODPLAIN ZONING ORDINANCE

##### (A) STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

- (1) **Statutory Authorization.** This ordinance is adopted pursuant to the authorization in ss 61.35 and 62.23, for Villages and Cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.



- (2) Finding of Fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
- (3) Statement of Purpose. This ordinance is intended to regulate floodplain development to:
- (a) Protect life, health and property;
  - (b) Minimize expenditures of public funds for flood control projects;
  - (c) Minimize rescue and relief efforts undertaken at the expense of taxpayers;
  - (d) Minimize business interruptions and other economic disruptions;
  - (e) Minimize damage to public facilities in the floodplain;
  - (f) Minimize the occurrence of future flood blight areas in the floodplain;
  - (g) Discourage the victimization of unwary land and homebuyers;
  - (h) Prevent increases in flood heights that could increase flood damage and results in conflicts between property owner; and
  - (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- (4) Title. This ordinance shall be known as the Floodplain Zoning Ordinance for Stoddard, Wisconsin.

#### (B) GENERAL PROVISIONS

- (1) Areas to be regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood. **Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.
- (2) Official Maps and Revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Stoddard Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Stoddard, WI. If more than one map or revision is referenced, the most current approved information shall apply.

#### OFFICIAL MAPS:

- (1) Flood Insurance Rate Map (FIRM), panel number 555582B, dated October 26, 1972; revised January 23, 1976; revised January 1, 1982; and Flood Boundary and Floodway Map (FBFW), panel number 555582B, dated October 26, 1972; revised January 23, 1976; revised January 1, 1982, with

corresponding profiles and profiles that are based on the Flood Insurance Study (FIS) dated October 1972.

Approved by: The Department of Housing and Urban Development and FEMA

- (2) Establishment of Districts. The regional floodplain areas are divided into three districts as follows:
  - (5) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
  - (4) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
  - (5) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
- (6) Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s.8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s.7.3 (3) and the criteria in (a) and (b) below.
  - (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
  - (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.
- Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s.8.1 (6).
- (7) Removal of Lands from Floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is

contiguous to land outside the floodplain, and the map is amended pursuant to s.8.0.

**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

- (8) Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
- (9) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s.13.48 (13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s.30.2022, Stats., applies.
- (10) Abrogation and Greater Restrictions.
  - (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s.62.23 for Cities; or s.61.35 for villages; or s.87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (11) Interpretation. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (12) Warning and Disclaimer of Liability. The flood protection standards in this ordinance are based on engineering experience and scientific research floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

- (13) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (14) Annexed Areas for Cities and Villages. The Vernon County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- (15) General Development Standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.
- (16) General Standards Applicable to all Flood Plain Districts.
- (a) Hydraulic and Hydrological Analyses
- (1) Except as allowed in par. (3) below, no floodplain development shall:
- (i) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
- (ii) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

- (3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s.8.0.

**Note:** This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(b) Watercourse Alterations

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocations, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(H) Chapter 30, 31, WIS. STATS., Development

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats. such as docks, piers, wharves, bridges, culverts, dams and navigational air, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

(I) Public or Private Campgrounds

Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health and Family Services.
- (b) A land use permit for the campground is issued by the zoning administrator.
- (c) The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government

coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated – by the officials identified in sub. (4) – to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s.4.0 for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

#### (C) FLOODWAY DISTRICT (FW)

- (1) Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

#### (2) Permitted Uses.

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- (a) they are not prohibited by any other ordinance;
- (b) they meet the standards in s 3.3 and 3.4; and
- (c) all permits or certificates have been issued according to s. 7.1:

Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

- (14) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (15) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (16) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (17) Extraction of sand, gravel or other materials that comply with x. 3.3(4).
- (18) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
- (19) Public utilities, streets and bridges that comply with s. 3.3(3).

(3) Standards for Developments in Floodway Areas

(C) General

- (1) Any development in floodway areas shall comply with s. 2.0 and have low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
  - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  - (b) An analysis calculating the effects of this proposal on regional flood height.
- (3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.
- (4) Structures: Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
  - (a) The structures are not designed for human habitation and do not have a high flood damage potential;
  - (b) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 feet and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
  - (c) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

- (d) The structures have all service facilities at or above the flood protection elevation.
- (3) Public utilities, streets and bridges may be allowed by permit, if:
  - (a) Adequate floodproofing measures are provided to the flood protection elevation; and
  - (b) Construction meets the development standards of s. 2.a.
- (4) Fills or deposition of materials may be allowed by permit, if:
  - (3) The requirements of s. 2.a are met;
  - (4) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
  - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - (d) The fill is not classified as a solid or hazardous waste material.
    - a. Prohibited Uses.
 

All uses not listed as permitted uses in s. 3.b are prohibited, including the following uses:

      - (5) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
      - (6) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
      - (7) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
      - (8) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.
      - (9) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
      - (10) Any solid or hazardous waste disposal sites;



- (11) Any wastewater treatment ponds or facilities, except those permitted under c. NR 110.15(3)(b), Wis. Adm. Code;
- (12) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, which complies with the regulations for the floodplain area occupied.

(D) FLOOD FRINGE DISTRICT (FF)

- (1) Applicability. This section applies to all floodfringe areas shown on the flood plain zoning maps and those identified pursuant to s. 5.4.
- (2) Permitted Uses. Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.
- (3) Standards for Development in Flood Fringe Areas
  - (1) All of the provisions of s. 2.1 shall apply. In addition, the following requirements shall apply according to the use requested.
  - (2) Residential Uses: Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standard:
    - (D) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance;
    - (E) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
    - (F) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).
    - (G) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit

new development and substantial improvements where access roads are at or below the regional flood elevation, if:

- (a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - (b) The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (4) **ACCESSORY STRUCTURES OR USES:** An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of ss. 3.3 (2) (a), (b), (c), (d), and sub. (6) below.
- (5) **Commercial Uses:** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(2). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (6) **Manufacturing and Industrial Uses:** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (7) **Storage of Materials:** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (8) **Public Utilities, Streets and Bridges:** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 7.5 to the flood protection elevation;

Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

- (9) Sewage Systems: All on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (10) Wells: All wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (11) Solid Waste Disposal Sites: Disposal of solid and hazardous waste is prohibited in floodfringe areas.
- (12) Deposition of Materials: Any deposited material must meet all the provisions of this ordinance.
- (13) Manufactured Homes
  - (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall: have the lowest floor elevated to the flood protection elevation; and be anchored so they do not float, collapse or move laterally during a flood.
  - (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(2).
- (14) Mobile recreational Vehicles: All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (12) (b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jack system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

**(E) GENERAL FLOODPLAIN DISTRICT (GFP)**

- (1) Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
- (2) Permitted Uses. Pursuant to s. 5.4, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway (s.3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

- (3) Standards for Development in General Flood Plain District. S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.
- (4) Determining Floodway and Flood Fringe Limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; Profile showing the slope of the bottom of the channel or flow line of the stream; Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

- (5) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2) (c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

#### (F) NONCONFORMING USES

- (1) Applicability. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the

use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

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

No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modifications or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

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

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

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

No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(2). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure

meet the current ordinance requirements. A Structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50% of the structure's present equalized assessed value.

2. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated hereunder.

A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

#### (G) FLOODWAY AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
  - (a) Has been granted a permit or variance which meets all ordinance requirements;
  - (b) Meets the requirements of s. 6.1;
  - (c) Will not increase the obstruction to flood flows or regional flood height; and
  - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

#### (H) FLOOD FRINGE AREAS.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - b) Human lives are not endangered;
  - c) Public facilities, such as water or sewer, will not be installed;
  - d) Flood depths will not exceed two feet;
  - e) Flood velocities will not exceed two feet;
  - f) The structure will not be used for storage of materials as described in s. 4.3(6).
- (3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
  - (4) Meets all other regulations and will be granted by permit or variance;
  - (5) Does not exceed 60 square feet in area; and
  - (6) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (5) All new wells or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

## (I) ADMINISTRATION

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

## (J) ZONING ADMINISTRATOR

- (1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
  - a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
  - b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
  - (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
  - c) Keep records of all official actions such as:
    1. All permits issued, inspections made, and work approved;
    2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
    3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
    4. All substantial damage assessment reports for floodplain structures.
  - d) Submit copies of the following items to the Department Regional office:
    1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
    2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
    3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

**Note: Information on conducting substantial damage assessments is available on the DNR website –**

<http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>



- e) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

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

a) GENERAL INFORMATION

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

b) SITE DEVELOPMENT PLAN

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

- 1. Location, dimensions, area and elevation of the lot;
- 2. Location of the ordinary highwater mark of any abutting navigable waterways;
- 3. Location of any structures with distances measured from the lot lines and street center lines;
- 4. Location of any existing or proposed on-site sewage systems or private water supply systems;
- 5. Location and elevation of existing or future access roads;
- 6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- 7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
- 8. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as 'subdivision' is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
  - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
  - b. A map showing location and details of vehicular access to lands outside the floodplain; and
  - c. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

d) EXPIRATION

All permits issued under the authority of this ordinance shall expire 365 days after issuance.

(3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;

- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of s. 7.5.

#### OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U. S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, and 33 U.S.C. 1344.

#### (J) ZONING AGENCY

The Building, Zoning and Land Planning Committee shall: oversee the functions of the office of the zoning administrator; and review and advise the Governing body on all proposed amendments to this ordinance, maps and text.

This zoning agency shall not: grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or amend the text or zoning maps in place of official action by the Governing body.

#### **BOARD OF ADJUSTMENT/APPEALS**

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or x. 62.23(7) (e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

**Powers and Duties:** The Board of Adjustment/Appeals shall:

**Appeals** – Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

**Boundary Disputes** – Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

**Variances** – Hear and decide, upon appeal, variances from the ordinance standards.

## APPEALS TO THE BOARD

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

## NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

Notice – The board shall:

Fix a reasonable time for the hearing;

Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

Hearing – Any party may appear in person or by agent or attorney. The board shall:

Resolve boundary disputes according to s. 7.3(3).

Decide variance applications according to s. 7.3(4).

Decide appeals of permit denials according to s. 7.4.

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

Be made within a reasonable time;

Be sent to the Department Regional office within 10 days of the decision;

Be a written determination signed by the chairman or secretary of the Board;

State the specific facts which are the basis for the Board's decision;

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

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

## BOUNDARY DISPUTES

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

If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0.

#### VARIANCE

The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

Literal enforcement of the ordinance provisions will cause unnecessary hardship;

The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended.

The variance is not contrary to the public interest; and

The variance is consistent with the purpose of this ordinance in s. 1.3.

In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

The variance may not cause any increase in the regional flood elevation;

Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;

Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

A variance shall not:

Grant, extend or increase any use prohibited in the zoning district.

Be granted for hardship based solely on an economic gain or loss.

Be granted for a hardship which is self-created.

Damage the rights or property values of other persons in the area.

Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.

Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

### **TO REVIEW APPEALS OF PERMIT DENIALS**

The Zoning Agency (s.7.2) or Board shall review all data related to the appeal. This may include:

Permit application data listed in s. 7.1(2).

Floodway/floodfringe determination data in s. 5.4.

Data listed in s. 3.3(1) (b) 2, where the applicant has not submitted this information to the zoning administrator.

Other data submitted with the application, or submitted to the Board with the appeal.

For appeals of all denied permits the Board shall:

Follow the procedures of s. 7.3;  
Consider zoning agency recommendations; and

Either uphold the denial or grant the appeal.

For appeals concerning increases in regional flood elevation the Board shall:

Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

### **FLOODPROOFING**

No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

Floodproofing measures shall be designed to:

Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

Protect structures to the flood protection elevation;

Anchor structures to foundations to resist flotation and lateral movement; and

Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

Floodproofing measures could include:

Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

Adding mass or weight to prevent flotation.

Placing essential utilities above the flood protection elevation.

Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.

Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

## **PUBLIC INFORMATION**

Place marks on structures to show the depth of inundation during the regional flood.

All maps, engineering data and regulations shall be available and widely distributed.

All real estate transfers should show what floodplain zoning district any real property is in.

## **AMENDMENTS**

### **8.1 GENERAL**

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.

Correction of discrepancies between the water surface profiles and floodplain zoning maps.

Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

Any upgrade to a floodplain zoning ordinance text required by s.NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

**Note:** Consult the FEMA web site – [www.fema.gov](http://www.fema.gov) – for a current map change fee schedule.

### **PROCEDURES**

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by ss. 5.4 and 7.1(2).

The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

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

All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 1.5(4).)

### **ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipality attorney who shall expeditiously prosecute



all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$50.00 and not more than \$500.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

## **DEFINITIONS**

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this ordinance it's most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The work "may" is permissive; "shall" is mandatory and not discretionary.

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

"ACCESSORY STRUCTURE OR USE" – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

"BASE FLOOD" – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

"BASEMENT" – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

"BUILDING" – See STRUCTURE.

"BULKHEAD LINE" – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

"CAMPGROUND" – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

"CAMPING UNIT" – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

“CERTIFICATE OF COMPLIANCE”- A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

“CHANNEL”- A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

“CRAWLWAYS” OR “CRAWL SPACE”- An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

“DECK”- An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

“DEPARTMENT”- The Wisconsin Department of Natural Resources.

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

“DRYLAND ACCESS”- A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

“ENCROACHMENT”- Any fill, structure, equipment, building, use or development in the floodway.

“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION”- A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

“EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK”- A preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

“FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)”- The federal agency that administers the National Flood Insurance Program.

“FLOOD INSURANCE RATE MAP (FIRM)”- A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

“FLOOD” or “FLOODING”- A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

The overflow or rise of inland waters.

The rapid accumulation or runoff of surface waters from any source.

The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or

The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

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

“FLOODFRINGE”- That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

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

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

“FLOODPLAIN”- Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

“FLOODPLAIN ISLAND”- A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

“FLOODPLAIN MANAGEMENT”- Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

“FLOOD PROFILE”- A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

“FLOODPROOFING”- Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

“FLOOD PROTECTION ELEVATION”- An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

“FLOOD STORAGE”- Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

“FLOODWAY”- The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

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

“HABITABLE STRUCTURE”- Any structure or portion thereof used or designed for human habitation.

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

“HIGH FLOOD DAMAGE POTENTIAL”- Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

“HISTORIC STRUCTURE”- Any structure that is either:

Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or

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

“INCREASE IN REGIONAL FLOOD HEIGHT”- A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which are directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

“LAND USE”- Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

“MANUFACTURED HOME”- A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle.”

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

“MUNICIPALITY” or “MUNICIPAL”- The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

“NGVD” or “NATIONAL GEODETIC VERTICAL DATUM”- Elevations referenced to mean sea level datum, 1929 adjustment.

“NEW CONSTRUCTION”- For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

“NONCONFORMING STRUCTURE”- An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevations the structure is nonconforming.)

“NONCONFORMING USE”- An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as residence in the floodway.)

“OBSTRUCTION TO FLOW”- Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

“OFFICIAL FLOODPLAIN ZONING MAP”- That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

“OPEN SPACE USE”- Those uses having a relatively low flood damage potential and not involving structures.

“ORDINARY HIGHWATER MARK”- The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

“PERSON”- An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

“PRIVATE SEWAGE SYSTEM”- A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil

absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

“PUBLIC UTILITIES”- Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

“REASONABLY SAFE FROM FLOODING”- Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

“REGIONAL FLOOD”- A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

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

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

“SUBDIVISION”- Has the meaning given in s. 236.03(12), Wis. Stats.

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

“UNNECESSARY HARDSHIP”- Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions

governing areas, setbacks, frontage, height or density unnecessarily burdensome or reasonable in light of the purposes of the ordinance.

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

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

“WATERSHED”- The entire region contributing runoff or surface water to a watercourse or body of water.

“WATER SURFACE PROFILE”- A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

“WELL”- means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

## 10.25 SHORELAND – WETLAND ZONING ORDINANCE FOR THE VILLAGE OF STODDARD

### (A) STATUTORY AUTHORIZATIONS, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE

- (1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Sections 61.35 and 61.351 for Villages or 62.23 and 62.231 for Cities and 87.30 and 14.26, Wisconsin Statutes.
- (2) Finding of Fact and Purpose. Uncontrolled use of the shoreland – wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
  - (a) Promote the public health, safety, convenience and general welfare.
  - (b) Maintain the storm and floodwater storage capacity of wetlands.



- (c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- (d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.
- (e) Prohibit certain uses detrimental to the shoreland – wetland area.
- (f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland – wetland excavation, filling and other earth moving activities.

**(B) GENERAL PROVISIONS**

- (1) **Compliance:** The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.
- (2) **Municipalities and State Agencies Regulated:** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Section 13.48 (13), Wisconsin statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12 (4) (a), Wisconsin Statutes, applies.
- (3) **Abrogation and Greater Restrictions**
  - (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Sections 61.35, 62.33 or 87.3, Wisconsin Statutes, which relate to floodplains and shoreland – wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (4) **Interpretations:** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Chapter NR 117, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date

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

- (5) Severability: Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.